

5-73-12

1. PRESIDENT:

2. The Senate will come to order. Prayer by the Chaplain,  
3. Reverend John H. Beiderwieden, pastor of the St. Paul's Lutheran  
4. Church of Havana. Pastor Beiderwieden.

5. PASTOR BEIDERWIEDEN:

6. (Prayer)

7. PRESIDENT:

8. Reading of the Journal. Moved by Senator Savickas that the  
9. reading of the Journal be dispensed with. All in favor signify  
10. by saying aye. Contrary minded. Motion prevails. Committee  
11. reports.

12. SECRETARY:

13. Senator Donnewald, Chairman of Assignment of bills assigns  
14. the following to Committee: Education: House Bills 4219  
15. 4323. Elections: House Bill 4181. Executive: House Bills  
16. 4368, 4369 and 4409. Labor and Commerce: House Bills 1104,  
17. 4353 and 4354. Local Government: House Bill 4396. Senator  
18. Lyons, Chairman of Appropriations Division of the Committee of  
19. Public Finance, reports out Senate Bills 1324, 1325, 1356, 1360,  
20. 1148, 1551, 1554, 1561, 1566, 1572 with the recommendation Do  
21. Pass. House Bills 4090, 4109 and 4276 with the recommendation Do  
22. Pass. Senate Bills 1322, 1327, 1330, 1354, 1439, 1565 with the  
23. recommendation Do Pass as Amended.

24. PRESIDENT:

25. Resolutions.

26. SECRETARY:

27. Senate Resolution No. 344, introduced by Senator Mohr. It's  
28. congratulatory.

29. PRESIDENT:

30. Senator Mohr.

31. SENATOR MOHR:

32. Mr. President and members of the Senate, this Resolution  
33. congratulates Mayor Boyle, of River Grove, for twenty-five years

1. of public service. I would ask that we suspend the Rules, ask  
2. the immediate adoption.

3. PRESIDENT:

4. All in favor signify by saying aye. Contrary minded. The  
5. Resolution is adopted...Senator Mohr.

6. SENATOR MOHR:

7. I would invite all members of the Senate to be a part of  
8. that Resolution, if they so...

9. PRESIDENT:

10. All members will be shown as co-sponsors. Further Resolutions.

11. SECRETARY:

12. Senate Resolution No. 345, introduced by Senator Berning.

13. PRESIDENT:

14. Senator Berning.

15. SENATOR BERNING:

16. Yes, Mr. President, this also is congratulatory and is  
17. directed towards those young people who appeared here in Spring-  
18. field, in support of their convictions, regarding certain...  
19. international matters effecting this nation. And it commends  
20. them for their deportment, particularly, in contrast to that  
21. of other areas. I think it is highly appropriate that this  
22. Senate recognize their deportment and I would move for the sus-  
23. pension of the Rules and the immediate adoption of this Reso-  
24. lution. And again would invite all members of the Senate to join  
25. in sponsorship of it.

26. PRESIDENT:

27. All in favor signify by saying aye. Contrary minded. All  
28. members will be shown as co-sponsors. We have some Motions. It  
29. is not a Motion, apparently, a committee report.

30. SECRETARY:

31. Senate Operations Commission met and directed that the  
32. transcript of Senate debate be filed as follows:

33. A duplicate original tape and transcript shall be filed

1. with the Index Division of the Secretary of State's Office  
2. and there be available for the public pursuant to Article  
3. IV, Section 7 (b) of the Illinois Constitution of 1970.

4. No. 2. The original tape and transcript shall be re-  
5. tained in the Office of the Secretary of the Senate until  
6. filed with the Archives Division of the Secretary of State's  
7. Office in accordance with Illinois Revised Statutes, Chapter  
8. 116, Paragraph 43.10.

9. PRESIDENT:

10. Senator Partee.

11. SENATOR PARTEE:

12. Before moving the adoption of this commission report,  
13. I would like the members to know that the Senate Operations  
14. Commission felt that the way to preserve best our tape records  
15. was what we've suggested in this report. That is the tapes as  
16. and transcripts of those tapes will remain in the Secretary of  
17. the Senate's office until the end of the Session involved. By  
18. Session I mean whether it's a 76th or 77th or 78th General As-  
19. sembly. Thereafter, a duplicate original copy of the transcript  
20. and the tapes will be in the Secretary of State's Office. So  
21. that if any member or any other person desires a copy of a  
22. particular transcript for a particular day he can order it in  
23. the Secretary of State's Office. The original copy will be sent  
24. at the end of the Session to the Archives where it will remain...  
25. finally. I move the adoption.

26. PRESIDENT:

27. Motion for the adoption of the Committee Report. All in  
28. favor signify by saying aye. Contrary minded. The Committee  
29. Report is adopted. Messages from the House.

30. SECRETARY:

31. A message from the House by Mr. Selcke, Clerk:

32. Mr. President -- I am directed to inform the Senate that  
33. the House of Representatives have bills of the following titles

May 23, 1973  
HB 3784

1. titles in the passage of which I am instructed to ask the con-  
2. currence of the Senate, to-wit:...and the bills range from 14  
3. to 4567...I have two bills here...

4. PRESIDENT:

5. Is Senator Harris on the Floor? If you can turn your  
6. Calendar to House Bills on 1st reading. House Bills on 1st  
7. reading. 1464, Representative Chapman. 1531, that series of  
8. J. J. Wolf...1531 through 39. 3078, Representative G. L. Hoff-  
9. man. 3599, H. H. Hall. 3766, Representative Burditt. 3784,  
10. J. J. Wolf. 3785, Representative Burditt. 3796, Senator Partee  
11. is the sponsor of. Senator Partee.

12. SENATOR PARTEE:

13. No, I think it has to go to committee.

14. PRESIDENT:

15. 4075, Representative Katz. 4155, R. D. Cunningham. 4167  
16. Representative Regner. 4177, Senator Harris has. 4194, Repre-  
17. sentative Sevcik...I think that ought...there is objection...  
18. Senator Chew. Senator Chew.

19. SENATOR CHEW:

20. Mr. President...Mr. President and Mr. President...what would  
21. be your objection. We have Senate Bills that are identical that  
22. we've had conversation on and I think one is on 3rd reading and  
23. the other one is just coming over. They're identical bills, Mr.  
24. Partee and ....Senator Harris is handling 1388...and like to...  
25. as a matter of fact he is handling both of them...would like to  
26. advance them because it's no need for them to come through my  
27. committee, Mr. President, because we have identical bills on  
28. the Calendar.

29. PRESIDENT:

30. Senator Partee.

31. SENATOR PARTEE:

32. Are you suggesting, Senator, that this bill is identical  
33. to another bill, which is now on 2nd or 3rd reading?

1. PRESIDENT:  
2. Senator Chew.  
3. SENATOR CHEW:  
4. Yes, I am, it's identical to...SBl389...identical.  
5. PRESIDENT:  
6. Senator Partee.  
7. SENATOR PARTEE:  
8. Under those circumstances I would have no objection.  
9. PRESIDENT:  
10. Now, I am advised by the Secretary that Senator Harris  
11. wishes to hold that on the Calendar. And he is the sponsor.  
12. So I think we just better hold it on the Calendar as is. 40  
13. ...Senator Chew.  
14. SENATOR CHEW:  
15. Mr. President, where..where's Senator Harris?  
16. PRESIDENT:  
17. He is not on the Floor and the senate...the sponsor of the  
18. bill has the authority over the bill...so that the Chair's going  
19. that we'll have to...  
20. SENATOR CHEW:  
21. Well, I don't mind the Chair's ruling. I just want you  
22. to send the State Police to get him. He's supposed to be here,  
23. isn't he?  
24. PRESIDENT:  
25. Well, the Chair's going to decline to do that right now..  
26. 41...  
27. SENATOR CHEW:  
28. Okay.  
29. PRESIDENT:  
30. 4190...Senator Graham.  
31. SENATOR GRAHAM:  
32. 4167, please.  
33. PRESIDENT:

1. 4167, to Senator Graham.

2. SENATOR GRAHAM:

3. Thank you.

4. PRESIDENT:

5. 4194, Representative Sevcik. 4208, R. D. Cunningham.

6. 4322, Representative McClain. 4372, W. D. Walsh. 4397,

7. Representative...Senator Dougherty, 4397. 4418, Representative

8. Burditt, 4536, Senator Harris has. 4557, J. Y. Carter. 4575,

9. Representative McPartlin, Senator Rock. Senator Rock is  
10. recognized.

11. SENATOR ROCK:

12. I understand Senator Dougherty is going to take 4557, which  
13. is immediately before the one I am talking about. HB4575, is  
14. exactly the same bill as Senate Bill on 3rd Reading 1475. It  
15. was heard in committee in Labor and Commerce. I would ask leave  
16. of the Body to move this bill to 2nd Reading without reference  
17. to committee.

18. PRESIDENT:

19. Is there objection? Leave is granted. 4591, Representative  
20. Meyer. 4593, P. W. Collins. 4595, Representative Blair. 4603,  
21. Representative Hart. Senator Egan will take that. Senator Harris  
22. is on the Floor now I understand....Senator, on the bill that there  
23. was some discussion on before 4177...you...

24. SENATOR HARRIS:

25. Advance it please...

26. PRESIDENT:

27. The request of the Senate sponsor is to advance it...Is there  
28. objection? 4194, Senator Soper will take...4418, 4418....is on  
29. the third day. So if someone does not take it by the end of this  
30. legislative day....Senate Bills on 2nd Reading. 4418, Senator  
31. Gilbert. All right. 4418, Senator Gilbert. Senate Bills on  
32. 2nd Reading. 1437, Senator Vadalabene, you wish to advance that?  
33. 1437.

SECRETARY:

1. 2nd Reading of the bill. No committee amendments.

2. PRESIDENT:

3. Any amendments from the Floor? 3rd Reading. 1466,  
4. Senator Merritt. Hold. 1546, Senator Hynes. Hold. You want  
5. to advance it. 1546.

6. SECRETARY:

7. 2nd Reading of the bill. No committee amendments.

8. PRESIDENT:

9. Any amendments from the Floor? 3rd Reading. 1547.

10. SECRETARY:

11. 2nd Reading of the bill. No committee amendments.

12. PRESIDENT:

13. Any amendments from the Floor? 3rd reading. 1549, Senator  
14. Clarke. 1549...Hold. Senate Bills on 3rd Reading. Senator  
15. Partee.

16. SENATOR PARTEE:

17. Mr. President and members of the Senate, I think we owe  
18. the membership an explanation about the order in which we are  
19. going to be calling bills. Hold it will you, Joey....You will  
20. recall that some time ago we talked about the four categories  
21. of bills which had priority. We permitted ourselves to be persuaded  
22. because of some of the statements of Senators and House members  
23. to permit the introduction of bills on all subjects. I informed  
24. the House members by letter to each of their caucuses...that al-  
25. though we were relenting to the extent that there could be intro-  
26. duction of matters extrinsic to the four categories, we would  
27. nonetheless pursue and pursue vigorously our policy of taking  
28. bills which had priority first, and that we would, subsequently  
29. in any time lull period, take up other bills which were not of a  
30. priority identification. And on that basis, Mr. President, each  
31. morning the...staff of Senator Clarke and my staff pursuant to  
32. our understanding and agreement is sitting down and we are cir-  
33. cling those bills on the Calendar which have priority. Those bills

1. will be called first, if there is time remaining after that  
2. then we will get to other matters. Now, the bills which are  
3. on the Calendar this morning, which have priority, I will  
4. enumerate and you can mark them if you desire. On Senate  
5. Bills on 3rd Reading. Bills are: 82, 147, oh no...pardon me,  
6. pardon me, we're not talking about the Senate Bills first. We  
7. are talking about ...I'm going to give you the list first...  
8. the House Bills on 3rd Reading, which have priority. First:  
9. 1555, 2444, 3047, 3647, 3682, 4117, 4118, 4119, 4122, and 4634.  
10. Those are the House Bills on 3rd Reading which have priority  
11. and will be called first. Thereafter, if time remains we will get  
12. to the others.

13. PRESIDENT:

14. Senate Bills on 3rd Reading. 82...147, Senator Saperstein.  
15. 811, is Senator Knuepfer on the Floor? 1062, Senator O'Brien.  
16. 1154, Senator Kosinski. Hold. 1335, Senator Knuppel. Senator  
17. Knuppel is recognized.

18. SENATOR KNUPPEL:

19. SB1335, is a bill designed to reclaim what's commonly referred  
20. to as orphaned strip mine lands. These lands were stripped before  
21. the State of Illinois adopted effective reclamation laws and as a  
22. result of that they were not reclaimed by people who removed the  
23. minerals and have not been reclaimed since effective reclamation  
24. laws have been enacted. The concept is embodied in a revolving  
25. fund which would be used to purchase and reclaim these lands and  
26. then resell them, calls for the Department of Conservation to con-  
27. duct this work. In the event that they should find lands in the  
28. reclamation process which they would like to make a part of the  
29. public domain they can file notice of doing so with local authorities,  
30. and thereby avoid the continuing payment of tax. Now there is  
31. a special provision in this law that in order to protect local  
32. revenue since these strip companies which stripped this coal have  
33. continued to pay real estate taxes for local units of government



1. at the same rate as the value of the lands when they purchased  
2. it, it's essential that something be done to protect this re-  
3. venue to units of local government. And the bill so provides.  
4. But it does provide that if this is to be ultimately a part of  
5. the public domain that the State no longer restore or protect  
6. that source of revenue. There is a provision for a five million  
7. dollar appropriation for the purpose of conducting this work.  
8. It's estimated that reclamation will cost approximately three  
9. or four hundred dollars per acre of these orphaned lands and  
10. that in the State of Illinois there are more than fifty thousand  
11. acres of unreclaimed land. Approximately twenty six thousand  
12. acres of that land is located in my district. I personally think  
13. we have waited far too long to take steps to restore this land  
14. for use for recreational purposes where it can be reached by  
15. roads and used with the State of Illinois being one of the States  
16. having the least acreage for recreational purposes of any state  
17. in the union per capita. I think it would be well to spend our  
18. money there rather than to purchase lands as we have so frequently  
19. done and I can cite instances where this has been done in Tazewell  
20. County and other counties to create large and vast parks which  
21. actually could have been made from these devastated lands. The  
22. bill passed out of the Senate Agricultural and Conservation  
23. Committee by a vote of only one dissenting vote by proxy...it was  
24. approved unanimously in the Appropriations Committee and I would  
25. appreciate a favorable roll call.

26. PRESIDENT:

27. Is there any discussion? Secretary will call the roll.

28. SECRETARY:

29. Arrington, Baltz, Berning, Bidwill, Bruce.

30. PRESIDENT:

31. Senator Berning.

32. SENATOR BERNING:

33. I...I just have a question for the sponsor. Is this part of

1. the Governor's budget...it...can this be covered?

2. PRESIDENT:

3. Senator Knuppel.

4. SENATOR KNUPPEL:

5. Senator Berning, this is not a part of the Governor's budget  
6. as I understand it. However, this bill is quite similar to the  
7. bill which he introduced in the House which was defeated which  
8. called for appropriation of one million dollars. I assume that  
9. the Governor must have felt that there was some place to receive  
10. at least one million dollars. I personally feel that this is an  
11. adequate amount, but if that's all the money he has available  
12. under the...under the situation to put into this revolving fund  
13. he certainly has the power in the new Constitution to reduce the  
14. appropriation. He has come out in his environmental message in  
15. favor of this concept, and in the House indicated that there would  
16. be one million dollars available. Unfortunately, one million  
17. dollars will not reclaim very much land at the cost of three or four  
18. hundred dollars per acre plus the administrative expenses there  
19. incurred.

20. PRESIDENT:

21. Senator Berning.

22. SENATOR BERNING:

23. At the risk of being irresponsible by voting for an appropria-  
24. tion which may not be able to be covered I feel impelled to vote  
25. yes, because I support the concept. I will therefore, vote aye,  
26. Mr. President.

27. SECRETARY:

28. Bruce, Carpentier, Carroll, Cherry, Chew, Clarke...

29. PRESIDENT:

30. Senator Clarke.

31. SENATOR CLARKE:

32. Mr. President...I...I...understand this was amended on 2nd  
33. Reading, Senator Knuppel.

1. PRESIDENT:

2. Senator Knuppel.

3. SENATOR KNUPPEL:

4. It was amended on 2nd Reading. Do you want to know the  
5. content of the amendment? All right.

6. PRESIDENT:

7. Senator Clarke.

8. SENATOR CLARKE:

9. Well, I...I...just like to point out that...of course there  
10. were several bills on this subject and the House bill as I  
11. understand it was defeated....Representative Nowlan's bill....  
12. so this is the only bill left alive...while this is a non-  
13. budgeted item as the sponsor indicated...The Governor could cut  
14. it down if he so desire...I think that it is a desirable concept,  
15. and I think it's certainly worth supporting. I'll vote aye.

16. SECRETARY:

17. Collins, Coulson, Course, Davidson...

18. PRESIDENT:

19. Senator Davidson.

20. SENATOR DAVIDSON:

21. This is an excellent piece of legislation. Now, I want to  
22. congratulate Senator Knuppel, on...devising this legislation and  
23. bringing it before the Senate. Representative Nowlan's bill as  
24. was said before was killed in the House just last week. A good  
25. many years ago the Strip Mining act was put upon the books and  
26. the idea of that act was to do something where these lands  
27. had been laying waste in the State of Illinois brought back to  
28. Agricultural purposes....and I think that this is one of the most  
29. forward pieces of legislation in regards to the reclamation of  
30. land. We're going to need it in the future, and I think that  
31. all of you people even in the metropolitan areas that are going  
32. to enjoy our lands in downstate Illinois should vote for this piece  
33. of legislation. Aye.

1. SECRETARY:  
2. Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham...  
3. PRESIDENT:  
4. Senator Graham.  
5. SENATOR GRAHAM:  
6. Mr. President...  
7. PRESIDENT:  
8. Just a moment...Senator Harris, Chew and....  
9. SENATOR GRAHAM:  
10. Mr. President and members of the Senate, I don't think  
11. there's a man in this General Assembly in this Senate, that  
12. doesn't have some realization as to what the operation of Strip  
13. Mines have done to our State. I don't think there's a man in this  
14. Senate either that doesn't have a realization as to the importance  
15. of five million dollars. This is not a budgeted item. We have  
16. so many demands upon our budget now and some of the people that  
17. are supporting this are the fellows going out in the field and  
18. challenging the Governor already for deficit spending. I think  
19. we ought to realize here's five million dollars. If we have that  
20. kind of money there's lot of places we could spend it. Let's  
21. approach the strip mines next year on a non-election year. I vote  
22. no.  
23. SECRETARY:  
24. Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer...  
25. PRESIDENT:  
26. Senator Johns.  
27. SENATOR JOHNS:  
28. Mr. President, I rise in support of this bill. I have thirty  
29. thousand acres in my district alone, which needs reclamation and  
30. I beg of each of you to give a favorable vote for this bill.  
31. SECRETARY:  
32. Knuepfer, Knuppel, Kosinski...  
33. PRESIDENT:

1. Senator Kosinski.

2. SENATOR KOSINSKI:

3. Mr. President, Senators, I had an opportunity to visit the  
4. areas of strip mining, and I've seen the vast damage that can be  
5. done, and I am most proud as coming from the big City to vote  
6. for this type of legislation...and I vote aye.

7. SECRETARY:

8. Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy,  
9. Merritt...

10. PRESIDENT:

11. Senator Merritt.

12. SENATOR MERRITT:

13. Mr. President, in explaining my vote, I certainly want to  
14. commend Senator Knuppel for his concept here. I would have pre-  
15. ferred to have supported the Nowlan bill in the House simply because  
16. I felt that there was a appropriation that the Bureau of the  
17. Budget and the Governor could live with more realistically than  
18. this five million appropriation. No one knows more of the havoc and  
19. damage that has been done in the strip mine areas than does this  
20. Senator because he has them in his district. And it doesn't make  
21. too much difference what's gone on in the past but it does what's  
22. going on in the future when we have within our hands and our power  
23. to do something about it. I intend to support this legislation  
24. simply because once again, I believe, it points up the value of  
25. the amendatory power of the Governor. If he cannot live with the  
26. five million appropriation then he can amend it downwards to some  
27. realistic figure. I certainly believe in the concept and I vote  
28. aye.

29. SECRETARY:

30. Mitchler, Mohr, Neistein,

31. PRESIDENT:

32. Senator Neistein.

33. SENATOR NEISTEIN:

1. Mr. President and members of the Senate, I think the tiger...  
2. Senator Knuppel should be complimented on the wonderful concept,  
3. the wonderful figure, the realistic figure, the whole idea of  
4. reclamation. And I think he is a man far ahead of the times  
5. and I can't extol him enough and compliment him enough for his  
6. outstanding thoughts in presenting such a great epic making  
7. bill as this one. And because it will help all of the people in  
8. my district, I vote aye.

9. SECRETARY:

10. Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock,  
11. Romano, Rosander, Saperstein, Savickas, Smith, Soper, Sours...

12. PRESIDENT:

13. Senator Sours.

14. SENATOR SOURS:

15. Mr. President, Senators, this is a good bill. I'm quite  
16. interested though in the great support he is receiving from the  
17. Metropolis of Chicago...there probably isn't one coal mine in  
18. all of Cook County. I vote aye.

19. SECRETARY:

20. Swinarski, Vadalabene, Walker, Weaver.

21. PRESIDENT:

22. Senator Carroll.

23. SENATOR CARROLL:

24. I don't think I am recorded on this, Mr. President. I vote  
25. aye.

26. PRESIDENT:

27. Bruce, aye. Knuppel, aye. On that question the years are  
28. 42. The nays are 33. The bill having received the constitu-  
29. tional majority is declared passed. 1353, Senator Bruce. 1382,  
30. Senator Chew. 1382, Senator Chew...I am advised that Senator  
31. Walker and Weaver did not get on that last roll call, Mr. Secretary,  
32. so add their names.

33. SENATOR CHEW:

1. Mr. President and gentlemen of the Senate, I would like your  
2. undivided attention here. Senator Partee....

3. PRESIDENT:

4. Just a moment...let's have some order...please gentlemen.  
5. Just a moment...Senator Walker...

6. SENATOR CHEW:

7. Senator Partee and I sponsored this Bill 1382 at the request  
8. of the Director of Corrections in Cook County. And what the bill  
9. does it gives the Director the authority to employ people with  
10. misdemeanors in positions of cooks, dishwashers and scrub people  
11. etc., non-sensitive positions. A crisis has developed over a  
12. couple of years because of this prohibition and this would give  
13. him the right to employ people with an arrest record...not in  
14. any position as peace officers or any sensitive position where  
15. monies are involved. It's just a matter of work and his staff is  
16. short in this area and we need this bill in order to put people  
17. to work and...I'll...Mr. Partee, are you on the Floor? Senator  
18. Partee, would you like to take this any further, sir?

19. PRESIDENT:

20. Senator Partee.

21. SENATOR PARTEE:

22. Yes Senator, you made a very good explanation of the bill.  
23. I hope the members understand it. It would serve a useful purpose  
24. and I would certainly hope everybody to support it.

25. PRESIDENT:

26. Is there further discussion? Senator Sours.

27. SENATOR SOURS:

28. Mr. President and Senators, we haven't frankly had a good  
29. opportunity to look this bill over. I'm...some of us are not opposed  
30. to the bill in principle, however, we think there ought to be in  
31. the bill some distinction between a conviction for a felony,  
32. which could be a armed robbery with a gun, and a plain old common  
33. street misdemeanor. Now, if it's going to be all inclusive, I think

1. it would have doubtful success on this side.

2. PRESIDENT:

3. Senator Chew.

4. SENATOR CHEW:

5. Senator Sours, in any way that you would like to amend this  
6. bill, I would be certainly agreeable and whoever the sponsor is  
7. in the House, you, Senator Graham and I could get together and  
8. draw up the Amendment to make it just the way you want it  
9. if that's alright.

10. PRESIDENT:

11. Senator Sours.

12. SENATOR SOURS:

13. And I want to be certain that no one misunderstands me. This  
14. is not a matter that is affected by color, because let me tell you  
15. the armed robberies in the State of Illinois are not confined to  
16. either, but there's a good smattering of each and I just don't  
17. want some one for example handling money if he's got a suitcase  
18. all packed and his hat is on the desk. I don't want someone for  
19. example who is a violent personality having some strategic  
20. position or who has had any connection for example with what we  
21. call the mob or the syndicate, and there are some felons in that  
22. side of the table too, you know.

23. PRESIDENT:

24. Senator Chew.

25. SENATOR CHEW:

26. Senator Sours, with your sheepskin from Yale and your  
27. side kick over there from Berrington, I would agree that an  
28. Amendment could be drawn...and the three of us could certainly take  
29. it over and attach it in the House or in committee in the House,  
30. Senator Sours, anyway you want it and certainly I'm agreeable...

31. PRESIDENT:

32. Just a moment...just a moment...let's get...please let's get  
33. some order...conferences should be taken off the Floor of the



1. Senate...

2. SENATOR CHEW:

3. Is that agreeable, Senator Sours?

4. PRESIDENT:

5. Just a moment...let's get some order. Senator...

6. SENATOR CHEW:

7. Is that agreeable, Senator Sour,s to this plan?

8. PRESIDENT:

9. Senator Sours.

10. SENATOR SOURS:

11. No....I have nothing...

12. PRESIDENT:

13. Senator Graham.

14. SENATOR GRAHAM:

15. Mr. President, I don't want to be in opposition to this

16. on any grounds other than I don't think this bill precisely does

17. what the sponsor thinks it should do and I think he probably

18. agrees with me. I...by the same token don't want this bill to

19. go to the House with the if coming if they are going to amend it

20. over there. Senator Chew, let's keep it over here, try to work

21. out an Amendment, move back to 2nd Reading and amend it.

22. PRESIDENT:

23. Senator Chew.

24. SENATOR CHEW:

25. I'm certainly in agreement with you, Senator Graham, Senator

26. Sours, let the three of us work out an Amendment and we will

27. attach it here and we will know that it is on there, so I will just

28. hold the bill until we get an Amendment that is satisfactory.

29. PRESIDENT:

30. The bill will be held. 1388, Senator...is Senator Harris on

31. the Floor? 1408, Senator...1430, Senator Rock. Is Senator Rock

32. on the Floor? 1432, Senator Saperstein. Senator Rock, you want

33. to take up 1430? 1442, Senator Fawell. Senator Fawell.

1. SENATOR FAWELL:

2. This is the bill that has been fully debated so I won't take  
3. up much time. Senator Groen, as you may recall put a front door  
4. referendum on this bill. I think it is acceptable to everyone  
5. now. It provides with a front door referendum for Park Districts  
6. and municipalities to enter into joint agreement programs for  
7. recreation programs for handicapped children. I repeat that there  
8. is a front door referendum so I would hope that we could have a  
9. majority support on the bill at this time.

10. PRESIDENT:

11. Is it acceptable to take one roll call on both bills, Senator  
12. Fawell? There is no objection. Leave is granted. Secretary will  
13. call the roll on ...roll call will be for both bills, 1442 and 43.

14. SECRETARY:

15. Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier,  
16. Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course,  
17. Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham,  
18. Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel,  
19. Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy,  
20. Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien,  
21. Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saperstein,  
22. Savickas, Smith, Soper, Sours, Swinarski, Vadalabene, Walker  
23. Weaver.

24. PRESIDENT:

25. Brucee aye. On those bills the yeas are 43. The nays are  
26. none. The bills having received the constitutional majority are  
27. declared passed. 1475, Senator Rock. For what purpose does Senator  
28. Neistein arise?

29. SENATOR NEISTEIN:

30. Just to make an inquiry of the Chair, are we still consider-  
31. ing priority bills?

32. PRESIDENT:

33. We're going through all the Senate bills then moving to

1. the priority bills on the House Calendar.

2. SENATOR NEISTEIN:

3. I'd like to be apprised when that's over 'cause I want  
4. to make a Motion to adjourn after we've entertained all the  
5. priority bills. Can the Clerk of the Senate be instructed to  
6. notify me when we've reached the last priority ....

7. PRESIDENT:

8. You may check with the Secretary of the Senate.

9. SENATOR NEISTEIN:

10. Thank you, Kenny.

11. PRESIDENT:

12. 1475, Senator Rock.

13. SENATOR ROCK:

14. Yes, Mr. Chairman..Mr. President, members of the Senate, SB1475  
15. has to do with the Chicago Board of Education but prior to taking  
16. that bill up I understand that there is an Amendment that's going  
17. to be offered by my confederate, Senator Hynes. Prior to that I  
18. have an announcement I'd like some attention to make this.....

19. PRESIDENT:

20. Just...Just a moment ...Proceed Senator.

21. SENATOR ROCK:

22. On Tuesday, May 30, the House and the Senate will engage in a  
23. softball game. Senator Carpentier and I are co-captains of the  
24. Senate team, which is a little sparse this year...but in the Rotunda  
25. from now until the 30th there will be some pretty young ladies  
26. selling tickets to this ball game. The tickets are a dollar a-  
27. piece, and the proceeds will go to the Boys Baseball Foundation of  
28. Springfield. I would urge all the members of the Senate to spend  
29. a couple of dollars and buy some tickets to this game even if...  
30. I'm sure everyone will be there, but I would urge them to spend  
31. some money and buy some tickets. We contribute to many charities  
32. here in Springfield including the Southern Air and I think that  
33. it's only worthwhile that we spend some money in the right direction  
for a change. Now, to get on to SB1475, I would ask that it be

1. moved back to 2nd Reading for the purpose of an amendment which  
2. Senator Hynes is going to offer.

3. PRESIDENT:

4. 1475 is pulled back to 2nd Reading for purpose of an amend-  
5. ment. Senator Hynes. Senator Hynes is recognized.

6. SENATOR HYNES:

7. Mr. President and members of the Senate, I would offer Amend-  
8. ment...No. 2 to SB1475 which in essence strikes everything after the  
9. enacting clause in this bill. And this Amendment...the bill as  
10. amended would provide that the Chicago Board of Education during  
11. 1972 will be permitted to borrow up to thirty five million dollars  
12. from the proceeds of the Repair and Rehabilitation Bond Issue  
13. which it is presently authorized to issue and sell. The board  
14. has as you know a two hundred fifty million dollar remodeling  
15. program. This would be authorization to borrow thirty five million  
16. from that program, transfer it to the operation fund for purposes  
17. of the day to day operation of the schools. As you know, we are  
18. faced in Chicago with an imminent strike with the closing of the  
19. schools an occurrence which in my judgement would be the worst  
20. tragedy this State would witness in many years. This is a stop  
21. gap measure. It is not a solution to the problem in the long run.  
22. It's an attempt to get us through this year. It's an attempt to  
23. avert this strike. This money must be repaid within five years,  
24. so that the board is going to in the future face a similar problem.  
25. It is as I say a short time temporary emergency measure. It is  
26. not in any way going to deter us in our efforts to achieve an  
27. adequate level of state funding for the common schools. And if we  
28. are successful in those efforts, this measure will be unnecessary.  
29. I might point out that if this strike should occur later this  
30. week, the Chicago board, if it does not reopen its schools, will not  
31. meet the minimum one hundred eighty day requirement of State law,  
32. and as a result what is already a serious fiscal crisis will be  
33. compounded because Chicago will begin losing State

1. aid for each day short of one eighty that it is open. The amount  
2. in fact is one percent of the total state aid or one point eight  
3. million dollars a day that the Chicago public schools will lose  
4. for each day that the strike continues. I would urge you to support  
5. this Amendment. It is desperately needed. I think it's the only  
6. way that we can solve this...or at least stave off this crisis at  
7. this moment. I would ask for your favorable support.

8. PRESIDENT:

9. Senator Gilbert.

10. SENATOR GILBERT:

11. Well, Senator Hynes...

12. PRESIDENT:

13. Just a moment...Just a moment...please....

14. SENATOR GILBERT:

15. This thirty five million dollars is payable back in a five  
16. year period as I understand it, within five years. Now, that  
17. would have to come from General Revenue or that is from the  
18. school foundation support or from the local taxes, in other words  
19. it would not be from any other bond issue or anything. Now  
20. is that correct?

21. PRESIDENT:

22. Senator Hynes.

23. SENATOR HYNES:

24. That is correct.

25. PRESIDENT:

26. Senator Gilbert.

27. SENATOR GILBERT:

28. Now, is there any question or isn't there a question about  
29. using any of this money that was issued under the two hundred fifty  
30. million dollar building bond issue that we passed last time for  
31. any other use then building bonds and for buildings of...in school  
32. district?

33. PRESIDENT:

1. Senator Hynes.

2. SENATOR HYNES:

3. I think there would be a question if this were not in  
4. the form of a loan, but since it is a loan which must be repaid  
5. I think it is permissible.

6. PRESIDENT:

7. Senator Gilbert. Is there further discussion? All in  
8. favor of the adoption of the Amendment signify by saying aye.  
9. Contrary minded. The Amendment is adopted. The bill was re-  
10. turned to 3rd Reading...Senator Rock...we'll have to have inter-  
11. vening business. 1476, Senator Saperstein. 1489, is Senator  
12. Cherry on the Floor? 1489.

13. SENATOR CHERRY:

14. Mr. President and members of the Senate, I'd like to  
15. consider the series of the aid to nonpublic schools. They are  
16. bills 1489, 1492 and 1499 are the substance of bills. The other  
17. three 1496, 97 and 98 are the appropriation bills. We have spent  
18. much time in the past several years in the consideration of this  
19. new concept. The bills were reconstructed. The Governor by his  
20. amendatory veto rewrote the bills, as the result of which it was  
21. declared unconstitutional by the Illinois Supreme Court. These  
22. are now the bills of our legislature and just briefly SB1492,  
23. which is the bill which provides the twenty million dollars, provides  
24. that the public school district upon request by individual parents  
25. of nonpublic school children attending a nonpublic school with-  
26. in the boundaries of such district shall furnish to those parents  
27. secular subject text books that are among the books listed by the  
28. office of Superintendent of Public Instruction for use in public  
29. schools, and books so provided for the use of nonpublic school  
30. children are to be distributed by the school district in the same  
31. manner and under the same conditions that books are provided to the  
32. public school children. If a public school district loans without  
33. charge or rents books to the public school children it shall

1. make books available on the same terms and on the same basis  
2. to the nonpublic school children. The act further provides  
3. that any public school district that furnishes to its students  
4. any auxiliary services shall, upon request of the individual  
5. parents of nonpublic school children, furnish the same auxiliary  
6. services to such children and in substance those auxiliary services  
7. are school health services, school guidance and counseling services,  
8. school psychologist services and remedial and therapeutic programs  
9. for educationally disadvantaged children. Such as remedial reading  
10. skills and teaching English. Now, that's the substance of 1489...I'm  
11. sorry, 1492.

12. PRESIDENT:

13. Senator Cherry, I think, because of the nature of these bills  
14. and the probability that there will be court contest on these it  
15. probably would be better to take them one at a time here.

16. SENATOR CHERRY:

17. I would agree with you Mr. President, so let's...that's my  
18. explanation of SB1492. I am not going to presume upon the members  
19. of the Senate and go into each individual paragraph of what this  
20. bill contains because I think that consideration has been given  
21. to all of these concepts contained in this bill. We passed the  
22. bill, and the Governor rewrote it. In substance it is  
23. similar, and I would ask your favorable consideration on this  
24. bill and I would appreciate if we would consider 1492 first, Mr.  
25. President.

26. PRESIDENT:

27. Request that 1492 be taken first. 1492 is the bill before  
28. the Body. Is there further discussion? Senator Fawell.

29. SENATOR FAWELL:

30. These, these bills, of course, are not new. They're, as far  
31. as I can see, utilizing the same language which was presented the  
32. last time, but as Senator Cherry has pointed out the Supreme  
33. Court had indicated that the procedure that was utilized was in

1. itself unconstitutional. And it is important I think for us to  
2. bear in mind that the Supreme Court has not passed upon nor Federal  
3. Court to date specifically, upon the substantive matters. It's  
4. my opinion that this bill plus the other two substantive bills  
5. are quite clearly unconstitutional, and that they do constitute  
6. what appears to be a never ending end run of our Constitution...  
7. and as important as all of that is, I think however the more  
8. important issues are the tremendously important social issues which  
9. are involved. Just one comment in regard to this bill. It  
10. actually has the effect of saying to our public schools that when  
11. a private school request that teachers of handicapped children be  
12. sent into the private schools we must do that. And I know that  
13. all of us are aware that that is a privilege that not even the  
14. public schools have. We have the special education entities, and  
15. we send our handicapped children to these special entities because  
16. the teachers of course are scarce, the facilities are scarce, and  
17. to assume that we should now be in position where these kinds of  
18. services can be requested, perhaps demanded in instances by private  
19. schools and the public would have that responsibility is I think a  
20. example of the very poor draftmanship involved. Won't say much  
21. about the bill. They I think all three are unconstitutional though  
22. I know we speak only in regard to this one bill. I note the second  
23. bill has the actual payment in to joint payees, one of the payees  
24. being a church, with absolutely no restrictions upon use of  
25. that money. So that I can't think that anybody can be too serious  
26. about saying that that is a constitutional measure. What I think  
27. is most important of all though for all of us to bear in mind,  
28. and I respect those who are involved with private schools, but if  
29. we ever succeed in this State of Illinois of moving the support of  
30. the middle class from their commitment for quality public education  
31. which is a tough enough problem as has been pointed out just this  
32. morning for instance in Chicago, Cairo, and other places of our  
33. State where the great social problems which the schools did not



1. create have created what sometimes seems to be insurmountable  
2. problems for our public schools. But if we by beginning to  
3. subsidize through various means which are designed to get around  
4. the federal and the State Constitution, and if we should start  
5. moving the great middle class into or back to the old world con-  
6. cept of support of private schools, I think it would be a very sad  
7. thing. We need to look I think only at the delivery of so called  
8. health care services of a public nature, and we know that because the  
9. vast majority of the great middle class utilizes private services  
10. that it really ends up with most of us not really caring about the  
11. quality of public services in health care services, or if you would  
12. look at public transportation aside from the suburban runs early  
13. in the morning or late at night and the super highways back and  
14. forth to suburbia as far as public transportation is concerned,  
15. it isn't very much quality at all. And once again we find  
16. that the great middle class is not concerned basically about public  
17. transportation because they aren't utilizing it. And I submit to  
18. you that this is a very important question. We can't ignore it  
19. because if with the public dollar we eventually with the start that  
20. we are making here, if we succeed and eventually in this divisive  
21. country in many, many ways already, if we succeed in taking the  
22. middle class back into support of private schools then I submit  
23. to you that you cannot possibly expect to fulfill the constitutional  
24. mandate of quality, public education in the elementary and secondary  
25. schools open to all regardless of race, religion or creed and to  
26. have it mean quality education. To me it is ludicrous for us to point  
27. to Brown versus the Board of Education which long ago said that  
28. Thou shalt not put the public dollar into public schools which  
29. unintentionally segregate or in any way I think one could say segregate  
30. unintentionally I don't mean de jure segregation. And when we  
31. talk as we do about equality of educational opportunities and  
32. then turn around and say that now we will start putting the public  
33. dollar into private schools which are the antithesis of equal

education opportunities and which as long as they retain  
1. the right to pick and choose who will come and who will go  
2. on religious basis, on intellectual basis, on the basis of  
3. whether you have the right connections to get the child in-  
4. to private educational facilities and yet we still talk out  
5. of the other corner of our mouth that we are committed to  
6. equality of educational opportunities, that we are committed  
7. to truly integrated education. I cannot put the two together.  
8. And this is why I have said continuously.....

9. (End of Tape. Some of Senator Fawell and Senator  
10. Gilbert's remarks lost in changing of the tapes.)

11. SENATOR GILBERT:

12. ...into detail. I think the die is cast. I just merely  
13. want to be on record as saying that when you do this, you start the  
14. decline of the public school system as you know it. You cannot  
15. maintain two systems, no nation on earth has been able to do it,  
16. and the only one who loses when you start this is the public school  
17. system. And a few years from now, you who do it, will regret that  
18. you have been a party to such action.

19. PRESIDENT:

20. Senator Sours.

21. SENATOR SOURS:

22. Mr. President, the last day or so we've had some comments  
23. on what ought to be our endeavor with respect to our very poor  
24. record of passing constitutional legislation. I think it's time  
25. we started passing bills that could meet constitutional tests.  
26. Now, I don't fancy myself as any great shakes, but I stand here  
27. as the only member of this Chamber who voted against five bits  
28. of legislation all of which have been declared unconstitutional,  
29. to wit: No Fault, Parochial, abolition of personal property  
30. tax on humans, Ethics, and the Road Bond issue of two years ago.  
31. There isn't a better record here and I'm a little proud of it.  
32. Let me tell you what the Supreme Court in Washington did as  
33. recently as April 17th in deciding a case involving this kind

1. of legislation. United Supreme Court stated that state's  
2. have no obligation to provide financial aid to the parents  
3. of parochial school children, Item 1. Item 2, a parent  
4. who chooses to bypass the public schools is not deprived  
5. of any constitutional right by the state's refusal to  
6. finance nonpublic schools. Item 3, no one has a constitu-  
7. tional right....

8. PRESIDENT:

9. Just a moment...let's...let's get some order please.

10. SENATOR SOURS:

11. No one has the constitutional right for any credit of  
12. taxes when he supports parochial schools, simply because he  
13. will not or cannot have the benefit. Such as bachelors, child-  
14. less couples, corporations, they all pay taxes and yet they do-  
15. not have children attending. Now what we're up against here  
16. and I think it's been quite evident for two years, is the  
17. First Amendment to the Federal Constitution. Item No. 1....

18. PRESIDENT:

19. Just a moment...please...will the Sergeant-at-Arms enforce the  
20. rules. Those not entitled to the Floor, leave the Floor. Pro-  
21. ceed Senator.

22. SENATOR SOURS:

23. The First Amendment of the first Ten Amendments...must  
24. have some priority even in our thinking. Because the history of  
25. the world up to that time was that the church and the state  
26. cannot mix any more than oil or water, and that sooner or later  
27. one attempts to supplant the other. And there's every reason  
28. in the world to believe with all the travail and suffering  
29. in Europe when our Constitution was ratified, this was uppermost  
30. in the minds of the people who would ratify it. This idea also  
31. crept in to the Illinois Constitutions, and as of now, and as of  
32. the old Constitution, I'd like to close by simply reading this.  
33. This is Article VIII. Neither the General Assembly, I suppose the

1. Senate is a part of that, nor any county, city, town, town-  
2. ship, school district or other public corporation shall ever,  
3. that means eternally, make any appropriation or pay from any  
4. public fund whatever, anything in aid of any church or  
5. sectarian purpose, or to help support or sustain any school,  
6. academy, seminary, college, university, or any other literary  
7. or scientific institution controlled by any church or sectarian  
8. denomination whatever, and so on. Now, I think we probably  
9. ought to attempt to convince the people of this State that we  
10. have a duty to pass constitutional legislation, rather than  
11. simply say pass it on to the court. There's a fallacious  
12. argument, if we ever had one. For example...

13. PRESIDENT:

14. Just a moment. Senator Sours is entitled to be heard.  
15. Proceed Senator.

16. SENATOR SOURS:

17. You know, Mr. President and Senators, we go back to  
18. the constitution when it fits our immediate convenience. If  
19. someone today for example were to say let us reinstitute  
20. slavery, I can hear everybody standing up and saying, how  
21. about the 13th Amendment, which prohibits...abolish slavery.  
22. Now, let's do our duty. Let's not simply placate the multitude.  
23. These, like the other bills are bad. They too will be declared  
24. unconstitutional just like the other ones.

25. PRESIDENT:

26. Senator Newhouse.

27. SENATOR NEWHOUSE:

28. Thank you Mr. President, Senators. I don't want to go back  
29. to the constitutional arguments. I think the three speakers in  
30. front of me have done a good job of that and I know they're all  
31. kind of sick of this repetition. I think we ought to talk a  
32. little bit about the practical consequences what these bills are  
33.

1. going to do to the school system of the State of Illinois. I  
2. suspect all of you know that the schools in the City of  
3. Chicago are closed. The teachers have gone on strike and  
4. we'll lose eleven days and the proponent of the bill went into  
5. this in his explanation of the bill. The problem is that we  
6. don't have enough money to run the schools. Yet our primary  
7. obligation is to the public school system of the State of  
8. Illinois. Now at a time when we don't have enough money  
9. to provide the education that is mandated by the Constitution,  
10. a series of bills has been brought in here to take money  
11. away from the meager resources that we presently have. To pro-  
12. vide additional monies from some people who have made a conscious  
13. decision that the public schools do not serve their purpose and  
14. are therefore prepared to, out of their pockets, provide education  
15. for the youngsters in other settings. No one has any quarrel with  
16. this. That is the right of any individual who makes that  
17. decision. It is the obligation of an individual who makes that  
18. decision to then provide the wherewithal for the education in  
19. the setting that he chooses. Now for us at this stage, to talk  
20. about taking out of the budget of the State of Illinois X number  
21. of dollars, and those dollars must be taken away from something.  
22. There's a total amount of money to be spent. What is it being  
23. taken away from? Now, I have heard talk on this Floor of an  
24. Amendment to the effect that, if these bills are determined  
25. to be unconstitutional, that the amounts of money appropriated  
26. for the purpose to which these bills are dedicated, would then  
27. go into a fund to be utilized for the public school system. It  
28. is the only portion of these bills it occurs to me, that would  
29. deserve our attention, provided everything else fails. Because  
30. in that kind of Amendment is the tacit admission that the monies  
31. for public schools are too few and that perhaps we ought to do some-  
32. thing about that priority in the State of Illinois. We do have  
33. an obligation. The Constitution has mandated that obligation.

1. That obligation being the public schools. As a member of the  
2. Education Committee, and serving with some of those who spoke  
3. before me, who have continuing problems simply trying to come  
4. up to snuff with the kind of money that's required to give  
5. Illinois children the basic tools with which to become good  
6. citizens of Illinois and to become productive citizens. In  
7. my opinion, we are not doing the job that we ought to be doing  
8. in that respect. To continually distract this Legislature from  
9. it's primary function, to provide funds for something that is  
10. not only not mandated by the Constitution, but there is some ques-  
11. tion whether or not we ought to even be in this field. It seems  
12. to me to be a little capricious. Now, at the expense of just  
13. going over ground again and again and again, it seems to me  
14. that even if the battle lines are set, that there ought to be some  
15. thought given to what is currently happening to our public  
16. education system. What's happening in Chicago is going to  
17. happen elsewhere. So those of you who sit in this Body and  
18. say that Chicago has it's own problems and downstate is a  
19. different animal, I think are kidding yourselves. The teacher's  
20. unions and the administrations who are fighting like the devil to  
21. keep their heads above water, are not getting the support that they  
22. need. And some of you come districts where in the past year...  
23. two years there has been numerous failures of referenda providing  
24. for further support of your local school system. If there is  
25. any merit at all to the proposition that the State should be  
26. the primary financier of public education, then it seems to  
27. me that now is the time to make that mandate clear. These bills  
28. will not produce that result, these bills will go in just the  
29. opposite direction, and for that reason they should be defeated  
30. and I urge their defeat.

31. PRESIDENT:

32. Senator Carpentier.

33. SENATOR CARPENTIER:

1. Yes, Mr. President, when we first came down here this  
2. Spring, one of the most pressing matters we had to take care  
3. of was the Federal Beautification Act, doing away with bill-  
4. boards because federal funds were involved in our highway  
5. systems. Now, right now in these bills that are being proposed  
6. before us, we're going to give aid to private schools. I have  
7. five children in private schools myself, and there's nothing,  
8. there are no safeguards whatsoever, that when the General  
9. Assembly reconvenes in January of 1973, that they do not start  
10. down the list of the curriculum of the school codes of the way  
11. the private schools are conducted. Because once we get our  
12. hand in the door in private schools, the legislators that pre-  
13. cede us and follow us from now on, can then take over, and I  
14. for one will never be a part of seeing that happen. As long as  
15. I'm down here I'll continue to vote against these unconsti-  
16. tutional bills because I don't want to see our private schools  
17. destroyed by passing and handing out a few million dollars, and  
18. then in the next years to come, completely overtake it, be-  
19. cause once we use public money then we have the obligation to  
20. oversee what happens to that money, and you know it and I  
21. know it. And I think these bills are unconstitutional, as be-  
22. fore. We've seen it in every other State. And I urge some of  
23. you who have voted for it in the past to reconsider your votes  
24. after the Supreme Court decisions because this is just a hoax  
25. on the people.

26. PRESIDENT:

27. Senator Graham.

28. SENATOR GRAHAM:

29. Mr. President and members of the Senate, the last two  
30. times that these bills were being considered, I did not rise.  
31. I'm only going to do it now very briefly. I think it's re-  
32. grettable, deeply regrettable, that these members of the  
33. General Assembly be called upon again and again and again

1. to vote on unconstitutional measures only to have them re-  
2. vived by the changing of a word, semicolon or a comma. But  
3. here we are again taking the heat and as Mr. President, as  
4. one of your Presidents said one time, I suppose if you can't  
5. take the heat you ought to get out of the kitchen. I'm will-  
6. ing to do that. The more articulate arguments made by the Senator  
7. from Naperville than others, cannot be substituted by any  
8. verbiage of mine or shouldn't be, 'cause I think we have one thing  
9. to remember. The private schools of our State are under the  
10. control of, and they should be, of those who are interested in  
11. that segment of our education. There is no assurance or there shouldn't  
12. be, that the State can compel them to stay open. There is no  
13. assurance either, that thirty million dollars may not be spent  
14. now, maybe next year a hundred fifty million dollars. There's  
15. no assurance that in 1975 that any of these schools will be open.  
16. None. No assurance. I think that's regrettable. I think it's as  
17. regrettable as the fact that we are called upon again to vote upon  
18. measures which are so obviously unconstitutional.

19. PRESIDENT:

20. Senator Berning.

21. SENATOR BERNING:

22. Thank you, Mr. President. I have a question of the  
23. sponsor if I might direct one to him, and I understand we  
24. are considering SB1492 only, at this point. My concern stems  
25. from Page 5, lines 8 through 12, and with permission of the  
26. President I'd like to read them. It says, this Act is limited  
27. to parents whose family income is less than three thousand dollars  
28. per year, or whose family income is in excess of three thousand  
29. dollars per year from payments under the program of aid to  
30. families with dependent children under the Illinois Plan approved  
31. under Title 4 of the Social Security Act. My question, Mr.  
32. President, of the sponsor is simply this: Is this not gross  
33. discrimination?



1. PRESIDENT:  
2.           Senator Cherry.  
3. SENATOR CHERRY:  
4.           May I inquire of Senator Berning, what...did you say Page  
5.           8?  
6. PRESIDENT:  
7.           Senator Berning.  
8. SENATOR BERNING:  
9.           Page 5, lines 8 through 12.  
10. PRESIDENT:  
11.           Senator Cherry.  
12. SENATOR CHERRY:  
13.           I think your reading from the wrong bill, Senator. I have  
14.           1492, before me. I find no such language to which you refer.  
15.           That's another bill. I think ...1489...you are a little con-  
16.           fused.  
17. PRESIDENT:  
18.           Senator Berning.  
19. SENATOR BERNING:  
20.           I apologize. Yes, I have 1489, which was what we were  
21.           originally directing our attention to. I am in conflict with  
22.           the bill up there. Which one are we under?  
23. PRESIDENT:  
24.           1492.  
25. SENATOR BERNING:  
26.           14...I'm sorry.  
27. PRESIDENT:  
28.           Senator Cherry may close the debate.  
29. SENATOR CHERRY:  
30.           Thank you, Mr. President. Just very briefly in response  
31.           to some of the comments. With respect to the constitutionality  
32.           of these bills, particularly, the one under consideration,  
33.           in no one of the cases that had been decided by any of the Supreme

1. courts of the States has this concept been determined con-  
2. stitutionally. And so for the first time in any State of the  
3. United States I'm sure there will be a court test on this  
4. language that has not as yet been determined by any Supreme  
5. Court. Now, this money is in the budget...thirty million for  
6. the three bills. The Governor is supporting these bills. And  
7. I want to make one comment with respect to the statement made by  
8. Senator Newhouse. The schools, if they close pursuant to the  
9. mandate of the teacher's strike taken I believe yesterday in  
10. the Chicago public school system, is the result of the failure  
11. of our Legislature to provide adequate funds and hence the  
12. possible closing of the schools on an early term. And I want  
13. to say this to you, Senator Newhouse, this is a third time a-  
14. round where this money has been budgeted and set aside for non-  
15. public school aid. And the two previous times where the  
16. money has lapsed, this thirty million dollars or any part of  
17. the thirty million dollars was not appropriated for the school  
18. system of our State. And so your argument and comments are in-  
19. valid. We have continuously requested and literally begged for  
20. more money for public school system. We've begged on our knees  
21. literally to structure more money and appropriate more money so  
22. that the schools of our State would not need to be closed be-  
23. fore the term ends. And so I don't think that argument holds  
24. water, whatsoever. I say that, within the past few years, some  
25. eighteen thousand youngsters who attended nonpublic schools  
26. have returned to the public school system as the result of those  
27. closings. And what we want to do here is to protect our public  
28. school system from chaos. If more schools which are threatening  
29. to close because of lack of funds is going to be accomplished  
30. we will bring a complete chaotic condition to our public school  
31. system which will bankrupt our public school system. And that  
32. is precisely the reason that I am in support of these bills and  
33. have been continuously for these few years to protect our public

1. school system from the threatening of closing of the  
2. nonpublic schools which would bring thousands of  
3. youngsters into our Chicago school system as well  
4. as other school systems throughout the State of  
5. Illinois. And so sincerely I ask for your favorable  
6. consideration of this bill and ask you to consider  
7. the plight of the educational system in our State,  
8. both in the public and nonpublic school areas. Thank  
9. you very much.

10. PRESIDENT:

11. The Secretary will call the roll.

12. SECRETARY:

13. Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier,  
14. Carroll, Cherry, Chew, Clarke, Collins . . .

15. PRESIDENT:

16. Senator Collins.

17. SENATOR COLLINS:

18. I . . . I've had the honor of graduating from a  
19. parochial school and I've been in the Legislature in the  
20. House and Senate many years. I've always tried to keep  
21. in mind the constitutionality of legislation.

22. PRESIDENT:

23. Just . . . just a moment. Senator Collins wants  
24. order and is entitled to it.

25. SENATOR COLLINS:

26. I don't have the track record that Senator Sours  
27. has, but he's one of the experts, I think, on  
28. constitutionality of legislation. But I do  
29. feel that we have a duty. If we believe, sincerely  
30. believe, that a law is unconstitutional I think it's  
31. our duty, both as a law maker, and if we happen to be  
32. an attorney, we have some additional knowledge about  
33. our Constitution that perhaps other lay members who

1. are members of the General Assembly do not have. And  
2. I think it's our duty to vote our convictions. Now,  
3. I would like to vote for this legislation, Senator  
4. Cherry, but I sincerely believe it's unconstitutional.  
5. I think the United States Supreme Court will say that  
6. you cannot do indirectly and violate the First Amendment  
7. by . . . in other words, directly you can't do it and  
8. you can't do it indirectly by trying to dodge this  
9. issue. This important issue . . . issue of separation  
10. of church and state. I won't go into all the decisions,  
11. but I was quite surprised and I am sure that some of  
12. you were surprised when you found out the United States  
13. Supreme Court had the courage, mind you, to decide that  
14. the Amish people in Wisconsin did . . . were not under  
15. a constitutional duty to send their children to school  
16. after the 8th grade. This bill is absolutely unconstitutional,  
17. Senator Cherry, and in my humble opinion, there's no  
18. fancy way of coming in here with some kind of superfluous  
19. language to make it constitutional. And be it remembered  
20. what I said, of this day in Illinois history, and I  
21. vote no.

22. SECRETARY:

23. Coulson, Course, Davidson, Donnewald, Dougherty,  
24. Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris,  
25. Horsley . . .

26. PRESIDENT:

27. Senator Horsley.

28. SENATOR HORSLEY:

29. Mr. President, before I start . . . Mr. President.

30. PRESIDENT:

31. Yes, Senator Horsley.

32. SENATOR HORSLEY:

33. Before I start, and because of unusual circumstances

1. I am late getting here, I just this minute walked  
2. in the door, and if someone will yield their time  
3. to me, I did not get here in time to talk on this  
4. bill, I wondered if my time could be extended a little  
5. by someone yielding their time?

6. PRESIDENT:

7. Well, the . . . the . . . it is not possible to  
8. yield time from one Senator to another. If you take  
9. more than three minutes, until someone raises a point  
10. of order you . . .

11. SENATOR HORSLEY:

12. I will be extremely brief, I can assure you.

13. PRESIDENT:

14. Senator Horsley may proceed.

15. SENATOR HORSLEY:

16. I want to explain my position on this bill. I have  
17. never been maligned, pilloried and called as many names  
18. about any bill in this Legislature as I have over the  
19. question of Public Aid. I have been maligned by pulpits.  
20. I've been maligned in church bulletins. I have been  
21. practically called everything in the book, and I don't  
22. appreciate it. And I would like to explain briefly,  
23. when this matter was up before this House, Senator  
24. Bidwill, Senator Baltz and myself met with a group of  
25. gentlemen who agreed to go along with us. We agreed  
26. to solve the problem of the parochial schools in  
27. what we thought was a constitutional manner. We met  
28. in the room that is now occupied, I believe, by Senator  
29. Donnewald, and we met with the Catholic hierarchy. We  
30. agreed on an amendment and that amendment said that we  
31. would furnish teachers to parochial schools if they  
32. were hired by the school district, regardless of race,  
33. color and creed, they were certificated and would teach

1. only reading, writing and arithmetic. That's the  
2. problem the parents are crying to have solved. We  
3. agreed to solve that problem. From the time I left  
4. that room, and we shook hands on an agreement, that  
5. amendment stayed somewhere down on the second floor,  
6. and when it came back it had been changed to read that  
7. the school board had to hire every parochial teacher  
8. and put them on the public payroll, whether they were  
9. certificated or not. That bill had been so emasculated,  
10. and the agreement, and I am sure that the two gentlemen  
11. who were in that room will not dispute my word. Now,  
12. I ask for courtesy, Mr. President. I have always  
13. shown courtesy to Senator Cherry, and I would ask  
14. that he extend that same courtesy. We then, because  
15. of the nature of what was done, the very people on this  
16. side of the aisle who were in favor of giving relief  
17. to these people, were so incensed, so absolutely incensed,  
18. they said kill the whole thing, and it died. Since that  
19. time, you have passed an unconstitutional bill. You  
20. have here today an unconstitutional bill and here today  
21. I stand ready and willing to again do what I promised  
22. to do then and what we shook hands. These three  
23. gentlemen are all honorable gentlemen . . .

24. PRESIDENT:

25. Senator Cherry, what is your point of order.

26. SENATOR CHERRY:

27. I don't mind extending any courtesy to any Senator  
28. on this Floor, but I don't think the Senator is addressing  
29. himself to this bill, which he wants to do and change  
30. it. This is the bill that we are considering. He must  
31. vote yes or no on the bill that is before this Senate.

32. PRESIDENT:

33. The point of order, I gather, is on time and the

1. Senator will conclude his remarks.

2. SENATOR HORSLEY:

3. I will conclude my remarks by saying that the  
4. Senator has the gall to stand up here and ask you  
5. gentlemen to violate the oath of your office and vote  
6. for a bill that's already the same identical bills  
7. have been upheld unconstitutional by the United States  
8. Supreme Court, just in order to kid a lot of people  
9. into thinking you're trying to help them. That is  
10. hypocrisy of the worst sort, and they can continue  
11. to malign me 'til the day I die. I will not be a  
12. part of it and I will now sit down, Senator Cherry,  
13. to save your blood pressure.

14. PRESIDENT:

15. Senator . . .

16. SENATOR HORSLEY:

17. Thank you, and I vote no.

18. PRESIDENT:

19. Continue the roll call.

20. SECRETARY:

21. Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab,  
22. Latherow, Laughlin, Lyons, McBroom, McCarthy . . .

23. PRESIDENT:

24. Senator McCarthy.

25. SENATOR McCARTHY:

26. Mr. President and members, before I vote I wanted  
27. to correct an error on this legislation. Senator  
28. Cherry inadvertently listed me as a sponsor of the  
29. legislation, which is incorrect. So I'd like leave  
30. of the Senate to have my name removed as a sponsor.  
31. Not only on 1492, but 1489, 1496, 1497, 1498 and 1499.

32. PRESIDENT:

33. The Journal will so show.

1. SENATOR McCARTHY:

2. Then I vote aye on the bill.

3. SECRETARY:

4. Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill,  
5. O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander,  
6. Saperstein, Savickas, Smith, Soper, Sours, Swinarski,  
7. Vadalabene, Walker, Weaver.

8. PRESIDENT:

9. Kosinski, aye. Neistein, aye. Request for a call  
10. of the absentees. The absentees will be called. Cherry,  
11. aye. You . . . the Senator has that right, but we  
12. first have to announce the roll call. On that question  
13. the yeas are 31, the nays are 21. The bill having  
14. received the constitutional majority is declared passed.  
15. Motion to reconsider by . . . are . . . request for a  
16. verification of the roll call will come first. Will  
17. the Senators be in their seats. For what purpose does  
18. Senator Horsley arise?

19. SENATOR HORSLEY:

20. I would like to ask that each Senator be in his  
21. seat and rise when his name is called.

22. PRESIDENT:

23. Well, that . . .

24. SENATOR HORSLEY:

25. We . . . well, now wait a minute. Now wait a  
26. minute.

27. PRESIDENT:

28. That is not prescribed in the rules, Senator.

29. SENATOR HORSLEY:

30. Well then we're gonna go slow then when we call  
31. these names so we can check.

32. PRESIDENT:

33. The Secretary will call the roll. Those voting



1. in the affirmative.

2. SECRETARY:

3. Bidwill, Carroll, Cherry, Chew, Course, Donnewald,  
4. Dougherty, Egan, Hall, Harris, Hynes, Knuppel, Kosinski,  
5. Kusibab, Lyons, McBroom, McCarthy, Mohr, Neistein,  
6. Nihill . . .

7. PRESIDENT:

8. Senator Mohr is on the Floor.

9. SECRETARY:

10. O'Brien, Ozinga . . .

11. PRESIDENT:

12. Senator McBroom is here.

13. SECRETARY:

14. Palmer, Partee, Rock, Romano, Rosander, Saperstein,  
15. Savickas, Smith, Swinarski, Vadalabene.

16. PRESIDENT:

17. Do you wish to call the negative? Motion by  
18. Senator Rock to reconsider. Motion by Senator Dougherty  
19. to Table. All in favor of the Motion to Table signify  
20. by saying aye. Contrary minded. The Motion prevails.  
21. Senator Cherry, which bill do you wish to call next then?

22. SENATOR CHERRY:

23. We wish to proceed with Senate Bill 1489, Senator  
24. Berning. This is the bill on which you asked your  
25. question.

26. PRESIDENT:

27. 1489.

28. SENATOR CHERRY:

29. We've had . . . and have considered this bill  
30. previously. It is entitled the Nonpublic State  
31. Parental Grant Plan for Children of Low Income Families.  
32. It provides for the payment of state grants to parents  
33. of children attending nonpublic schools, whose family

1. income is less than \$3,000 a year. I think all of you  
2. know what the bill does. It provides for the same  
3. formula that is prescribed for State Aid to public  
4. schools and that would ask your favorable consideration  
5. on this bill.

6. PRESIDENT:

7. Senator Berning.

8. SENATOR BERNING:

9. Again, Mr. President, I'd like to recite for the  
10. sponsor what lines 8 through 12 do on page 5. My only  
11. concern in bringing this to your attention is that  
12. this compounds an already unsavory position. But if  
13. we are going to . . . if you are going to pass legislation  
14. that is going to be unconstitutional, at least it ought  
15. not to compound a problem by being discriminatory and I  
16. state again, read again, this Act is limited to parents  
17. whose family income is less than three thousand per year or  
18. whose annual family income is in excess . . . in excess of three  
19. thousand per year from payments under the program of aid to  
20. families with dependent children. It seems to me this is  
21. blatantly discriminatory. Here is a hard working family not  
22. on public aid with an income of less than three thousand a  
23. year and they qualify. If they go over they do not qualify.  
24. Whereas a . . . a relief client in excess of three thousand has no  
25. restriction. It seems to me that is gross discrimination.  
26. And I call it to your attention.

27. PRESIDENT:

28. Senator Horsley.

29. SENATOR HORSLEY:

30. Senator Cherry, yield to a question, please?

31. PRESIDENT:

32. Senator Cherry indicates that he will.

33. SENATOR HORSLEY:

1. What do you do for a family that's on ADC?

2. PRESIDENT:

3. Senator Cherry.

4. SENATOR CHERRY:

5. I think the Act is clear, Senator Horsley. Senator  
6. Berning just read the provisions with respect to the Act...  
7. to the respect to the fact that the Act is limited to parents  
8. whose family income is less than three thousand dollars a  
9. year or whose annual family income is in excess of three  
10. thousand dollars a year from payments under the program of  
11. aid to families with dependent children. That covers  
12. what you just stated...are the families which are under ADC.  
13. There's going to be a constitutional test made. We feel that  
14. this language is constitutional. I'm sure the courts will ul-  
15. timately decide whatever the legal issues are.

16. PRESIDENT:

17. Senator Horsley.

18. SENATOR HORSLEY:

19. Would you...would you please answer my question? Some-  
20. body is on ADC...does that mean that the State of Illinois is  
21. going issue an ADC check payable to John Smith and to the Seven  
22. Day Adventist Church of Christ that runs the Day School? Is  
23. that what the State is now going to do under this bill because  
24. their income qualifies them for ADC?

25. PRESIDENT:

26. Senator Cherry.

27. SENATOR CHERRY:

28. Senator Horsley, if these youngsters whose families are on  
29. ADC attend nonpublic schools they will be under the same formula  
30. that public school youngsters are on. But they must come within  
31. the area of this language in the bill. They must be families  
32. earning less than three thousand dollars year or in excess of  
33. three thousand dollars a year if they are on public aid in any

1. category, whatsoever.

2. PRESIDENT:

3. Senator Horsley.

4. SENATOR HORSLEY:

5. But the crux of the matter is that regardless of who

6. signs the check it winds up in the treasury of the church

7. that runs the school. Doesn't it?

8. PRESIDENT:

9. Senator Cherry.

10. SENATOR CHERRY:

11. It does not, Senator.

12. PRESIDENT:

13. Senator Horsley.

14. SENATOR HORSLEY:

15. But where does it wind up then?

16. PRESIDENT:

17. Senator Cherry.

18. SENATOR CHERRY:

19. If you read the bill you'll find out Senator

20. and I'm not...well...I'm sorry that you can't learn from the

21. language contained in this bill and I told you it does not

22. in response to your question. If you wish to take issue with

23. that comment in response to your question that's your

24. prerogative and privilege.

25. PRESIDENT:

26. Senator Horsley.

27. SENATOR HORSLEY:

28. This is a very important matter. Each certified amount

29. shall be made payable jointly to the applying parent and the

30. nonpublic school to which the particular parental application

31. pertains. Now you just made a misstatement about your own bill,

32. Senator Cherry, didn't you?

33. PRESIDENT:

1. Senator Cherry.

2. SENATOR CHERRY:

3. Mr. President, I made no mistake and Senator Horsley  
4. just read the comments. He knows what the answer to this  
5. question is just as well as I do. Because he's just re-  
6. peated the language in the bill.

7. PRESIDENT:

8. Senator Horsley.

9. SENATOR HORSLEY:

10. Senator Cherry, will you tell these people on this Floor  
11. whether or not a check paid by the State of Illinois or the  
12. Federal government under an ADC program is not going to wind  
13. up in the treasury of the church that runs the school under  
14. the language I just read. Yes or no.

15. PRESIDENT:

16. Senator Cherry.

17. SENATOR CHERRY:

18. No.

19. PRESIDENT:

20. Senator Sours.

21. SENATOR SOURS:

22. Mr. President and Senators, like any other phenomenon  
23. I suppose there are degrees of goodness or badness. Like the  
24. story of the young man in school. He was to compare adjectives.  
25. He came to a word sick, he said sick worse than dead. Positive,  
26. superlative and so forth. Here's a real dead one. And as  
27. Senator Horsley has commented, and the reason this is so im-  
28. portant because I presume that the courts will look into the  
29. debate on this. Now, this particular bill has...if it has any  
30. virtue at all...has only one. And that is on the ADC client this  
31. check will not be endorsed and paid over to the local tavern  
32. owner, it will go absolutely unquestionably always to the church  
33. involved. And that's something that ought to be noted in the

1. debates here today. This bill will provide direct public  
2. money to a parochial organization called a church with a  
3. small "c". Therein is it's infirmity, therein lies it's un-  
4. constitutionality.

5. PRESIDENT:

6. Senator Gilbert.

7. SENATOR GILBERT:

8. Senator Cherry, would you tell me then why you want the  
9. name of the church on the voucher instead of just the name of  
10. the parent?

11. PRESIDENT:

12. Senator Cherry.

13. SENATOR CHERRY:

14. In order to protect what we feel is the constitutionality  
15. of this bill. The act was drawn as of this.

16. PRESIDENT:

17. Senator Cherry, has the Floor...was asked a question...is  
18. entitled to answer....be heard by his colleagues. Senator  
19. Gilbert.

20. SENATOR GILBERT:

21. I merely asked the question. I want it in the record.

22. PRESIDENT:

23. Senator Soper.

24. SENATOR SOPER:

25. I move the previous question.

26. PRESIDENT:

27. Motion for the previous question. All in favor signify  
28. by saying aye. Contrary minded. Motion prevails. Senator  
29. Cherry may close the debate.

30. SENATOR CHERRY:

31. Roll call, Mr. President.

32. PRESIDENT:

33. Secretary will call the roll.

1. SECRETARY:

2. Arrington, Baltz, Berning,

3. PRESIDENT:

4. Senator Berning.

5. SENATOR BERNING:

6. Partly because of my sincere interest in seeing that we  
7. do pass legislation that is consistent, I again want to make  
8. just brief comment. One in the way of an objection because  
9. of the way I interpret the bottom of page 1, failure of the  
10. public elementary and secondary schools. This is impugning our  
11. public elementary system. But equally as important, Mr.  
12. President, and this I call the attention of the sponsor, he  
13. is so interested...he's not on the Floor...repeating, Mr.  
14. President, because of my sincere interest in attempting to  
15. assure that legislation which passes has some semblance  
16. of justification and reality, I'd like to call the sponsor's  
17. attention to what appears to me to be two additional serious  
18. defects, Senator Cherry, and I call this to your attention  
19. in all good conscience. As far as I can determine, in quickly  
20. reading the bill, the grants as provided is not restricted to  
21. the amount of any tuition. There is no provision or prohibi-  
22. tion as to the amount that is to be made a grant. It's not  
23. tied to any tuition figure so far as I can see. There is also  
24. the further disquieting aspect as I interpret it that there is  
25. no prohibition on restriction to secular education only. Mr.  
26. President, I am deeply indebted to the deference of the sponsor  
27. in my sincere efforts to help him devise a bill which has some  
28. semblance of credibility. These are valid points, Mr. President,  
29. and in spite of the lack of attention by the sponsor, I think they  
30. have a bearing and should be recognized and accommodated.  
31. Thank you.

32. PRESIDING OFFICER (Senator Rock)

33. Continue the roll call.

1. SECRETARY:

2. Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke,  
3. Collins, Coulson, Course, Davidson, Donnewald, Dougherty,  
4. Egan, Fawell,

5. PRESIDING OFFICER (Senator Rock)

6. Senator Fawell.

7. SENATOR FAWELL:

8. I think that this bill is the cruelest hoax of them all.  
9. And it's cruel and more cynical than any bill I think the de-  
10. fect. I don't mean to impugn the motivation of the sponsor  
11. ...I simply speak as a person who sat on the nonpublic school  
12. commission, who has spent a lot of time reviewing legislation  
13. throughout the nation and when you talk about the private  
14. schools being in position even to help the poor you're simply  
15. overlooking completely where the private schools are. They  
16. just aren't where the poor are. They never have been from  
17. the inception of education in this world. As testimony before  
18. the Nonpublic School Commission consistently from the  
19. provate sources said that if you really want to help the poor  
20. you're going to have to have complete open enrollment. As a private  
21. school you cannot retain the right to take the best athletes,  
22. the academically brilliant, turn back the others that you may  
23. not want who are trouble, who may not come from the right church,  
24. who might not accept parental religious instruction demands. To  
25. hold this out and try to make the State of Illinois think that  
26. here you have something for the poor is a misrepresentation. It  
27. is so poorly drafted as others have pointed out with a direct  
28. payment going to the particular private entity sponsoring the  
29. school which is to say the church in religiously affiliated schools tha  
30. it's nothing short of sabotage,..perhaps double sabotage....  
31. Sabotage in that...I don't think anybody here really realistically  
32. believes this bill has any chance of any court ever saying that  
33. it's constitutional. But it looks nice for editorials and it



1. looks nice for people who are talking about what they're  
2. doing for the poor. I think it's sabotage too in all three  
3. of these bills from the other side of the aisle. It means  
4. that the Governor is going to have to sign them and that's  
5. sabotage...that's going to help ...I think your cause a  
6. great deal...but when we stop and look and we should recognize  
7. that five hundred thousand whites have fled Chicago in the 1960's...  
8. those are census figures...not figures I have made....that as  
9. a result, mass exodus of the ethnic populations go into suburbia  
10. where they find the public schools, some of the best in the  
11. nation, and utilize them and thus your neighborhood parish  
12. schools have been closing not because of these great financial  
13. reasons that people talk about...but because of transitions  
14. in population...so all of these things together...and then come  
15. up with a bill like this....

16. PRESIDING OFFICER (Senator Rock)

17. For what purpose does Senator Partee arise?

18. SENATOR PARTEE:

19. The gentlemen's time has expired. I believe in courtesy  
20. but this is repetitious and courtesy does not embrace listening  
21. to repetitious arguments when the time has expired.

22. PRESIDENT:

23. The point is well taken. Senator Fawell, will conclude his  
24. remarks.

25. SENATOR FAWELL:

26. I think Senator Partee is probably right. I'm as guilty  
27. of repetition as everyone else. It's a sabotage bill. It's  
28. window dressing. It's unconstitutional. It's morally corrupt...  
29. I...what more can one say about these bills...the people be  
30. damned...the politicians must have their way.

31. SECRETARY:

32. Gilbert, Graham, Groen, Hall, Harris, Horsley,

33. PRESIDENT:

1. Senator Horsley.

2. SENATOR HORSLEY:

3. Well, Mr. President, I think I have pretty fully explained  
4. my vote...and I can't add anymore to it then say, that I don't  
5. want to hear anyone in this Body ever again stand up and tell  
6. me what our constitutional duties are. Because you will be  
7. the biggest hypocrites that's in the place...cause when you  
8. vote for this bill your violating the constitution and you know  
9. it down deep in your heart...And I vote no.

10. SECRETARY:

11. Hynes, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab,  
12. Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler,  
13. Mohr, Neistein, Newhouse, Nihill,

14. PRESIDENT:

15. Senator Newhouse.

16. SENATOR NEWHOUSE:

17. Mr. President, Senators...of this packet of bills this  
18. is the one with a little sugar coating on it...and it's the  
19. one in which I part company with my friend, Harris Fawell, not  
20. because we have a difference in philosophy. I think he's right  
21. that, by and large, the private schools aren't where poor people  
22. are but I don't think it's tactically unfeasable that  
23. poor people cannot get to where the private schools are  
24. I foresee, Senator, if these bills do pass, I'm going to lead  
25. a lot of little children out of my neighborhood to where some  
26. private schools are and there will be a one-man busing program,  
27. so take your private schools and look out.

28. SECRETARY:

29. Nihill,

30. PRESIDENT:

31. Senator Newhouse votes aye.

32. SECRETARY:

33. O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander,

1. Saperstein, Savickas, Smith, Soper, Sours, Swinarski,  
2. Vadalabene, Walker, Weaver.

3. PRESIDENT:

4. Saperstein, aye. Swinarski, aye. Smith, aye. Savickas,  
5. aye. On this measure the yeas are 31. The nays are 21. The  
6. bill having received the constitutional majority is declared  
7. passed. Senator Rock moves to reconsider. Senator Cherry  
8. moves to Table. All in favor of the Motion Table signify by  
9. saying aye. Contrary minded. Motion Table prevails. Senator  
10. Cherry, which one do you wish to call next.

11. SENATOR CHERRY:

12. 1499, Mr. President.

13. PRESIDENT:

14. 1499.

15. SENATOR CHERRY:

16. This is the last substantive bill in the series...and what  
17. this bill does is create ....

18. PRESIDENT:

19. Just a moment...let's have some order...Senator Cherry is  
20. recognized.

21. SENATOR CHERRY:

22. This bill, Mr. President and members of the Senate, creates  
23. the Illinois Educational Development Board, and provides for  
24. it's duties and powers...provides that the board shall make  
25. grants to aid the development of the exemplary and innovated  
26. education programs to either public or combinations of public  
27. and nonpublic schools, together with school personnel or other  
28. Illinois educational agencies or bodies. The programs, activities  
29. and services must be administered by the public schools and school  
30. personnel or other educational bodies which are empowered to make  
31. grants in support of these exemplary and innovated education pro-  
32. grams dealing with educational areas involving but not limited  
33. to remedial instruction, school help, physical education and so

1. forth...the items and areas that I mentioned in the first  
2. bill, 1489. I would again ask your favorable consideration.

3. PRESIDENT:

4. Is there any discussion? Secretary will call the roll.

5. SECRETARY:

6. Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier,  
7. Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course,  
8. Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham,  
9. Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel,  
10. Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy,  
11. Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien,  
12. Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saperstein,  
13. Savickas, Smith, Soper, Sours, Swinarski, Vadalabene, Walker,  
14. Weaver.

15. PRESIDENT:

16. Romano, aye. Neistein, aye. Smith, aye. Clarke, no. Horsley,  
17. no. Cherry, aye. On that question the yeas are 30. The nays  
18. are 21. The bill having received the constitutional majority  
19. is declared passed. Senator Rock moves to reconsider. Senator  
20. Cherry moves to Table. All in favor of the Motion Table signify by  
21. saying aye. Contrary minded. Motion to Table prevails.  
22. Senator Cherry.

23. SENATOR CHERRY:

24. Now, there are three appropriation bills to structure the  
25. funds necessary for the implementation of the three bills which  
26. we just passed. I will ask for a separate roll call for 1496,  
27. 97 and 98.

28. PRESIDENT:

29. 1496. Senator Gilbert.

30. SENATOR GILBERT:

31. Senator Cherry, the other day when these bills were advanced  
32. from 2nd to 3rd Reading I recited to you and this Body that  
33. Senator Fawell was not on the Floor. He was not here that day

1. but he had certain amendments. I brought those over  
2. to you and I don't know whether Senator Fawell wishes to  
3. move the ...you to have the bills brought back, but you did  
4. agree at that time, sir, to bring them back in the event  
5. Senator Fawell wished it. I'm merely pointing that out since  
6. Senator Fawell was not here.

7. PRESIDENT:

8. Senator Cherry.

9. SENATOR CHERRY:

10. Senator Gilbert, is absolutely correct. I did make that  
11. promise and if Senator Fawell has an amendment I don't know  
12. whether he has because I discussed this proposed amendment with  
13. him subsequent to his return to the Senate...I told him that  
14. I would oppose the amendment and gave him my reasons why. If, how-  
15. ever, he sees fit to introduce that amendment I will stand by  
16. my agreement with Senator Gilbert, and if he wants it brought back  
17. to 2nd reading I will have no objection.

18. PRESIDENT:

19. Senator Fawell.

20. SENATOR FAWELL:

21. Yes...

22. PRESIDENT:

23. Just a moment...for what purpose does Senator Partee arise?

24. SENATOR PARTEE:

25. Since none of the rest of us has seen the amendments, may  
26. I make this suggestion that the bill be taken back to 2nd reading,  
27. that the amendments be offered, that copies be made and distributed  
28. which copies we can get to and take up when we come back this  
29. afternoon. Now the plan is this: while I'm up, about it....  
30. I said yesterday we were going out for lunch and we proposed to  
31. do that and committee hearings commence at 1:30 and then we  
32. will come back into Session at 4 P M, so we can get back to this  
33. order of business at that time. There's one other matter that

1. we'd like to probably finalize today and that is in reference  
2. to your ruling on Senator Horsley's question. If we could do  
3. that just before we leave here and I think we can do that in  
4. a few moments and then we could get back to this amendment  
5. process at 4.

6. PRESIDENT:

7. And at the same time this afternoon I have assured Senator  
8. Rock we would get back to his bill, too.

9. SENATOR PARTEE:

10. All right.

11. PRESIDENT:

12. The measure...Senator Fawell will see to it that copies are  
13. distributed then. Senator Cherry.

14. SENATOR CHERRY:

15. A question to Senator Fawell. Do you have amendments for  
16. the three appropriation bills or just one?

17. PRESIDENT:

18. Senator Fawell.

19. SENATOR FAWELL:

20. ...For all three and I believe that these...copies of these  
21. amendments were passed out last week, but if you'd want me to  
22. do it again, I could have some more copies made and put on  
23. everybody's desk. But the copies have been put on desk of each  
24. Senator.

25. PRESIDENT:

26. Senator Cherry.

27. SENATOR CHERRY:

28. They were passed out. I don't know whether Senator Partee  
29. received a copy of the amendment. If he wishes to pursue  
30. his request I certainly have no objection to holding the three  
31. appropriation bills giving Senator Fawell an opportunity to  
32. again pass out copies and take them up this afternoon. So I  
33. think in order to keep the record straight I think we need to

1. now bring the bills back on my motion bring the bills back to...  
2. I don't think it should be on my motion, I think it should be  
3. on Senator Fawell's Motion to which I have no objection...bring  
4. the bills back and place them on 2nd reading.

5. PRESIDENT:

6. The...Senator Partee, what is your desire on the matter?

7. SENATOR PARTEE:

8. Well, since they have an understanding as to what they are going  
9. to do why don't we just leave this order of business entirely  
10. and at 4:00 o'clock do what they both desire be done, and let's  
11. get to Senator Horsley's Motion.

12. PRESIDENT:

13. All right. That will be the procedure. The...on the  
14. matter ...if I may have the attention of the Body, Senator  
15. Horsley and others...Senator Horsley...the Chair's about to....  
16. rule on the point of order you brought up, and this will be  
17. journalized. During the Session of May 17th...the Chair's going  
18. to read this brief statement. During the Session May 17th,  
19. Senator G. William Horsley raised a point of order regarding SB  
20. 1429, sponsored by Senator Thomas Hynes, suggesting that the bill in  
21. question violates Article IV, Section 8, Paragraph (d) which reads  
22. in part: "Appropriation bills shall be limited to the subject  
23. of appropriations." The Chair refrained from an immediate de-  
24. cision and the bill in question is now on postponed consideration.  
25. The Chair refrained from an immediate decision because the implica-  
26. tions of such a decision have an impact far beyond the bill in  
27. question. The question involves not only the immediate sen-  
28. tence, but the context in which it is placed, and the intent of the  
29. Constitutional Convention. The Presiding Officer of the Senate  
30. cannot assume the role of the Supreme Court of the State, de-  
31. ciding on all matters whether they meet constitutional tests  
32.  
33.

1. or they do not. However, on procedural matters in which  
2. the Constitution speaks to the General Assembly, the Presiding  
3. Officer of the Senate must make determinations as to the  
4. meaning of the Constitution. Section 38 of Robert's Rules  
5. of Order confirms this mandate. In dealing with this question,  
6. the manual for bill-writing used by the Legislative Reference  
7. Bureau notes: "It seems clear that the purpose of this  
8. provision was to prevent the legislature from tacking on  
9. substantive provisions to an appropriation bill....There have  
10. been two types of bills in which it has been  
11. the long-standing practice to include an appropriation  
12. as a necessary incident to the main purpose of the bill. One  
13. of these is a bill which creates a new agency of State govern-  
14. ment. It has long been the practice for such a bill to include  
15. an appropriation for the expenses of the new agency for the  
16. first fiscal period of it's operation. The other type of bill  
17. which has commonly carried an appropriation as an incident  
18. to its main purpose is a bill which imposes new duties upon  
19. an already existing state agency. Frequently, though not invari-  
20. ably, such bills have included an appropriation to the agency  
21. involved for the expenses entailed by the new duties imposed  
22. upon it by the bill. Are these practices still permissible under  
23. the new Constitution? Although the matter is not entirely free  
24. from doubt, it would seem that to construe the constitutional  
25. provision as precluding an appropriation as an incident to a  
26. bill would be not only an unwarranted stretching of the language  
27. of the Constitution but would also be completely nonsensical  
28. from the standpoint of serving any useful purpose." And then it  
29. goes into some more additional detail on that that is part of the  
30. statements that's been circulated. Presumably, this has been the rea-  
31. soning of the Governor in signing measures up to this point, and  
32. the reasoning of the Attorney General in advising the Governor  
33. on these measures. This is also in line with the traditions of



1. Senate and the House since 1818. However, a phone call to  
2. the chairman of the committee in the Constitutional Con-  
3. vention responsible for this particular section elicited  
4. the response that the intent of the committee and of the Con-  
5. vention was a strict limitation of appropriation bills to  
6. appropriation matters, with no substantive change in the law  
7. being part of those proposals. In the debate which took  
8. place on the Floor of the Convention on July 15, 1970, this  
9. is confirmed. Volume 85, No. 2, pages 277 through 279 con-  
10. tains the following exchange between the chairman of the committee,  
11. Delegate George Lewis and another Delegate, Dawn Netsch: Mrs.  
12. Netsch: And may I ask one other question? Appropriation  
13. bills shall be limited to the subject of appropriations. My  
14. question has to do with the kind of hybrid bills that are so  
15. frequently passed by the General Assembly; for example a bill  
16. creating a commission in which the substance of the creation of the  
17. commission, its membership, powers, etc., are set forth, and frequently  
18. the last section is an appropriation for that commission. Is that  
19. an appropriation bill or is it not? Mr. Lewis: Delegate Netsch,  
20. the intention of the committee in our language was to make it clear  
21. that there would not be an appropriation attached to a law or  
22. attached to the forming of a commission. Now, I have reference  
23. to the Atomic Energy Commission and an amendment in 1970, which  
24. just occurred where there was an act amending the Atomic Energy  
25. Commission Act, and in the end of it, it appropriated  
26. \$15,000 to the commission for fiscal 1971. We would  
27. propose and intend that that amendment, of itself, was a law and  
28. that the appropriation should have been separate from that, and  
29. that the matter of appropriation should be separate from the law  
30. itself. We think there is good reason that we should not have  
31. the hybrid. Mrs. Netsch: Then you would contemplate then, that  
32. the, again taking the commission bill as an example that the text of  
33. the bill creating the commission would be one bill, and the ap-

1.       appropriation for that commission would be a separate bill.  
2.       Mr. Lewis: Yes. We specifically intend not to have the  
3.       hybrid any longer. That's the end of the statement from  
4.       the proceedings of the Constitutional Convention. It is  
5.       not the prerogative of the Chair to determine the wisdom of  
6.       a constitutional mandate, but to carry it out. The intent of  
7.       the Constitutional Convention is clear, and the Chair rules  
8.       that Senator Horsley's point of order was well taken and that  
9.       appropriation bills must be separated from any bills which  
10.      propose changes in the law. Senator Partee.

11.      SENATOR PARTEE:

12.             Well, Mr. President and members of the Senate, let me  
13.      make it very clear that I have the greatest amount of respect  
14.      and admiration for the Honorable President of this Body,  
15.      but I rise to respectfully disagree with your interpretation  
16.      of the new State Constitution in this case and with your ruling  
17.      for these reasons. First, Mr. President, ....

18.      PRESIDENT:

19.             Just a moment...let's....take conferences off the Floor,  
20.      Senator McCarthy, Representative Hall...

21.      SENATOR PARTEE:

22.             No. 1, Mr. President, it is inherent in the organization  
23.      of this Chamber in particular and in the General Assembly  
24.      in general that the Presiding Officer should not make decisions  
25.      regarding constitutionality of ...regarding constitutionality of  
26.      legislation. This is not a procedural question. This is a sub-  
27.      stantive question. It seems to me that to allow the Presiding  
28.      Officer and we must remember that the Presiding Officer will be a  
29.      pure partisan after January, but to allow the Presiding Officers to  
30.      start making judgments as to the relative constitutionality or un-  
31.      constitutionality of legislation would in my mind open up a  
32.      virtual Pandora's Box which could well cause the entire legis-  
33.      lative process to grind to a screeching halt. There are many

1. questions which come before this Body which involve constitutional  
2. questions. An example of that was this morning but the proper  
3. place for testing such questions is in the courts where they  
4. can receive the detailed study and analysis that they deserve  
5. not in the heat of partisan debate or political debate in this  
6. Chamber. I don't think I need to remind you that after January  
7. 1st the Presiding Officer of both Houses in the General Assembly  
8. will be the majority leader of his party. Could you imagine a  
9. situation less conducive to reaching a thoughtful, considerate  
10. opinion on legal points of law as to proposed legislation than  
11. to have a majority leader passing on all of these points. There  
12. have been a number of proposals by the Governor of this State  
13. which have been declared unconstitutional by the courts. I opposed  
14. many of these measures and I argued that many of those proposals  
15. were unconstitutional, but when the Governor convinced the  
16. majority of these members that this bill should be supported I  
17. would be the last to suggest that the Presiding Officer should  
18. have ruled against them on the basis of constitutionality.  
19. These bills if supported by a majority of the members deserve  
20. their day in court which they received. Where the Presiding  
21. Officer has gone wrong today, I think, is to treat this as a  
22. rule of procedure. This is not a matter of procedure but a  
23. matter of the very gravest substance. The overriding consti-  
24. tutional principle in this case has to be Article II, Section 1,  
25. on the separation of powers, which states that the legislative,  
26. executive and judicial branches are separate. No branch shall ex-  
27. ercise powers properly belonging to another. No. 2. It is clear  
28. to me that the Constitutional Convention did not intend to for-  
29. bid the long accepted practice of putting appropriations on the  
30. end of commission bills or bills adding new functions to existing  
31. agencies. Let me quote from the bill drafting manual, which is  
32. prepared by those persons who draft our bills, the Legislative  
33. Reference Bureau, which is our own bill drafting agency,

1. and the manual says this and I quote "It would seem that to  
2. construe the Constitutional provision as precluding an ap-  
3. propriation as an incident to a bill would be not only an un-  
4. warranted stretching of the language of the Constitution but  
5. would also be completely nonsensical from the standpoint of  
6. serving any useful purpose." Quoting further they say: "It  
7. seems clear that the purpose of a constitutional provision  
8. was to prevent the tacking of substantive provisions on to an  
9. appropriation bill, not to preclude the making of an appropriation  
10. as a natural and necessary incident to a bill having some other pur-  
11. pose. Approaching the question from the language of the Con-  
12. stitution it would seem that the term appropriation bills means  
13. bills whose subject is that of appropriations. The Constitutional  
14. limits these bills to that subject. It would appear, however,  
15. that a bill whose subject is something other than the making of an  
16. appropriation but which includes an appropriation as a necessary  
17. incident of that subject is not an appropriation bill. Certainly  
18. in the case of a bill creating a temporary legislative study com-  
19. mission, for example, it appears completely unreasonable to require  
20. that the appropriation be separated from the bill creating the com-  
21. mission." Unquote. Now, the Legislative Reference Bureau, also  
22. tells me that when this article was proposed they made inquiry of  
23. a gentleman whose name is George D. Braden, who is a coauthor of  
24. the landmark Comparative Analysis text on the Illinois Constitution,  
25. and that Mr. Braden specifically told them that the new language  
26. was not intended to preclude these bills where the appropriation  
27. is merely an incident to the subject of the bill. Mr. Braden,  
28. for instance, pointed to Article IV, Section 9, Subsection D, on  
29. veto procedure which states that the Governor may reduce or veto  
30. any item of appropriations in the bill presented to him and  
31. that portions of a bill not reduced or vetoed shall become  
32. law. Mr. Braden pointed out that that was designed to take  
33. care specifically of the case where the Governor vetoed, for

1. instance, the appropriation for a commission but kept the  
2. commission. That interpretation is certainly supported  
3. by inference by the fact that the official reports of the  
4. revenue committee and of the style and drafting committee  
5. do not mention this new language at all. It was a policy  
6. of the Constitutional Convention, as you know, to explain all  
7. changes. Since this is never mentioned except for the off the  
8. cuff change which our Presiding Officer cited, it seems clear that  
9. no change was intended. Now, there's no reason for this change.  
10. Presuming that the Constitutional Convention did not make changes  
11. for the sake of making change, the only logical assumption if  
12. that there was no change intended. To hold otherwise would be to  
13. require the extra expense of printing more bills. It would be  
14. more time consuming for the legislature and would require separate  
15. consideration by separate committees of separate bills leading to  
16. considerably more bookkeeping and possibly more confusion. Now,  
17. the suggested interpretation cast grave doubt upon prior actions of  
18. this Body. To follow the interpretation of our President would cast  
19. grave doubt upon many bills which this General Assembly has passed.  
20. This applies not only to bills which passed this Body since  
21. July 1st of last year but applies also to bills that passed the  
22. Body before July 1st but which were signed into law before July  
23. 1st by the Governor which means that many appropriations which  
24. are now being spent, if we follow this interpretation, would be  
25. in grave doubt. More than that, the Governor has signed all  
26. of these particular bills which have come to his desk since the  
27. effect of the new Constitution and the Governor has as his  
28. lawyer the Attorney General of the State of Illinois and I'm  
29. certain that the Governor in his wisdom and judgment and the  
30. Attorney General in his wisdom, judicial knowledge and judgement  
31. have made a careful check of this statute and certainly the  
32. Governor would not have signed these bills had he had the feeling  
33. that the interpretation, as passed by the President, were the fact

1. or the law. I am certain that the Attorney General, who too,  
2. certainly confidently would have addressed himself to these  
3. questions would not have permitted the Governor to sign those  
4. bills had he felt that they were unconstitutional. Now, I  
5. hesitate of course, Mr. President, based on our long and  
6. abiding and deep friendship to make this Motion but in order  
7. to right what may be a wrong decision, I'm making a Motion,  
8. Mr. President, to appeal the ruling of the Chair, so that we  
9. can get this question settled for our record so that our leg-  
10. islation would not be in any sort or form of jeopardy, and I  
11. would ask that the members support this Motion.

12. PRESIDENT:

13. The Motion is and if ...for an appeal of the decision of  
14. the Chair. Senator Coulson.

15. SENATOR COULSON:

16. Mr. President, I rise in support of the Motion made by  
17. the pro tem. I appreciate his kind endorsement of the judg-  
18. ment and confidence of the Attorney General. That I think  
19. is not involved but we appreciate such endorsements wherever  
20. they can be found. The motive which impells me to agree with  
21. him in this cause is that, if this ruling is not overruled,  
22. the Presiding Officer could whether he is the Lieutenant Governor  
23. of this State or an Acting Presiding Officer prevent a vote from  
24. being taken upon any subject if in his opinion it dealt with an  
25. unconstitutional area. And for example, the aid to parochial  
26. school bills which we have just voted could by an unfriendly  
27. Presiding Officer be simply denied a position on the Calendar,  
28. and the Presiding Officer would be compelled to review the  
29. Calendar each day and inform the membership of which matters he  
30. would allow them to vote upon. No one should be vested with  
31. that power since no one, not even the Attorney General is vested  
32. with that supreme wisdom, and for those reasons I would support  
33. the position taken again with the greatest respect for you, sir,  
and without any desire to do other than forward the orderly

1. process of this Body.

2. PRESIDENT:

3. Senator Horsley.

4. SENATOR HORSLEY:

5. Mr. President, I rise in opposition to the Senator's  
6. Motion. And I realize that this is probably maybe a his-  
7. toric moment on your part. You're either going to be a hero  
8. or a bum, I don't know which. But it's like the fellow that  
9. steps up the pitch hitter, if he hits a home run he's a hero  
10. and if strikes out he's a bum. I don't envy you and I apologize  
11. for putting you in that position, but I think you've analyzed  
12. it, but I think you've done a wonderful job in analyzing it.  
13. I think your..your reasons are correct. But I would point out  
14. that you're in the same position as though Senator Partee would  
15. offer an amendment, let's say to SB1464, that would not be ger-  
16. mane to the bill itself, but would be something entirely, dis-  
17. tinctly different referring to another subject matter, com-  
18. pletely. Now, you would have to rule on that matter, wouldn't  
19. you? I think there would be no question at all under the rules  
20. of the joint rules and even under the Constitution that an amend-  
21. ment has to be germane to the bill itself. Now, what difference  
22. is there in that? You're denying us the right to vote on a bill  
23. in an amended form that somebody would want to put an amendment  
24. that might be unanimous...everybody in here might be in...  
25. young lady, I'd appreciate it.....I'm sorry...I can't hear...  
26. I...I say that we're ...we're in that position where an amendment  
27. that we might be unanimous that we would like to tack on the last  
28. night of the Session because we can't introduce a bill, you would  
29. have to make that decision, and there is no distinction between  
30. upholding the Constitution in that regard than there is in saying  
31. a bill is clearly unconstitutional. By the same token, what if  
32. I were to bring up an amendment to SB1464, that struck everything  
33. in it...except the number of the bill. Well, we do that every

1. now and then, and we get by with it, nobody challenges it,  
2. and we get along and things happen. But if somebody were to  
3. make a point of order that I could not bring up a bill  
4. that would change the number of the section being amended  
5. and the statute being amended and try to ride a dark horse  
6. through on a white bill just by using the number of the bill  
7. or vice versa that you would have no right to rule on that,  
8. is to say you have no constitutional authority. And I say  
9. between now and January 1, you not only have that authority  
10. but you have that duty. That's why you are elected, to pound  
11. that gavel and to rule on such matters. And those people who  
12. would stand up and say you're denying us the right to vote on  
13. such a matter, I do not believe can stand up here and ration-  
14. alize their argument, neither can they equivocate an argument  
15. that would say that you can deny to Senator Carroll the right  
16. to amend a bill to put something on that's not germane to the  
17. bill. That's not only your right but it's your duty and your  
18. failure to exercise your duty could bring criticism upon your  
19. head. So I think the people of the State of Illinois should  
20. admire you today for standing up and fulfilling your duties  
21. under the Constitution as you see them, and as you see they  
22. have to be done. And for that reason, I think, the Motion  
23. should go down to defeat and your ruling should be sustained.

24. PRESIDENT:

25. Senator Neistein.

26. SENATOR NEISTEIN:

27. Question. Before I move the previous question, how many  
28. votes does it take to override the Chair's ruling.

29. PRESIDENT:

30. 35.

31. SENATOR NEISTEIN:

32. 35. All right. Now I move the previous question.

33. PRESIDENT:



1. Motion for the previous question. All in favor signify  
2. by saying aye. Contrary minded. The Motion prevails. Senator  
3. Partee may close the debate.

4. SENATOR PARTEE:

5. Well, Mr. President, I think I have articulated those  
6. points and ideas and notions which I felt. I think that the  
7. larger question here preponderates personalities. We all do  
8. what we think is right. We all make decisions which we think  
9. are right and however this comes out, you, sir, would neither  
10. be a hero nor a bum, as has been suggested. You would have  
11. done, certainly, your constitutional duty as you saw it, and  
12. that's the way it always ought to be. All of us ought to ex-  
13. press ourselves in the manner in which we see a question, and  
14. our vote should be reflective of our judgment, our individual  
15. judgment, on those matters. So I don't think that anybody is  
16. going to be a hero or bum, it just is another question  
17. that has to be decided and however it is decided it will be decided.  
18. In the best interest of the smooth operation of our legislature  
19. and so that we do not jeopardize a large number of activities  
20. which have taken place, this Motion is made and I ask for a vote  
21. of aye.

22. PRESIDENT:

23. Secretary will call the roll. The question is: Shall the  
24. decision of the Chair be sustained? Those agreeing with Senator  
25. Partee will vote in the negative.

26. SECRETARY:

27. Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier,  
28. Carroll, Cherry, Chew, Clarke,

29. PRESIDENT:

30. Senator Clarke.

31. SENATOR CLARKE:

32. Mr. President, now you say that those that agree with  
33. Senator Partee vote in the negative.

1. PRESIDENT:

2. That is correct.

3. SENATOR CLARKE:

4. Well, I would just like to say that I'm going to support  
5. Senator Partee, and I happen to agree with the ruling, except  
6. that I agree with Senator Horsley, that I think that the...  
7. for instance the amendment that was offered this morning, by  
8. Senator Partee, to a bill has a very serious question of con-  
9. stitutionality. So, I think if we get into this position of hav-  
10. ing these types of decisions made by the Chair, especially in  
11. the future it could lead to all sorts of mischief. I do feel  
12. though that we had better start separating the appropriation  
13. bills, and I would say that the administration, it's my under-  
14. standing has separated their appropriation bills this year  
15. so that they are not intermingled with substantive issues...  
16. I think that in this case I'd vote no.

17. SECRETARY:

18. Collins,

19. PRESIDENT:

20. Just...Just a moment. What is your point of order, Senator  
21. Horsley?

22. SENATOR HORSLEY:

23. I have had several come up and ask me on this yes and no  
24. vote, and I would appreciate it if you would state the question  
25. very clearly so that no one will misunderstand a yes or a no  
26. vote.

27. PRESIDENT:

28. The question before the Body is: Shall the decision of the  
29. Chair be sustained? Those in agreement with the Chair will vote  
30. in the affirmative. Those in agreement with the Motion made by  
31. Senator Partee, will vote in the negative.

32. SENATOR HORSLEY:

33. In other words those who are saying that the bill cannot go

1. through in what might be an unconstitutional form would vote  
2. yes.

3. PRESIDENT:

4. Well, the Chair wouldn't want to put the question that  
5. way.

6. SENATOR HORSLEY:

7. Well, I know you wouldn't, but I would.

8. PRESIDENT:

9. Those in agreement with the Chair on the decision will  
10. vote in the affirmative. Those in disagreement will vote in  
11. the negative.

12. SENATOR HORSLEY:

13. Thanks.

14. SECRETARY:

15. Collins, Coulson, Course, Davidson, Donnewald, Dougherty,  
16. Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris, Horsley,

17. PRESIDENT:

18. Senator Horsley.

19. SENATOR HORSLEY:

20. Want to vote aye.

21. SECRETARY:

22. Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow,  
23. Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr,  
24. Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee,  
25. Rock, Romano, Rosander, Saperstein, Savickas, Smith, Soper,  
26. Sours, Swinarski

27. PRESIDENT:

28. Senator Smith.

29. SENATOR SMITH:

30. The vote that I will cast will be a no vote. However,  
31. I am sure that the Chair realizes that in casting the no vote  
32. (keep quiet Neistein) I am sure that the Chair knows the  
33. feelings of respect and admiration that I have for you, Mr.

1. President, as a man, as a Lieutenant Governor, and as a  
2. Presiding Officer of the Senate. It has been rather amus-  
3. ing to me, a layman, to sit here and listen to certain facets  
4. of the debate that has ensued following the Motion of the  
5. President pro tem. I have noticed eminent lawyers, able  
6. men, differing insofar as proper interpretation of your ruling,  
7. Mr. President. I listened to the Senator from Sangamon County,  
8. and I noticed the zeal with which he pursued the course that  
9. he had taken here on a previous occasion. I notice how he so  
10. frequently argues about the dignity of the Constitution. My  
11. experience has been, however, that with lawyers if he believes  
12. that in boasting of the majesty and the dignity of the Con-  
13. stitution will carry his point, he asserts it. If he believes  
14. on the other hand that he can win by destroying the Constitution  
15. he does so with equal fervency. I went out to my office just a  
16. few moments ago, after the good Senator from Sangamon had talked about  
17. the Constitution, to find a clipping in a Metropolitan newspaper,  
18. of about a year and a half ago in which my friend, the eminent  
19. Senator, took a different position, and it's caption in there,  
20. Senator, and the Constitution together with a picture. And  
21. on that occasion the good Senator took the position, according to  
22. the press, that it's not our duty to determine in regards to  
23. constitutionality, and whatever our opinion might be it is to cast  
24. a vote either for or against a measure and leave it to the courts  
25. to determine the constitutionality. Again saying, in no way  
26. trying to reflect upon your admitted ability, in this instance,  
27. I vote no.

28. SECRETARY:

29. Swinarski, Swinarski, Vadalabene, Walker, Weaver.

30. PRESIDENT:

31. On that question the yeas are 7. The nays are 37. The  
32. decision of the Chair is not sustained. Senator Partee, do you  
33. want to make a motion for adjournment...recess now until 4:00

1. o'clock?

2. SENATOR PARTEE:

3. Yes, Mr. President, I would make a Motion to recess  
4. now for lunch, with the Welfare and Labor and Commerce  
5. Committees commencing at 2 P M. Agriculture and Conserva-  
6. tion, and Revenue at 3 P M, and resumption of the Floor General  
7. Session at 4 P M.

8. PRESIDENT:

9. Senator Romano.

10. SENATOR ROMANO:

11. The committee on Labor and Commerce will meet in the  
12. Senate Chambers, at 2:00 o'clock.

13. PRESIDENT:

14. Senator Rock.

15. SENATOR ROCK:

16. Yes, Mr. President and members of the Senate, before  
17. everybody leaves, don't forget to buy some tickets to the  
18. ball game, will you please? I'm talking to Senator Swanson,  
19. and all those fellows over there with all that money in their  
20. pocket.

21. PRESIDENT:

22. Senator Course.

23. SENATOR COURSE:

24. The Revenue Committee meeting has been postponed for one  
25. week. There will be no meeting today.

26. PRESIDENT:

27. Motion is that the Senate stand in recess until 4:00 o'  
28. clock. All in favor signify by saying aye. Contrary minded.  
29. Senate stands in recess. Oh, excuse me. Senator Gilbert.

30. SENATOR GILBERT:

31. I'm sorry, I was talking with Senator Vadalabene. I would  
32. like to have leave if we're not in recess to discharge the  
33. committee on Financial Institutions from SB4261 and rereferr it

1. to Education, where it belongs. It's a School Problems  
2. Commission bill. It deals with the life safety code, and  
3. the Chairman of Assignment of Bills and the Chairman of the  
4. Education Committee, have no objection. It's set for Thurs-  
5. day. I'd like to have it heard tomorrow in Education.

6. PRESIDENT:

7. Well, why don't you, since we're on tape here and  
8. we've technically recessed, bring it up immediately when  
9. we reconvene?

10. SENATOR GILBERT:

11. All right.

12. PRESIDENT:

13. Senator Horsley.

14. SENATOR HORSLEY:

15. Has anybody relented yet or got religion from the six-day  
16. rule, is that still...

17. PRESIDENT:

18. We're in recess now, and if you wanna relent from the six-  
19. day rule, you better ask for it, when we reconvene. The Senator  
20. Clarke indicates he is not relenting.

21. SENATOR HORSLEY:

22. You haven't got religion yet. Okay...I....

23. PRESIDENT:

24. Senate stands in recess until 4:00 o'clock.

25. (After recess)

26. PRESIDING OFFICER (Senator Partee)

27. Senate is in Session. Message from the House.

28. SECRETARY:

29. Message from the House by Mr. Selcke, Clerk:

30. Mr. President -- I am directed to inform the Senate that  
31. the House of Representatives has passed bills of the following  
32. titles in the passage of which I am instructed to ask the con-  
33. currence of the Senate, to wit: House Bills 3068, 4088, 4092

1. 4095, 4143, 4175 and 4199, 1st reading of the bill.

2. PRESIDING OFFICER: (SENATOR PARTEE)

3. Introduction of bills.

4. SECRETARY:

5. Senate Bill No. 1575, introduced by Senator Rosander.

6. A bill for an act to provide for the ordinary and contingent

7. expenses of the Jolliet-Marquette Tri-Centennial Commission.

8. Senate Bill No. 1576, introduced by Senator Knuppel, is a bill

9. for an act to make an appropriation to the Department of Con-

10. servation for the administration of and acquisition of land in

11. a Strip Mine Acquisition Act. Senate Bill No. 1577, introduced

12. by Senator Sours, is a bill for an act to add Section 9 d to

13. the Cigarette Tax Act. Senate Bill No. 1578, introduced by

14. Senator Sours, is a bill for an act to add Section 14 a to

15. the Cigarette Use Tax Act. Senate Bill No. 1579, introduced

16. by Senator Sours, is a bill for an act to amend Sections 4 and

17. 29 of the Cigarette Tax Act. Senate Bill No. 1580, introduced

18. by Senator Sours, is a bill for an act to amend Section 4 and

19. 35 of the Cigarette Use Tax act. Senate Bill No. 1581, intro-

20. duced by Senator Merritt, is a bill for an act appropriating

21. funds to the Department of Transportation for the Division of

22. Water Resource Mangement Capitol Improvements project. 1st

23. reading of the bills.

24. PRESIDING OFFICER: (Senator Partee)

25. I see Senator Cherry nor Senator Fawell on the Floor.

26. There's Senator Cherry. Senator Fawell is not here. Could

27. we hold it until he gets here with his amendment? Hand it up,

28. Senator. House Bills on 2nd Reading. 1949, Senator Laughlin.

29. 2555, Senator Knuepfer. 4098, Senator Harris. 4104, Senator

30. Bidwill. 4104, House Bill on 2nd Reading, do you desire to ad-

31. vance it? 4479, Senator Clarke. Move it, he said. HB4479.

32. SECRETARY:

33. 2nd reading of the bill. No committee amendments.

1. PRESIDING OFFICER: (Senator Partee)  
2. Any amendments from the Floor? 3rd reading. HB4480,  
3. Senator Clarke.  
4. SECRETARY:  
5. 2nd reading of the bill. No committee amendments.  
6. PRESIDING OFFICER: (Senator Partee)  
7. Any amendments from the Floor? 3rd reading. HB4648,  
8. Senator Rock. Senator Rock.  
9. SENATOR ROCK:  
10. Mr. President and members of the Senate, I want to address  
11. a question to Senator Clarke.  
12. PRESIDING OFFICER: (Senator Partee)  
13. Will Senator Clarke...he desire to address a question to you,  
14. sir.  
15. SENATOR ROCK:  
16. Those three bills, apparently, deal with the same subject  
17. matter in one way or another. You're moving yours. I suppose I  
18. should move mine and then we'll make some determination, okay.  
19. Move it to 3rd, please.  
20. SECRETARY:  
21. 2nd reading of the bill. No committee amendments.  
22. PRESIDING OFFICER: (Senator Partee)  
23. On HB4648. Any amendments from the Floor? Senator Egan.  
24. Do you have amendments to this bill? Any amendments to this  
25. bill? 3rd reading. For what purpose does Senator Egan desire  
26. recognition?  
27. SENATOR EGAN:  
28. Mr. President, if I may, there are two sets of bills,  
29. House bills on 3rd reading...which were advanced without reference  
30. to the committee regarding the conform...confirmation of the  
31. present law to the Civil Practice Act insofar as making it  
32. consistent with the new Constituion. These bills are Senate...  
33. House bills 3806, et al and House bills 4220, et al. Senator



1. Clarke, you asked that I hold those yesterday on 3rd reading,  
2. because you were looking at them. I would like leave of the  
3. Body to return them to the Judiciary Committee. I understand  
4. there are maybe one or two bills with a little bit more than  
5. housekeeping provisions. And if I may have leave of the Body to  
6. suspend the six-day notice rule and have them heard tomorrow  
7. in the Judiciary, I think we can expedite them.

8. PRESIDING OFFICER: (Senator Partee)

9. The Motion is to remove 3806 through 3877 and that series  
10. of bills, and 4220 through 4239 from the table, and rerefer them  
11. to the Judiciary Committee. Part 2 of the Motion is that the  
12. six-day notice be waived and that these bills be posted and  
13. heard tomorrow, in Judiciary. Any opposition? Senator Clarke.

14. SENATOR CLARKE:

15. Couldn't we, Mr. President and Senator, wait until next  
16. week to hear them? Senator Laughlin, is not here this week,  
17. our spokesman in Judiciary, and I...wonder, I mean if these  
18. are House bills.

19. PRESIDING OFFICER: (Senator Partee)

20. Senator Clarke, I mean Senator Egan.

21. SENATOR EGAN:

22. Well, the only thing...you will have your staff there present  
23. and they're the ones that are looking at it. I am sure we will  
24. protect...we want...our effort is mutual, I'm certain...

25. PRESIDING OFFICER: (Senator Partee)

26. Can the Chair make this suggestion...

27. SENATOR EGAN:

28. I will afford you every courtesy to make sure that we get  
29. done what we both want to do.

30. PRESIDING OFFICER: (Senator Partee)

31. May the Chair make this suggestion, that we do have them  
32. in the committee tomorrow. If there are any on which there is  
33. a question that they be held until the following week, but on

1. those which there is no question of controversy they could  
2. be voted on and returned to the Calendar. I think there  
3. probably would be only 3 or 4 in the whole bunch anyway on  
4. which there could be any problem. Senator Horsley.

5. SENATOR HORSLEY:

6. Mr. President, I just got called off the Floor, as I came  
7. on, I thought I heard the last half of a sentence that Brother  
8. Clarke got religion. Is that true?

9. PRESIDING OFFICER: (Senator Partee)

10. The Chair has always felt that he had a deep and abiding  
11. religion. I don't know what you heard so hence I can't tell  
12. you whether that's true or not.

13. SENATOR HORSLEY:

14. My question is if he did, I'd like to have 4426, also  
15. waive the six-day rule, and have it heard. It's for my Library  
16. Board, and we need the books awfully bad here to  
17. read.

18. PRESIDING OFFICER: (Senator Partee)

19. Senator, I think there's a difference between the kind of  
20. bill your calling and the kind that they were talking about.  
21. These are revisory...revisionary bills that they were talking  
22. about the waiving on. Senator Clarke.

23. SENATOR CLARKE:

24. I would just like to say to Senator Horsley, I've always  
25. had religion, of course. But these bills were on 3rd reading  
26. Senator Horsley, and they're being sent back to committee for  
27. some further work, and that's quite a different situation.

28. PRESIDING OFFICER: (Senator Partee)

29. Senator Sours.

30. SENATOR SOURS:

31. Mr. President and Senators, I have a question for Senator  
32. Egan.

33. PRESIDING OFFICER: (Senator Partee)

1. Will Senator Egan yield to a question?
2. SENATOR SOURS:
3. SB3806, Senator Egan, and others, they're referred to
4. sometimes as revision bills. Who revised them and who prepared
5. the bills?
6. SENATOR EGAN:
7. Senator Sours, they were prepared by the Legislative
8. Reference Bureau. I checked and every one of those bills in
9. both series was prepared by the Legislative Reference Bureau.
10. Now, the...the bills originated from the best of my knowledge
11. ...from Harry Finn's at the John Marshall Law School and he has
12. prepared an extensive document regarding them entitled "The
13. need for coordination of Illinois statutes with new Constitu-
14. tion and Supreme Court rules, effective July, 1971," and I'll
15. make sure that I'll get you a copy of this if you want.
16. PRESIDING OFFICER: (Senator Partee)
17. Senator Sours.
18. SENATOR SOURS:
19. Well, in these closing days, Senator Partee, Mr. Pro Tem,
20. naturally we want to get as much done as we can, but just
21. looking at SB3806, there's just a little more on page 5, Senator
22. Egan, than procedural corrections. I think we're delving in
23. some substance here which, of course, ought to take a little de-
24. liberation. And I've had the occasion to look through some of
25. these and they are not just merely procedural corrections,
26. they are matters of considerable substance: Such as, when does
27. an appeal operate as a supersedeas. Now, those in the Chamber
28. here, who do not frequent the nisi prius Courts, but go up,
29. they'd want to know that, and some of these bills do get into
30. substance and for the practicing lawyer, I think we could
31. repeal him out of business.
32. PRESIDING OFFICER: (Senator Partee)
33. Well, Senator Sours, it was at my suggestion that

1. we're going back to Judiciary with these bills because of the  
2. reasons which you have just stated. The only question now is  
3. whether or not we will waive the six-day notice and hear the bills  
4. tomorrow or at least that part of them which are not controversial  
5. and save the others for the following week when Senator Laughlin  
6. returns or whether we will have all of them week after next.  
7. That's the question before us. Senator Egan.

8. SENATOR EGAN:

9. Senator Sours, I thoroughly agree with you. I was told  
10. when I was given the bills that they were housekeeping, so-called,  
11. when we discovered that there may not always be that. In  
12. other words some of them may not be just that...it's the request  
13. that we put them back in Judiciary. The staff members are  
14. working on them.

15. PRESIDING OFFICER: (Senator Gilbert)

16. If you will recall, sir, at the time of the recess, I was  
17. attempting to make a Motion to discharge the...

18. PRESIDING OFFICER: (Senator Partee)

19. Could you hold that just one minute. Let's finalize this  
20. question.

21. SENATOR GILBERT:

22. Oh, I'm sorry, I'm sorry.

23. PRESIDING OFFICER: (Senator Partee)

24. Now, all in favor of Senator Egan's motion to take these  
25. bills from the Table, rerefer them to the Judiciary Committee,  
26. waive the six-day notice and hear that part of them which can  
27. be heard tomorrow, and defer the other ones, say aye. Any...  
28. any opposed. So ordered. Senator Gilbert.

29. SENATOR GILBERT:

30. I was asking leave to discharge the committee on Financial  
31. Institutions, from HB4261, which is a change in the School  
32. Code. It deals with the Fire and Safety Code, and Senator  
33. Donnewald has agreed that it belongs in the School...in the

1. Education Committee...Senator Saperstein is willing...if the  
2. bill is set for Thursday, I would like to waive the rule and  
3. have it set tomorrow in Education.

4. PRESIDING OFFICER: (Senator Partee)

5. Is there objection? So ordered. Senator Hall.

6. SENATOR HALL:

7. Mr. President, gentlemen, I'd like to ask if a bill is in-  
8. advertently left off of the Calendar for a date set and I  
9. have HB4637 that should be in Local Government. I talked  
10. to the Chairman of the Committee, is it....could I ask for leave  
11. of the six-day rule so that it would be heard next Thursday?

12. PRESIDING OFFICER: (Senator Partee)

13. Was the bill previously set, Senator?

14. SENATOR HALL:

15. No, this is the first setting.

16. PRESIDING OFFICER: (Senator Partee)

17. What do you mean when you say, inadvertantly left Off?  
18. It could only be inadvertantly left off if it had been  
19. set and not posted by some mistake. And this is the first  
20. setting?

21. SENATOR HALL:

22. This is the first setting, and it didn't show. I don't  
23. know what happened.

24. PRESIDING OFFICER: (Senator Partee)

25. Are there any objections? So ordered. Senator Clarke.

26. SENATOR CLARKE:

27. To what?

28. PRESIDING OFFICER: (Senator Partee)

29. To what he said. No, there was a bill 4637, which he said  
30. was not set and he wants to set it for tomorrow.

31. SENATOR CLARKE:

32. It's not like waiving the six-day rule.

33. PRESIDING OFFICER: (Senator Partee)

1. Senator Hall, maybe you better explain what it's all  
2. about and probably you'll not have trouble. Senator Hall.

3. SENATOR HALL:

4. ...I need a supplemental notice, that's all.

5. PRESIDING OFFICER: (Senator Partee)

6. Is that all right, Senator Clarke? Senator Clarke is  
7. objecting. Did you say okay, or are you objecting? He said  
8. he is objecting. Senator Harris.

9. SENATOR HARRIS:

10. Are we still on House Bills on 2nd Reading?

11. PRESIDING OFFICER: (Senator Partee)

12. Yes we are, we were just coming back to you with 4098.

13. SENATOR HARRIS:

14. Okay. Correct. Thank you.

15. PRESIDING OFFICER: (Senator Partee)

16. Senator Harris.

17. SECRETARY:

18. 2nd Reading of the bill. No committee amendments.

19. PRESIDING OFFICER: (Senator Partee)

20. Any amendments from the Floor? 3rd Reading. Senator  
21. Clarke.

22. SENATOR CLARKE:

23. I have a Senate Bill on 2nd Reading, that I didn't have  
24. an amendment ready for this morning. If we could revert to  
25. that order of business ...

26. PRESIDING OFFICER: (Senator Partee)

27. What is the number of the bill, Senator?

28. SENATOR CLARKE:

29. 1549.

30. PRESIDING OFFICER: (Senator Partee)

31. Senate Bills on 2nd Reading. SB1549, Senator Clarke.

32. SENATOR CLARKE:

33. ...The Amendment is on the Clerk's desk. This is a bill

1. for a portrait for the...past President Pro Tempore, Senator  
2. Laughlin, and we wanted to add the Amendment that would in-  
3. crease the amount sufficient to have a portrait painted of  
4. of our present President Pro Tempore, Senator Partee. And I'd  
5. like to offer the Amendment for adoption.

6. PRESIDING OFFICER: (Senator Partee)

7. Any objection? Amendment No. 1, is adopted. Any further  
8. Amendments? Any Amendments from the Floor? 3rd Reading. Senator  
9. Fawell, on the Floor? Senator Cherry, Senator Fawell is on the  
10. Floor, we can proceed with the Amendments. Now, Senator, Senator,  
11. Senators...the amendments are to each bill. Are the Amendments  
12. identical, Senator, to each Bill? Can we deal with them at once,  
13. all three amendments? Senator Cherry.

14. SENATOR CHERRY:

15. I think the same argument in opposition to the Amendments  
16. will apply to each bill and I think one argument on the first  
17. bill will resolve the complete discussion with respect to the  
18. three bills, Mr. President, so...

19. PRESIDING OFFICER: (Senator Partee)

20. The order of business, now ask Senator Fawell to introduce  
21. those three amendments. Are they on the clerk's desk..Senator?  
22. Are they down here?

23. PRESIDING OFFICER: (Senator Partee)

24. Will you explain the amendments?

25. SENATOR FAWELL:

26. Yes, may I have a Page here and I'll...

27. PRESIDING OFFICER: (Senator Partee)

28. Will the members be in their seats? Let's have some  
29. order now.

30. SENATOR FAWELL:

31. Mr. President and members of the Senate, the Amendment  
32. that I am referring to would be in regard to SB1496, 1497 and  
33. 1498. It's a very short Amendment.... am I interrupting you

1. at all...

2. PRESIDING OFFICER: (Senator Partee)

3. Just a minute...gentlemen...Gentlemen...Senator Fawell,  
4. is usually in his seat and he usually conducts and comports  
5. himself like a Legislator should. Could we give the gentle-  
6. man some attention?

7. SENATOR FAWELL:

8. I...I will read the Amendment, which is very short, and I  
9. think, self explanatory. If this act is held invalid by the  
10. Illinois Supreme Court, before July 1st, 1973, the amount  
11. appropriated in this act shall be transferred to the Common  
12. School Fund, and is appropriated to the Superintendent of the  
13. Public Instruction for immediate distribution to the public  
14. school districts in proportion to the distribution of the funds  
15. provided, by Section 18 - 8, of the School Code. Therefore,  
16. by means of this amendment, the identical amendment would be  
17. attached to each of the appropriation bills in regard to these  
18. three Parochial bills, would be that if and only if these bills  
19. or anyone of them should be found to be unconstitutional, which  
20. at least in my opinion and in the opinion of a number there's a  
21. high probability that may occur but regardless of that, then  
22. we can be assured that the 30 million dollars will then  
23. automatically be appropriated to the Superintendent of Public  
24. Instruction and be utilized for the support of our public schools.  
25. That, Mr. President, is the effect of the Amendment, and I sub-  
26. mit the Amendment, for all to seriously consider whether one  
27. is for or against the concept of Parochial. Because as I have  
28. said it is only based on the assumption that the Supreme Court  
29. should find one or more of these Parochial bills as being un-  
30. constitutional. Since these funds are available, they ought to  
31. be available to the public schools, if we should find that they  
32. cannot be made available for the general support of private schools.  
33. And I would urge the adoption of the Amendment.



1. PRESIDING OFFICER: (Senator Partee)

2. Let the record show that these bills were taken back  
3. to 2nd reading and they're now on 2nd reading. Senator  
4. Cherry.

5. SENATOR CHERRY:

6. Yes, I'd like to respond to Senator Fawell's comments.  
7. I assumed he moved for the adoption of the Amendment. Did  
8. you do that Senator?

9. PRESIDING OFFICER: (Senator Partee)

10. Senator Neistein, Egan, let's in your seats...please.

11. SENATOR CHERRY:

12. I rise in opposition to this Amendment, Mr. President and  
13. members of the Senate, for the reasons which I will enunciate.  
14. First of all, the adoption of this Amendment will do violence  
15. to these bills. It deals with conjecture and it deals with  
16. uncertainty, the conjecture being that in the event the  
17. Supreme Court holds these bills unconstitutional, then they  
18. wish to appropriate the money to the office of the Super-  
19. intendent of Public Instruction. I don't believe that that's  
20. a legal appropriation. I don't think that the Superintendent  
21. of Public Instruction can disburse the money under the existing  
22. formula with any degree of certainty, because the Superinten-  
23. dent of Public Instruction disburses the school formula  
24. money based upon average daily attendance, disburses money in  
25. a summer school program and the like. By inserting and including  
26. this Amendment in the bill, we are saying, and Senator Fawell,  
27. is attempting to say, that in the event the Supreme Court holds  
28. it unconstitutional. Now, the Supreme Court may very well hold  
29. these bills unconstitutional and not address itself to the sub-  
30. stance of these bills as they did the last time. I don't know  
31. what the Supreme Court is going to do anymore than Senator Fawell  
32. does, and if the Supreme Court does the same thing that they did  
33. the last time, namely, sent the bill back on the basis of a

1. technical objection which they may construe unconstitutional  
2. then it hasn't addressed itself to the substance and intent of  
3. these bills. So, the adoption of this Amendment would be  
4. absolutely meaningless because we would still have an oppor-  
5. tunity to cure any so called technical objection that may be  
6. decided as reasons for holding these bills unconstitutional.  
7. I don't expect that to happen, of course, but this Amendment  
8. doesn't preclude any such disposition or action on the  
9. part of the Supreme Court of this State. Now, Senator Fawell,  
10. and the others, let me ask you this question, Senator Fawell,  
11. I think it deserves an answer...

12. PRESIDING OFFICER (Senator Partee)

13. One moment, Senator Cherry...in the back row, please,  
14. gentlemen...Senator Saperstein...go right ahead...

15. SENATOR CHERRY:

16. Would you, Senator Fawell, vote for these bills, with this  
17. in the event that this amendment was adopted?

18. SENATOR FAWELL:

19. Senator, I think you know that I would not vote for these  
20. bills, with or without these Amendments, but that's irrelevant.

21. SENATOR CHERRY:

22. Well, I expected that answer, from you Senator Fawell, and  
23. I think you're attempting to do violence to these bills, 'cause  
24. you wouldn't vote for these bills even if this amendment was  
25. adopted. Now, if you're in good faith, and you want to add 30  
26. million dollars of the school fund and appropriate it to the  
27. Superintendent of Public Instruction, I can assure you right  
28. now, I will join you and I think all the members on our side  
29. will join you in a separate bill not to do violence to these  
30. bills, but join you in a separate bill, which would be legal,  
31. and add to the appropriation for the common school fund of this  
32. State 30 million dollars or any part of 30 million dollars and  
33. we'll pass that bill within the time appropriate for it's proper

1. passage within the halls of this legislature. I don't know  
2. of one man that wouldn't join you in that effort. And I  
3. certainly say to you, you are not in good faith. You would  
4. not vote for these bills in the event your amendment was  
5. adopted, it would do violence to them. You're just trying to  
6. add another unconstitutional provision in these bills that  
7. I think would be unconstitutional, because I think your amend-  
8. ment is not substantially correct. It has no substance. It  
9. has no legal effect in my opinion. This is not the way to  
10. provide for an appropriation. We do need the 30 million dollars  
11. in our school fund, and we will join you in any bill that will  
12. provide for that. But it should not be done in these bills on  
13. such conjecture, and such uncertainty as you are proposing.  
14. And so I would ask the members of this Body to reject your amend-  
15. ment and vote in opposition.

16. PRESIDING OFFICER (Senator Gilbert)

17. Senator Gilbert.

18. SENATOR GILBERT:

19. I rise in support of this amendment, and if Senator  
20. Cherry is so anxious to get 30 million dollars to the common  
21. schools, than let's defeat these bills and then we'll introduce a  
22. 30 million dollar appropriation, and I am sure that everybody  
23. on this side will vote to support it, because that money is available  
24. for education. This year we had 30 million dollars set aside  
25. for education that was not to the benefit of any school children,  
26. because of the action of the Court. I cannot see how that this  
27. bill can make the present bills that you are attempting to pass  
28. anymore unconstitutional than they are at the present time. And  
29. if they are unconstitutional than we will have 30 million dollars  
30. of additional money of which approximately seven and a half to  
31. eight million will go to the Chicago school system, which they  
32. sorely need, which we are attempting to give to them and would be  
33. a great benefit to them. The money that they need sir, is for

1. next Fall, not for now, and that is the reason this legis-  
2. tion would help the Chicago School System, in the event  
3. that the court did declare these bills unconstitutional. The  
4. supplemental claim is first made in September by the schools,  
5. and then after the school year has ended in June, they make  
6. their final claim based on the average daily attendance for the  
7. best six months and at that time I am sure that this matter will  
8. have been determined long before that. The manner in which the  
9. money is distributed to the common schools is through the super-  
10. intendent. We're giving this money to him. We're establishing  
11. the manner in which he is to distribute it in the same manner  
12. as he does the some seven hundred plus millions that we will  
13. appropriate for the common schools. And I cannot see how that  
14. this is going to effect the constitutionality of your bill. And  
15. if you really want to help these children, and if you want to  
16. help Chicago schools, here's one way to do it, so we'll not  
17. be in the position we are this year of 30 millions we intended  
18. for the schools...children not being spent for them.

19. PRESIDING OFFICER (Senator Partee)

20. Will Senator Fawell, yield to a question? I ask as a  
21. Senator, not as a Presiding Officer. If your amendment is adopted  
22. and if the Supreme Court declares that this bill is unconstitu-  
23. tional, does not the effect of your amendment effectively pre-  
24. vent an appeal to the Supreme Court of the United States? Would  
25. it not almost be a moot question then? Senator Fawell.

26. SENATOR FAWELL:

27. I think you're correct insofar as the appropriation is  
28. concerned. But I think, as a practical matter, the appropriation  
29. would be moot anyway at that point, if that were the case. I  
30. think there would be obviously an injunction and these funds  
31. wouldn't be utilized anyway. So that...I think it would...it

32.  
33.

1. would be moot. Obviously, if you're appealing an adverse ruling  
2. by the Illinois Supreme Court you've got, without any question,  
3. an injunction restraining you from the utilization of these  
4. funds and I think we would find the irony of having these funds  
5. then, 30 million dollars, simply tied up with nobody using them.  
6. Now, it's not my intent to certainly accomplish what you have  
7. referred to, nor is it my intent to have a declaration of un-  
8. constitutionality, for instance, on procedural points only.  
9. However, I think that if the Illinois Supreme Court does say  
10. it's unconstitutional, I think the ball game is over insofar  
11. as this fiscal year is concerned anyway.

12. PRESIDING OFFICER (Senator Partee)

13. I just have some reluctance to foreclose what is a  
14. fundamental right of a litigant to appeal to the highest  
15. court in the land. That's the only problem I have with what  
16. you're saying. Any further discussion? Senator Savickas.

17. SENATOR SAVICKAS:

18. No, I just wondered if the Chair was allowed to engage  
19. in debate, while the President is sitting up there. That's  
20. all...

21. PRESIDING OFFICER (Senator Partee)

22. As long as I am a member, sir, I can participate, I  
23. think. Senator Hynes.

24. SENATOR HYNES:

25. Mr. President, members of the Senate, very briefly, I  
26. rise in opposition to this amendment. First of all, I be-  
27. lieve the bill as drawn to be constitutional, to be within  
28. the limits established by the United State's Supreme Court.  
29. Furthermore, I think this amendment is defective for the  
30. reason that Senator Partee has so ably pointed out, and further-  
31. more, on the ground that a declaration of invalidity could be  
32. because of a technical defect, as well, as a defective substance  
33. in terms of the constitutionality of the entire approach. And,

1. if that declaration of invalidity by the Illinois Supreme  
2. Court should occur at an early point in the next fiscal  
3. year, there would certainly be time for the legislature to  
4. correct any technicality that might have been overlooked.  
5. We certainly saw that with the last set of bills that were  
6. passed by this Assembly. And finally, I know of no precedent  
7. for a contingent appropriation of this type to the no-public  
8. schools, but if it's declared unconstitutional to the public  
9. schools. I do not think there is authority to pass such an  
10. appropriation and that in and of itself might endanger the bills  
11. from the very beginning, so I would urge that this amendment  
12. be defeated.

13. PRESIDING OFFICER (Senator Partee)

14. Senator Groen.

15. SENATOR GROEN:

16. Well, Mr. President...I would direct this both to you  
17. and Senator Fawell. I'm not sure that as a lawyer, I agree  
18. with your interpretation of the courts power in this matter.  
19. It seems to me that the Supreme Court might well in it's de-  
20. cisions stay the distribution of these funds under this amen-  
21. ment by the superintendent, pending an appeal. And if appeal  
22. is not taken within the proper time then the distribution  
23. could be made, but I think they could stay the distribution  
24. of these funds pending the time in which the appeal might be  
25. taken to the United State's Supreme Court, and if that appeal  
26. was taken, the stay of course could then be made indefinite  
27. until such time as the highest court in the land has ruled on  
28. the matter. I don't believe that it's a fatal defect in that  
29. regard.

30. PRESIDING OFFICER (Senator Partee)

31. Further discussion, Senator Cherry may close the debate.

32. SENATOR CHERRY:

33. To conclude the comments in opposition to this amendment,

1. there seems to be sufficient comments here about the uncer-  
2. tainty when an appeal can be concluded. Now, we don't know  
3. when it will or can be concluded and this money could very  
4. well lapse by the time the court tests is made, not only  
5. in the Supreme Court of this State, but conceivably in the  
6. United States Supreme Court. This case can be litigated  
7. for a long time, long beyond this fiscal period for which  
8. this appropriation is intended and I will say to you, Senator  
9. Fawell, that you will have a veto if this amendment is adopted.  
10. You will have an amendatory veto by the Governor of this State  
11. for this reason. If the Governor would approve this amend-  
12. ment, then he is acknowledging the fact that the Common School  
13. Fund is entitled receive 30 million dollars. Now, if the  
14. Governor is of that mind, let's draw a bill now, and get that  
15. lapsed 30 million dollars that we appropriated in the last  
16. Session that was not used for this concept, 30 million dollars  
17. has lapsed. Why has not the Governor, in his wisdom, appropriated  
18. that money by law in these halls for the Common School Fund?  
19. And I say to you he won't do it again, and if this amendment  
20. is adopted it will certainly be vetoed by the Governor of this  
21. State on the basis that it is not necessary, that it is not  
22. needed. And so I would urge every member of this Body to  
23. reject this amendment and oppose it by voting no.

24. PRESIDING OFFICER (Senator Partee)

25. Senator Fawell may close the debate.

26. SENATOR FAWELL:

27. Well, it seems to me that Senator Cherry has just given  
28. the best argument for adoption of this amendment, that can  
29. be given. He has asked the question of why the Governor  
30. hasn't appropriated this lapsed 30 million from the last  
31. unconstitutional parochial bills passed by this Body. Now,  
32. we ought to certainly be able to learn from our mistakes  
33. of the past. We passed an unconstitutional set of bills,

1. not too long ago and, as a result, 30 million dollars has  
2. been strung up and no one has been able to utilize it. Now,  
3. these are separate appropriation bills that I am requesting  
4. that the amendments be attached to. I am not asking that  
5. they be attached to the substantive bills, but I don't think  
6. there's a lawyer here, who would disagree with me that what-  
7. ever the reason that the Supreme Court of Illinois may set  
8. forth as a basis for unconstitutionality of any one of these  
9. bills, whatever, the reason may be, as a practical matter  
10. we know then that these funds cannot be utilized as these bills  
11. have envisioned. Now, if there's going to be an appeal, ob-  
12. viously if your looking at it from the view point of the  
13. proponets, if there's an adverse decision from the Illinois  
14. Supreme Court, then you're going to be appealing their declara-  
15. tion of unconstitutionality and, obviously if they say that  
16. that bill is unconstitutional, they are also going to say that  
17. distribution and use of the funds is restrained, and when they  
18. say that, as they said before, whether it's a procedural uncon-  
19. stitutionality or a substantive unconstitutionality, we've got  
20. 30 million dollars that isn't being utilized for Chicago. And  
21. isn't being utilized for the rest of the State. I'll go even  
22. further and say I'll earmark the full 30 for Chicago. I'm simply  
23. saying let's not make the same mistake that Senator Cherry has  
24. aptly pointed out has been made in the past that nobody can get  
25. at the 30 million dollars and utilize the 30 million dollars.  
26. I'm not trying to do violence to the substantive bills ....

27. PRESIDING OFFICER (Senator Partee)

28. One moment, Senator....

29. SENATOR FAWELL:

30. I'm not even trying to amend those bills at all.

31. PRESIDING OFFICER (Senator Partee)

32. For what purpose does Senator Savickas arise?

33. SENATOR SAVICKAS:



1. I'd like to question your parliamentarian for a minute.

2. PRESIDING OFFICER (Senator Partee)

3. Go right ahead, Senator. One minute. Go right ahead,  
4. Senator.

5. SENATOR FAWELL:

6. I am, therefore, simply saying that no matter what the reasons  
7. for unconstitutionality may be we want to be able to utilize  
8. these funds for educational purposes and the only way to do  
9. it is as is suggested by this amendment. I can't understand  
10. why, Senator Cherry, and at first you indicated to me that  
11. this was a amendment that you could accept, and perhaps I am  
12. the wrong person to present the amendment, because I have been  
13. such a vehement opponent of the concept, which I admit to.  
14. But the amendment, nevertheless, if objectively viewed cannot  
15. do any violence or harm to the appropriation bills if the  
16. Supreme Court sees fit to call them unconstitutional. We all  
17. say we want those funds then used for public school purposes  
18. and this is exactly what it does so I would ask you to recon-  
19. sider, and give support to these amendments.

20. PRESIDING OFFICER (Senator Partee)

21. Secretary will call the roll. We're voting on all three  
22. amendments. The vote is on Senator Fawell's amendments on each  
23. of the three bills. All in favor will say aye and those  
24. opposed will say no. I said on the roll call, sir, yes.  
25. Call the roll.

26. SECRETARY:

27. Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier,  
28. Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course,  
29. Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham,  
30. Groen, Hall, Harris, Horsley,

31. PRESIDING OFFICER (Senator Partee)

32. Senator Horsley.

33. SENATOR HORSLEY:

1. As I recall there's a bill running around here some-  
2. where that wants to appropriate 25 million dollars or 35  
3. million now, I guess, maybe I'm talking in too small amounts  
4. here to these districts, and holy mackerel, here's a chance  
5. to show to the people back home that we're going to give them  
6. 30 million dollars because the claims for the end of 1973 will  
7. be processed in June. Now, the court will have acted before  
8. that time in this case, but certainly in June, if it is acted,  
9. that money can then be shifted out to pay back to these poor  
10. districts that have anticipation warrants, and they can use it  
11. to get the banks off of their backs. My school districts are  
12. hounding me to death for money. I wouldn't dare go back  
13. and talk to these people if I voted against this chance to give  
14. them 30 million dollars, and here we are saying, no, we're not  
15. going to give them this 30 million and if the courts should hold  
16. this unconstitutional we'll just accumulate it and maybe you  
17. might get it in 1974. I cannot understand why anybody in this  
18. Body would vote against giving this money to the hard pressed  
19. school districts that need it. I vote aye.

20. PRESIDING OFFICER (Senator Partee)

21. Continue the roll call.

22. SECRETARY:

23. Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab,  
24. Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt,  
25. Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien...O'Brien,  
26. Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saperstein,  
27. Savickas, Smith, Soper, Sours, Swinarski, Vadalabene, Walker  
28. Weaver.

29. PRESIDING OFFICER (Senator Partee)

30. On this question the yeas are 18. The nays are 31. The  
31. amendment fails. Any further amendments? 3rd reading. SB  
32. 1475, Senator Rock. Have a little quiet gentlemen.

33. SENATOR ROCK:

Yes, Mr. President and members of the Senate, SB1475

1. was earlier today amended. And the purpose for the amend-  
2. ment is to provide the Chicago Board of Education with a  
3. admittedly stopgap measure. It...the amendment and the bill  
4. now reads that the board may, in 1972, borrow up to 35 million  
5. dollars from the proceeds of bonds issued under Section 34 -  
6. 22.7, and transfer such borrowed proceeds to the Educational  
7. purposes fund. These funds have to be repaid within 5 years.  
8. Senator Hynes offered the amendment. I would defer any ques-  
9. tions to him. I'd ask your favorable support.

10. PRESIDING OFFICER (Senator Johns)

11. Senator Gilbert.

12. SENATOR GILBERT:

13. I rise in opposition to this amendment. If you recall  
14. in the last days of the last Session 1971, we reluctantly,  
15. but in an attempt to help the Chicago School System supported  
16. on this side of the aisle almost a hundred percent, the  
17. issuance of this 200 and 50 dollar bond issue without referen-  
18. dum, and I point out without referendum, for the purpose of  
19. rehabilitation of the many deteriorating schools in Chicago.  
20. Now, the intent of that legislation was for the buildings  
21. themselves, had nothing to do with operation. Now, you're ask-  
22. ing the legislature to say that well we intended that we would  
23. get 35 million dollars of this money from bonds and allow it  
24. to be used for operation of the schools. We've just seen it  
25. turned down of an attempt to make some funds possibly available  
26. not necessarily but certainly an attempt to. There's pending  
27. over in the House the possibility of allowing the Chicago  
28. School System to make a supplemental levy based on the increased  
29. valuation, which would give them sufficient money or certainly  
30. not sufficient but a big help in keeping of the schools open  
31. next Fall. We are attempting to do what we can. But certainly  
32. this...I question whether this is legal. I do not see how that  
33. you can authorize...the city council by resolution can authorize

1. the borrowing and the board borrowing the money for buildings  
2. and turn around and use it to lend even though it is to be  
3. paid back. What's going to happen to the interest during  
4. that period? Where are you going to get the 35 million  
5. dollars to pay back within the 5 year period? Do you an-  
6. ticipate that the school problems of Chicago will go away  
7. and that you'll have ample money? Is it going to be paid  
8. back at the rate of 7 million dollars a year? Or are you go-  
9. ing to wait until the full 5 year period is up and then try  
10. to pay it back in a lump sum? Many of us will not be here at  
11. the legislature at that time to face that problem, but I an-  
12. ticipate that that's what it will be and then in an attempt  
13. to get 35 million in one lump sum in the event this is adopted.  
14. I do not believe that this is the proper way to handle this  
15. matter, I do not think that it's fair to have come to the leg-  
16. islature last year and said we want it for school buildings,  
17. now we want it for operation and I oppose this legislation.

18. PRESIDING OFFICER (Senator Johns)

19. Senator Hynes.

20. SENATOR HYNES:

21. Mr. President and members of the Senate, couple of im-  
22. portant points. This is, as Senator Rock pointed out a stop-  
23. gap measure. It is an attempt to avert an imminent crisis that  
24. faces the public school system in Chicago. We must get immedi-  
25. ate action from this legislature or the schools in Chicago will  
26. in fact close, and in fact Chicago situation will be aggravated  
27. because State aid will be lost for each day the schools are  
28. closed. This is not, I repeat, it is not a perfect or even,  
29. for that matter, the desirable solution to this problem. The  
30. real solution to the problem is to pass SB1547 and SB1429  
31. which would bring about on the part of the State of Illinois  
32. the assumption of its proper role in responsibility in the  
33. financing of education. But until we can see that come to pass

1. we must take steps to prevent what is going to be, I'm afraid,  
2. a terrible and serious calamity in the City of Chicago. Now,  
3. with respect to the comments made as to this...the possibility  
4. that this might impair the rehabilitation program that is  
5. going on in Chicago and that this bond issue was intended  
6. for repair of school buildings, I would point out that the  
7. Chicago Board has a 5 year program underway. This rehabili-  
8. tation is to take 5 years, it is not going to be spent all at  
9. once. So that borrowing this money is not going to impair that  
10. program. Furthermore, the money must be repaid by...to the  
11. rehabilitation fund within the 5 year period so that it will  
12. be available for the final phase of the rehabilitation. I  
13. think this is permissible. We are, in effect, amending the  
14. Section of the statute which created the bond issue and which  
15. gave the power to the Board to issue these bonds. It will be  
16. legally permissible to borrow this 35 million dollars on a short  
17. term emergency basis in order to avert this crisis. I think it  
18. is imperative that this measure be passed and that it be sent  
19. over to the House for deliberation. We cannot allow the clos-  
20. ing to take place which is threatening us. And I would urge  
21. you and plead with you to give us your support on this measure.

22. PRESIDING OFFICER (Senator Johns)

23. Senator Groen.

24. SENATOR GROEN:

25. Mr. President and members of the Senate, I recall so well  
26. as a member of the School Problems Commission, when the Super-  
27. intendent of Schools and his staff appeared before the meeting  
28. of the School Problems Commission, in Chicago, with pictures,  
29. almost brochures, of the deplorable conditions that existed  
30. in some of the public schools in the City of Chicago that had  
31. reached the age where rehabilitation was imperative. They  
32. showed us pictures and took us on a trip where we could ob-  
33. serve basement classrooms, where we could observe classrooms

1. with open toilets visible from the classrooms. They showed us a  
2. seat where a piece of plaster had fallen and had it fallen during  
3. the daytime rather than at night a child might well have been in-  
4. jured or killed. They showed us glass that was out. They  
5. showed us heating systems that didn't work, and they con-  
6. vinced the Commission that this kind of rehabilitation was  
7. absolutely necessary, if the public school system of Chicago  
8. was to continue operating these physical plant facilities...  
9. came down here with by-partisan support. That legislation was  
10. enacted to enable the City of Chicago school system to rehabili-  
11. tate those buildings. And that was the purpose for which this  
12. money was appropriated, and which this act was passed. Now,  
13. don't come down here and give me yet another in a series of  
14. one after another crises that has developed in the school system  
15. in the City of Chicago. If you want to appeal to the people  
16. that can do something about it, I suggest to you Senators from  
17. Chicago, go back to Chicago and go to your school board and  
18. ask them to get some guts, go back to Chicago and attend a meet-  
19. ing of your school teachers of the City of Chicago, and tell  
20. them where their loyalties lie. And you won't have a crisis  
21. problem. It's unconscionable for you to come down here and  
22. ask us to do what this bill purports to be done. Straighten  
23. out your situation at home and you won't have to ask for this  
24. kind of special privilege, special legislation, complete viola-  
25. tion of good faith with the people, with this General Assembly  
26. and the school children of the City of Chicago. You know what's  
27. going to happen and I know what's going to happen if this bill  
28. passes. You're simply going to wind up 35 million dollars short  
29. in that rehabilitation fund, or you're going to come down here  
30. and plead for yet another crisis so that you can come pay it  
31. back and comply with the law that would require you to do it,  
32. because you're not going to have the funds and you know it. I  
33. say to you examine your conscience and then do what your con-

1. science tells you to do and that is straighten out your  
2. problems, your top heavy administration, all of the other  
3. things that are wrong with your school system in the City  
4. of Chicago, get order out of chaos up there and you won't  
5. have this problem.

6. PRESIDING OFFICER (Senator Johns)

7. Senator Partee.

8. SENATOR GROEN:

9. ....The bill ought to be defeated.

10. PRESIDING OFFICER (Senator Johns)

11. Apologize sir, I though you were finished. Senator  
12. Partee.

13. SENATOR PARTEE:

14. Yes, Mr. President, I've just taken another lecture.  
15. The Senator pontificates about what our problems are and what  
16. they aren't and crisis and so forth. It's as though we were  
17. mendicants. It's as though we must come here begging with  
18. our hats in our hands to be able to obtain for school child-  
19. ren in Chicago a full measure of education and a full year's  
20. schedule of classroom instruction. These young people are  
21. American citizens, whose parents pay taxes much of which goes  
22. to various parts of this State to build roads and bridges and  
23. to clean and clear creeks and for divers and sundry other  
24. functions of government. We're not here begging. We're not  
25. here as mendicants. We're here as people who make a financial  
26. input into the general treasury, and you would think that we  
27. were asking you to turn your head so that we could take from  
28. the State Treasury money which properly belongs to another  
29. source. Nothing could be further from fact. Nothing could  
30. be farther from reality. You talk about rehabilitating schools,  
31. Senator, and you're absolutely correct that this money was al-  
32. located for the rehabilitation of schools. But I think it's  
33. rather simple proposition, Senator, that it doesn't require

1. money to rehabilitate a school, if the school is closed.  
2. It's just that simple. The school has to be open for  
3. rehabilitation to have any meaning or moment. Now, this  
4. is a two hundred and fifty million dollar bond program,  
5. which bond program was over for a five year period. If  
6. we would try to borrow fifty million dollars from that pro-  
7. gram and this bill has a provision for repayment it would  
8. simply mean that we are borrowing against the fifth phase,  
9. which would mean that at the end of the fourth year that  
10. money which would be allocated for the fifth year's ex-  
11. penditure would be back into that fund. So this is not a  
12. diversion, Senator, it is but a loan. It is a loan which  
13. is a much needed loan to maintain the schools in our city.  
14. I do not think what we're doing is unconscionable. It is  
15. not unconscionable in any kind of way to be protective of  
16. the future education of the thousands of school children  
17. in Chicago. It is unconscionable to deny them. It is un-  
18. conscionable to say to them that we will not lend you for  
19. your use and purposes fifty million dollars. It's un-  
20. conscionable to say that we would not lend this money when  
21. it's to be paid back. I could agree with you if this were  
22. a diversion. I would agree with you if this were a taking.  
23. I would agree with you if we were purloining something from  
24. a fund that had as it's central purpose one thing and we  
25. were diverting it to another. But this is simply not the  
26. fact. We're not taking anything away that isn't to be re-  
27. paid. It is a loan. L O A N. And this country was founded  
28. on the principle that when a person needs and has the ability  
29. to pay that he should have the opportunity to borrow and pay  
30. back. This is the touchstone and the keystone of an industry  
31. called banking. This is the touchstone of an industry called  
32. making loans. There's nothing unusual, there's nothing un-  
33. toward, there's nothing sub rosa about a governmental entity



1. being able to borrow money which is allocated for one purpose  
2. when the provision is there for repayment. The suggestion  
3. has been made that we should examine our consciences. And  
4. I listen very carefully, Senator, to the radio and to the  
5. television and I read the newspapers, and I know there is  
6. in fact a problem and which borders on a crisis in the Chicago  
7. schools with reference to being able to keep them open for the  
8. full time. This is a loan which the City is entitled to. I  
9. would ask you, Senator, search your conscience, and as you do  
10. imagine and reify, if you will, the children in the schools in  
11. Chicago who desperately need this money, and I would solicit  
12. your vote in the interest of children, in the interest of  
13. our future generation, in the interest of our progeny.

14. PRESIDING OFFICER (Senator Johns)

15. Senator Fawell is next, Senator Sours.

16. SENATOR FAWELL:

17. I..I get very confused here on many occasions, and I'm  
18. kind of confused here...we're not voting on the amendment,  
19. we're voting on the bill as I understand it, the amendment  
20. having been attached...

21. PRESIDING OFFICER (Senator Johns)

22. The amendment is the bill, Senator.

23. SENATOR FAWELL:

24. Yes, all right. Now, last Session we said to the  
25. people of the City of Chicago that you can have, without a refer-  
26. endum, you can have two hundred and fifty million dollars. And  
27. now we're saying without a referendum we can transfer from  
28. the Capitol Fund, evidently, over to the General Education Fund  
29. thirty five million dollars. I don't mean to be comparing bills  
30. because that's always a sad thing to do, but the other day when  
31. I couldn't pass a bill for 0... .02% for handicapped children  
32. because there was no referendum attached to it, and yet we're  
33. involved here with two hundred and fifty million dollars with-

1. out any referendum and then transferring that to the Gen-  
2. eral Education Fund, and then just a few minutes ago when  
3. you had the opportunity of fairly certain because I think  
4. that those parochial bills are as unconstitutional as one  
5. can make them of having thirty million dollars that you  
6. could utilize but at least a portion of them as far as I  
7. am concerned you could have the whole thirty million dollars,  
8. because I think your need in Chicago is real. I think that  
9. you have problems, which the rest of the State does not have,  
10. although segments of the rest of the State does have those  
11. problems too. But you have cultural deprivation and poverty  
12. and social problems of immense magnitude. And I think that  
13. you are justified in saying that this does necessitate extra  
14. financing. I'm just continuously confused by the routes that  
15. you take. You've known about this crisis for a long time, too,  
16. yet I read in the paper that it was just a few nights ago that  
17. this type of a procedure was utilized in the House, defeated  
18. in the House, and forgive me for being a little bit cynical  
19. but I kind of think that you think it's going to be defeated  
20. here in the Senate, too. And, as in the past, be able to point  
21. to the terrible Republicans in the Senate for not doing all  
22. that ought to be done to move ahead insofar as education in  
23. Chicago is concerned. Well, as far as I can see, as I look  
24. at this, the expense here is going to be upon totally the  
25. people of Chicago without any referendum whatsoever and, inas-  
26. much as I have made these requests, not anywhere near the magni-  
27. tude that you are suggesting here and, inasmuch as I do agree  
28. with you, you've got some very severe problems and, since it  
29. isn't going to cost the State of Illinois one dime and I don't  
30. think there's a Republican State Senator from Chicago left, so  
31. it's your ball game. I, for one, am going to vote for this. And  
32. I might add that, although I have been asked on occasion from  
33. members of your side to vote for bills that you are working for,

1. bills of deep importance to the City of Chicago and to the  
2. May, I want you to know that nobody asked me to vote for  
3. this bill. I sometimes question how high a priority really  
4. the public schools of the City of Chicago, really enjoy from  
5. the power structure, perhaps of both parties, because I...I  
6. think that the over kill of criticism of the public schools  
7. of the City of Chicago is very unfortunate. There must be an  
8. awful lot of tremendous people still teaching there to be  
9. able to do as much as is done when you consider the tremen-  
10. dous drain of talent of students and people in the great exodus  
11. from Chicago derived from the failure to meet and solve the  
12. tremendous social problems that plague that city. But I'm not  
13. going to cooperate any longer in saying no when you might ex-  
14. pect me to say no. I hope we'll have just enough votes here  
15. that you will get your wish, and if the bill has to die, it  
16. will have to die in the House. I hope it doesn't die here. I  
17. really think that to a great degree the State of Illinois  
18. ought to be more involved and we've offered that involvement  
19. just a few minutes ago. But you wouldn't have any of that, and  
20. so I would urge members of this side to say okay...take your  
21. your non-referendum tax increase upon all of the homeowners  
22. and people of the City of Chicago, transfer the Capitol Funds  
23. over into the General Operating Funds I think, probably to a  
24. great degree, as I look at the tax rates for education in the  
25. City of Chicago compared to suburbea, it is way, way down any-  
26. way and it's probably justice what is being done. I hope we  
27. do have enough votes to join with you and pass the legislation.  
28. PRESIDING OFFICER (Senator Johns)

29. Senator Hynes, did you wish to ...Senator Sours, then.

30. SENATOR SOURS:

31. Mr. President and Senators, some of us in the back row,  
32. here, cannot agree with Senator Fawell. He has a heart of gold  
33. but it isn't his gold. We have been beset here for years with

1. the bus line in Chicago...that is how I describe the CTA  
2. That's a perennial mendicant. And about four years ago we had  
3. to bail out the Cook County Hospital. That is a mendicant,  
4. but not a perennial. The Sanitary District has always pre-  
5. sented financial problems to this legislature, and now we  
6. have the schools...Mr. President, if we could have a little  
7. order here maybe I could continue. Let me tell you what the  
8. press has said about the Board of Education. Now, someone is  
9. lying, it's either the press or Board. Item 1. The Board  
10. is accused of paying too much to get rid of it's garbage. Item  
11. 2. Of having too many people cleaning up the buildings, that  
12. were described by Senator Groen here tonight, instead of  
13. economizing sensibly, they closed their schools. The school  
14. officials can't even keep their books straight. And the Federal  
15. Government thinks millions of dollars were spent for wrong things.  
16. And million of dollars couldn't even be traced for lack of in-  
17. formation. Now, the Senators who have espoused and supported  
18. this bill this afternoon I know have some regard for money,  
19. some regard for penury and ordinary conservation of their  
20. assets and their earnings. We have seen the Board surrender  
21. every time it meets Mr. Desmond. It may be Mr. Healy in the  
22. future. But those things cease to entrance us, gentlemen,  
23. much like they may have in the beginning. I don't think your  
24. problems are soluble financially until you solve them. Bring-  
25. ing these problems here all the time...that's never a solution,  
26. it's just appalliative at the best. It's a bromide. It gets  
27. rid of your headache temporarily. Now, if any reformation  
28. is going to occur in your school system, it will have to be  
29. done by you, by the City of Chicago, by the people of Chicago,  
30. by the Chicago Board of Education, by Dr. Redmond and the en-  
31. tire Board. Because this is going beyond the bounds of or-  
32. dinary generosity, or ordinary comity in such matters.  
33. PRESIDING OFFICER (Senator Johns)

1. Senator Soper.

2. SENATOR SOPER:

3. All my questions have been answered.

4. PRESIDING OFFICER (Senator Johns)

5. Senator Hynes may close the debate. Senator Rock, do you  
6. wish to close the debate, please?

7. SENATOR ROCK:

8. Well, I just want to say that SB1475 as introduced...I  
9. was the chief sponsor thereof,...the bill has now been changed  
10. substantially and Senator Hynes was the sponsor of the amend-  
11. ment. I don't happen to agree with the caterwauling that  
12. went on in the other side and I would ask Senator Hynes to  
13. close the debate.

14. PRESIDING OFFICER (Senator Johns)

15. Senator Hynes may close the debate.

16. SENATOR HYNES:

17. Mr. President and members of the Senate, in the past few  
18. minutes I have been forced to sit here and listen to one of  
19. the most disgusting displays that has ever been my displeasure  
20. to hear. There comes a time when we have to recognize the  
21. situation for what it is. And I believe firmly that this  
22. bill is not being considered on it's merit. The distortions that  
23. have been put forth in connection with it, I think, are in-  
24. excusable. This is a stopgap emergency attempt to borrow  
25. money on a short term basis from existing authority that the  
26. Chicago Board of Education presently has to refurbish the  
27. schools. We've heard comments about unconscionability and not  
28. in good faith and so on. Well, I think, the lack of good faith  
29. is on the other side of the aisle. When we talk about doing  
30. something for the schools, let's take a look at the program  
31. proposed this year by the present administration. Let's take  
32. a look at that program which will provide two million dollars  
33. less in aid for Chicago's Public Schools than they got last year.  
Is that good faith? Is that fair dealing? Is that meeting

1. the problems of education? I do not think so. We are trying to  
2. do something here about an emergency, about a crisis. And  
3. we're getting a lot of hot air, particularly, from Senator  
4. Claghorn. I would urge you to support this legislation.  
5. PRESIDING OFFICER (Senator Johns)

6. Roll Call.

7. SECRETARY:

8. Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier,  
9. Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course,  
10. Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham,  
11. PRESIDING OFFICER (Senator Johns)

12. Senator Gilbert.

13. SENATOR GILBERT:

14. Well, I've been castigated before for trying to work  
15. in the field of school problems and I think that Mr. Lehne,  
16. sitting up in the back here can tell you that I have done  
17. a lot of work with Charlie Clabaugh, who is sitting right  
18. back here, over a period of years trying to help Chicago. We  
19. haven't tried to isolate Chicago and be against them. One  
20. of the reasons you're not getting more money this year  
21. than you are from the present formula and foundation is be-  
22. cause you've been overpaid in the past just like you're going  
23. to overpay yourself here and then you're going to have to pay  
24. it back. We...instead of the ten or twelve million dollars  
25. that you're supposed to pay back this year, it's been worked out  
26. to pay it back over three years. Another reason that you're  
27. getting less is because you have an increased valuation of over  
28. a half of billion dollars in Chicago. Other areas are getting  
29. less money in some instances because they have an increased  
30. valuation which means an increase in local participation. That  
31. doesn't mean less money for the schools. It just means less  
32. money from a different source. So Chicago is being treated no  
33.

1. differently than anybody else as far as that's concerned.  
2. And to come to this legislature and borrow, get a refer-  
3. endum, nonreferendum, bond issue passed for buildings, and  
4. I would like to know how many millions of dollars of those  
5. bonds have been sold. I understand it's twenty to twenty five  
6. million. Now, if I'm correct in that, you're going to get  
7. thirty five million here you're going to have to go out and  
8. sell thirty five million dollars worth of bonds for rehabilita-  
9. tion of buildings, and than turn around and borrow it from  
10. that and I don't think that that's what the law was intended.  
11. And I vote no.

12. SECRETARY:

13. Graham, Groen, Hall, Harris, Horsley,

14. PRESIDING OFFICER (Senator Johns)

15. Senator Horsley.

16. SENATOR HORSLEY:

17. May I ask someone on that side of the aisle a question,  
18. who was here about 18 years ago when we passed the Calumet  
19. Skyway Issue? Is there anybody there who remembers that?  
20. And at that time that was to be paid back one-third from the  
21. City, one-third from the tolls that would be taken and one-  
22. third by the State of Illinois Motor Fuel Tax Fund, and since  
23. that time those bonds have been defaulted and this Legislative  
24. Body has been called upon to pass legislation to pay off the  
25. defaulted bonds on the Calumet Skyway. Senator Dougherty,  
26. isn't that correct?

27. PRESIDING OFFICER (Senator Johns)

28. Senator Dougherty.

29. SENATOR DOUGHERTY:

30. Yes, Senator Horsley, the Skyway is in...the greater portion  
31. of it is in my district. And I want to tell you that the reason that  
32. the bills...that the bonds are in default is not due to any act of  
33. the citizens of Chicago. It is a fact that the State of Indiana

1. changed their tollway routing. That's why they're in default.  
2. It is no fault of the present administration nor the prior  
3. administration. This is under Mayor Kennelly. Mayor Daley  
4. was charged with doing the task of completing it. He had  
5. no part of it only to see that the work was done then the  
6. State of Indiana changed the routing of their toll route, and  
7. they routed it over another route, and we lost that traffic,  
8. that's why. It's no fault of the City of Chicago.

9. PRESIDING OFFICER (Senator Johns)

10. Senator Horsley.

11. SENATOR HORSLEY:

12. My question is the State then was called upon to pay  
13. those defaulted bonds. Isn't that correct? Sir?

14. PRESIDING OFFICER (Senator Johns)

15. Senator Dougherty.

16. SENATOR DOUGHERTY:

17. Not one dime has been paid by the State of Illinois.

18. PRESIDING OFFICER (Senator Johns)

19. Senator Horsley.

20. SENATOR HORSLEY:

21. At the present...is there a bill pending at the present  
22. time that does that very thing? All right.

23. PRESIDING OFFICER (Senator Johns)

24. Senator Cherry.

25. SENATOR CHERRY:

26. Point of order, Mr. President, why don't we address ourselves  
27. to the bill at issue and consideration of debate and not get into  
28. the Calumet Skyway Bonds.

29. PRESIDING OFFICER (Senator Johns)

30. Continue the roll call.

31. SECRETARY:

32. Lyons, Johns, Knuepfer, Knuppel, Kosinski, Kusibab,  
33. Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler,



1. Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer,  
2. Partee, Rock, Romano, Rosander, Saperstein, Savickas, Smith,  
3. Soper, Sours, Swinarski, Vadalabene, Walker, Weaver.  
4. PRESIDING OFFICER (Senator Johns)

5. Mitchler, no. Call the absentees, please.

6. SECRETARY:

7. Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier,  
8. Carroll, Clarke, Collins, Coulson, Davidson, Knuepfer, Knuppel,  
9. Latherow, Laughlin, McBroom, Merritt, Newhouse, Ozinga, Soper,  
10. Sours, Weaver.

11. PRESIDING OFFICER (Senator Johns)

12. Senator Rock.

13. SENATOR ROCK:

14. Yes, Mr. President and members of the Senate, I can see  
15. that we're involved in kind of a partisan issue here, I would  
16. move that this bill be put on postponed consideration.

17. PRESIDING OFFICER (Senator Johns)

18. Senator Rock moves to postpone consideration. Consideration  
19. will be postponed. Next bills to be heard will be 1496, 7, and  
20. 8. Senator Cherry.

21. SENATOR CHERRY:

22. Mr. President and members of the Senate, we've spent a  
23. considerable period of time with respect to these bills. We  
24. deliberated the concepts, voted on the concepts. The bills for  
25. the substance of the aid to nonpublic schools have already been  
26. passed. These are the...next three bills are the appropriation  
27. bills. I don't think any further comment is necessary, and I  
28. would ask for the favorable consideration of this Body. May  
29. we have a roll call?

30. PRESIDING OFFICER (Senator Johns)

31. Roll call. Each bill.

32. SECRETARY:

33. Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier,

1. Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course,
2. Davidson, Donnewald, Dougherty, Egan, Fawell, gilbert,
3. Graham, Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer,
4. Knuppel, Kosinski, Kusibab, Latherow, Laughlin, Lyons, Mc-
5. Broom, McCarthy, Merritt, Mitchler, Mohr, Neistein, Newhouse,
6. Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Romano,
7. Rosander, Saperstein, Savickas, Smith, Soper, Sours, Swinarski,
8. Vadalabene, Walker, Weaver.
9. PRESIDING OFFICER (Senator Johns)
10. Vadalabene aye. On that vote on 1496, the yeas are 31.
11. The nays are 18. The bill having received the constitutional
12. majority the bill will be so declared. The bill is passed.
13. Senator Rock.
14. SENATOR ROCK:
15. Having voted on the prevailing side I move to reconsider.
16. I move to reconsider.
17. PRESIDING OFFICER (Senator Johns)
18. Senator Rock. I recognize Senator Rock.
19. SENATOR ROCK:
20. Having voted on the prevailing side I move to reconsider
21. the vote by which SB1496 was declared passed.
22. PRESIDING OFFICER (Senator Johns)
23. You've got to do it. You gotta verify that roll call.
24. Verify the roll call. Affirmative vote.
25. SECRETARY:
26. Bidwill, Carroll, Cherry, Chew, Course, Donnewald, Dougherty,
27. Egan, Hall, Harris, Hynes, Knuppel, Kosinski, Kusibab, Lyons,
28. McBroom, McCarthy, Mohr, Neistein, Nihill, O'Brien, Palmer,
29. Partee, Rock, Romano, Rosander, Saperstein, Savickas, Smith,
30. Swinarski, Vadalabene.
31. PRESIDING OFFICER (Senator Johns)
32. Request for a verification of the negatives.
33. 1497...wait a minute, let's just...Senator Rock.
- SENATOR ROCK:

1. Having voted on the prevailing side I move to reconsider  
2. the vote by which SB1496 was passed.

3. PRESIDING OFFICER (Senator Johns)

4. Senator Egan moves to Table the Motion. Motion's Tabled.  
5. 1497. Roll call. Any debate. Roll call.

6. SECRETARY:

7. Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier,  
8. Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course,  
9. Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham,  
10. Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel,  
11. Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, Mc-  
12. Carthy, Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill,  
13. O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander,  
14. Saperstein, Savickas, Smith, Soper, Sours, Swinarski,  
15. Vadalabene, Walker, Weaver.

16. PRESIDING OFFICER (Senator Johns)

17. Knuppel, aye. Soper, no. Okay. On SB13...97...the  
18. yeas are 30. The nays are 20. Having received the constitution-  
19. al majority the bill is declared passed. Senator Rock  
20. moves to reconsider. Senator Dougherty moves to Table. Table  
21. the Motion. Motion will be Tabled. 1498. Any debate? Roll  
22. call.

23. SECRETARY:

24. Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier,  
25. Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course,  
26. Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham,  
27. Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel,  
28. Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, Mc-  
29. Carthy, Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill,  
30. O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander,  
31. Saperstein, Savickas, Smith, Soper, Sours, Swinarski, Vadalabene,  
32. Walker, Weaver.

33.

1. PRESIDING OFFICER (Senator Johns):

2. On Senate Bill 1498, the yeas are 31; the nays are 19.

3. Having received a constitutional majority the vote . . . I mean,  
4. the bill will be recorded Do Pass . . . declared passed. Senator  
5. Rock moves to Table . . .

6. SENATOR ROCK:

7. I move to . . .

8. PRESIDING OFFICER (Senator Johns):

9. I mean to reconsider; Senator Kosinski to Table. The  
10. motion to Table prevails. House Bill on 3rd Reading. Is that  
11. right? 8 . . . HB 1555. Senator Rock.

12. SENATOR ROCK:

13. Yes, Mr. President, members of the Senate, House Bill 1555  
14. is an amendment to the Illinois Income Tax Act, and it amends  
15. that Act to now allow the State of Illinois to impose that tax  
16. on National banks and stocks of National banks. Heretofore that  
17. was not allowed by federal law. Public Law 91-56 provided that  
18. effective January 1, 1972, a National bank would be treated  
19. as a bank organized and existing under the laws of the State  
20. or other jurisdiction within which its principal office is  
21. located. Profits of State banking institutions and dividends of  
22. shareholders in those banks are subject to and have been taxed  
23. by the State of Illinois in accordance with the provision of  
24. the State Income Tax law. The Congress changed their law; we  
25. should change ours. This would mean to the State of Illinois,  
26. according to the Department of Revenue, somewhere between 10 and  
27. 12 million dollars per year. I would ask your favorable support.

28. PRESIDING OFFICER (Senator Johns):

29. Any debate? Senator Clarke.

30. SENATOR CLARKE:

31. I'd like to ask the sponsor a question. You, in your last  
32. words, said something about the Department of Revenue saying  
33. this will bring in lots more . . .

1. PRESIDING OFFICER (Senator Johns):

2. Senator Rock.

3. SENATOR ROCK:

4. Yes. This bill was heard in the Committee on Revenue and  
5. Willard Ice from the Department testified that it could . . .  
6. the effect of this would be an increment somewhere between, I  
7. think his words were, between 8 and 12 or 10 and 12 million  
8. dollars per year.

9. PRESIDING OFFICER (Senator Johns):

10. Senator Clarke.

11. SENATOR CLARKE:

12. Well now, there's conflicting testimony, because if you'll  
13. recall, a couple of weeks ago this bill was up and the Department  
14. of Revenue was over here. And I talked to their legal counsel  
15. at length, and they indicated that there are serious questions  
16. about the legality of Illinois passing this type of law in  
17. conformance with federal regulations. And I haven't heard  
18. anything from the Department of Revenue to the contrary.

19. PRESIDING OFFICER (Senator Johns):

20. Senator Rock.

21. SENATOR ROCK:

22. Well, I am advised, Senator, by the House sponsor, who is  
23. Representative Charles Fleck, that he had spoken at length with  
24. the Department, and that since speaking to the Department, since  
25. the bill did pass the House, the Department has, for some reason,  
26. changed some of their views. Representative Fleck and I are of  
27. the opinion that this is, in fact, legal and although the  
28. Department has, as you suggest, watered down their view, I  
29. don't see where that would be binding on us.

30. PRESIDING OFFICER (Senator Johns):

31. Senator Clarke.

32. SENATOR CLARKE:

33. Well, I'm not an expert at all in this field, and I have to

1. take the counsel of the Revenue Department and their advice, and  
2. until they come and tell me otherwise, I have to assume they're  
3. opposed to it as they last told me.

4. PRESIDING OFFICER (Senator Johns):

5. Senator Groen.

6. SENATOR GROEN:

7. Well, Mr. President, you . . . the membership will  
8. recall that when this matter was up before, I spoke regarding  
9. it, and I made reference at that time to the matter of the  
10. tax which is presently levied on dividends of banks and bank  
11. stock. Subsequent to that discussion, and at that time  
12. Senator Rock held the bill, I obtained from the Department of  
13. Revenue a letter which I subsequently gave a copy to Senator  
14. Rock, asked him to look at it and give his opinion regarding  
15. it. I have approached him several times regarding it, and I  
16. did not know he was going to call the bill today and I thus  
17. went to my desk and obtained that letter which is signed by  
18. Willard Ice. And I would quote from portions of that letter  
19. that raises the problem, and I said at that time, I have a  
20. conflict of interest here and I don't intend to vote one  
21. way or the other on this bill. I have been in the banking  
22. business for more than 35 years and still am, and do not  
23. believe that I should, perhaps, vote on this issue. But, this  
24. letter, dated March the 3rd of 1972, addresses itself to House  
25. Bill 1555, and it deals with the memorandum by one Mr. Crandall  
26. regarding this problem. And Mr. Ice says in his letter:  
27. "Mr. Crandall's opinion is that House Bill No. 1555 would not  
28. be valid under recent amendments made by Public Law 91-156  
29. in Title XII of U.S. Code 548 unless accompanied by a repeal  
30. of the Personal Property Tax on National bank shares." Mr.  
31. Ice goes on and says, "I believe I would have to agree with  
32. this opinion. We are still operating under the so-called  
33. temporary amendment, Section 1 . . .," and so on. "Such

1. temporary amendment, though originally scheduled to be replaced  
2. by a different and permanent amendment on January 1, 1972, is  
3. still in effect because it is being extended by the Congress."  
4. He then goes on, at the end of the letter he says, "I think the  
5. Savings Clause in Section 3 of Public Law 91-156 would, under  
6. the temporary amendment, permit Illinois to adopt legislation  
7. affirmatively imposing the Illinois State Income Tax on the  
8. net income of National banks and on the dividends received by  
9. the individuals from such bank shares. However, I do not believe  
10. that is true without repealing the Personal Property Tax on  
11. National bank shares in view of the retention by the temporary  
12. amendment, in viewpoint number 5 of the phrase, "subject to  
13. the limitations and restriction specifically set forth in  
14. such provision." Since the limitation that one of these four  
15. forms of taxation is in lieu of the other three has also been  
16. retained in the Act under the temporary amendment, Section PL-91-156.  
17. I concur completely with Mr. Ice's opinion after having researched  
18. this, and I believe that we cannot take the action that we're  
19. taking here today, and I'm not saying that it should not be  
20. taken. But I say that unless accompanied by the repeal referred  
21. to by Mr. Ice, I think it's clearly unconstitutional and we're  
22. simply going through useless motions here in trying to get this  
23. adopted.

24. PRESIDING OFFICER (Senator Johns):

25. Senator Rock.

26. SENATOR ROCK:

27. Yes, if I may be allowed, I'll close the debate. I don't  
28. think there's much question about, excuse me, . . . There is,  
29. obviously, a difference of opinion. Senator Groen did forward  
30. to me the letter and the memo from Willard Ice. That memo,  
31. as he suggested, was dated March 3, 1972. I am suggesting that  
32. in the Senate Revenue Committee, Mr. Ice and others from the  
33. Department did testify. There was no . . . This view was not

1. shared with the committee at that time. It is the view of  
2. some, including Representative Charles Fleck and myself, that  
3. some affirmative action is necessary under the amendment to  
4. the federal law. This bill is, in our view, that affirmative  
5. action, and I would ask for a favorable roll call.

6. PRESIDING OFFICER (Senator Johns):

7. Before I do that, Senator Berning, did I catch a signal  
8. from you a while ago that you wish to debate this. Okay.  
9. Roll call.

10. SECRETARY:

11. Arrington, Baltz, Berning, . . .

12. PRESIDING OFFICER (Senator Johns):

13. Senator Berning.

14. SENATOR BERNING:

15. I would just like to explain my vote which is no, simply  
16. because I am not able to reconcile what is . . . has been and  
17. still is, a serious problem with the National banks and their  
18. subjection to the Personal Property Tax whereas savings and  
19. loans have not been. Now if there is an inequity because of  
20. the imposition of an income tax on one institution versus another  
21. this would be a saving feature. However, without further delineation  
22. of these two types of taxes and where they apply and where they don't,  
23. it seems to me that we are only compounding what is already a  
24. bad situation, and I'm the first one to admit that we certainly  
25. have a problem with the imposition of personal property taxes on  
26. everyone and everything, and I hope we resolve it shortly. But,  
27. this, to me, as I interpret it now, is merely adding insult to  
28. injury and consequently I cannot support it. I vote no.

29. SECRETARY:

30. . . . Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew,  
31. Clarke, Collins, Coulson, Course, Davidson, Donnewald, Dougherty,  
32. Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes,  
33. Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin,



1. Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr, Neistein,  
2. Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Romano,  
3. Rosander, Saperstein, Savickas, Smith, Soper, Sours, Swinarski,  
4. Vadalabene, Walker, Weaver.

5. PRESIDING OFFICER (Senator Johns):

6. Call the absentees, please.

7. SECRETARY:

8. Arrington, Baltz, Carpentier, Carroll, Coulson, Fawell,  
9. Gilbert, Graham, Knuepfer, Laughlin, McBroom, Mitchler, Mohr,  
10. Neistein, Newhouse, Ozinga, Partee, Rock, Walker.

11. PRESIDING OFFICER (Senator Johns):

12. Neistein aye. On that bill the yeas are 28; nays are 13;  
13. those present 3. Having failed to receive the constitutional  
14. majority will be declared Do Not Pass. The next bill will be  
15. 2444. Senator Bruce.

16. SENATOR BRUCE:

17. Mr. President, members of the Senate, House Bill 2444 is  
18. commonly known as the Endangered Species Protection Act. Under  
19. 2444, the State of Illinois will declare as endangered the  
20. species set forth in Section 1. That would include such animals  
21. as the leopard, snow leopard, tigers, cheetahs, wolves, jaguars,  
22. the kit fox, and turtles. The effective date of the bill has  
23. been changed to January 1, 1973. After that date, it will be  
24. unlawful to possess, sell, offer for sale, give or dispose of  
25. any animal which is listed in the bill. We have spent, and I  
26. know Senator Mitchler has been involved, some 12 months in  
27. working with the industry, with both labor, the amalgamated  
28. meat cutters who are interested very vitally in this legislation,  
29. with the retail merchants and with furriers to strike what I  
30. believe is a just compromise of all the equities involved. We  
31. have increased by amendment the endangered species protection  
32. board to nine members adding from six to nine, making three  
33. members from the industry, both labor and retail, and that has

1. satisfied them. I have been authorized by the Illinois Retail  
2. Merchants Association to state that they are in favor of the  
3. bill, the furriers are now in favor of the bill, the amalgamated  
4. meat cutters who will handle the furs are now in favor of the  
5. bill.

6. PRESIDING OFFICER (Senator Johns):

7. Senator Partee.

8. SENATOR PARTEE:

9. This is another instance, gentlemen and lady, of a legislative  
10. body addressing itself to a problem, which, in the very beginning,  
11. gave the appearance that there were irreconcilable differences.  
12. Many people had input into the production of this final product,  
13. and I'm just delighted to be complimentary of all of the people  
14. who were engaged in putting this bill in its present form. It  
15. now has the approbation of all those people who said that they would  
16. never support it, they'd never vote for it, they'd never have it  
17. become law in this State. It simply goes to show, I think, that  
18. as I said in January of 1971 when I stood at this Desk when you  
19. elected me your President, that there are men of devotion, integrity,  
20. and talent on both sides of this aisle. I'm happy to say again  
21. that I was absolutely right back in January of 1971, because you've  
22. shown by this and other pieces of legislation that it can be  
23. done. You've done it, and I'm proud of the Senate today for  
24. having reconciled all this so-called irreconcilable differences.  
25. We can do this in all areas if we take the time, the attention  
26. and give to these measures the kind of devotion you've given to  
27. this one, we can solve the problems for the people, I'll be  
28. happy, happy to support this piece of legislation.

29. PRESIDING OFFICER (Senator Johns):

30. Senator Mitchler.

31. SENATOR MITCHLER:

32. Yes, Mr. President and members of the Senate, I rise in  
33. support of House Bill 2444. I had first introduced Senate Bill 171

1. and both of these bills were heard sort of simultaneously in the  
2. Senate Agriculture and Conservation Committee. And after lengthy  
3. discussion with those that originally had some objections really  
4. they desired to have amendments put on the bill and working  
5. with them we have constructed House Bill 2444 which is amended and  
6. we'll go back to the House for concurrence, and I will be . . .  
7. in fact, I Tabled Senate Bill 171 and I would ask for a good  
8. support of this legislation. It's good legislation.

9. PRESIDING OFFICER (Senator Johns):

10. Senator Horsley. No. Senator Neistein.

11. SENATOR NEISTEIN:

12. This bill may be a good bill and it may be an attempt to  
13. save the species of the leopard and the alligator, but this is  
14. to me a back way of trying to attack a problem. If you want to  
15. save the species, I could see where a bill like this would apply  
16. to the State of Florida where they have all the poachers that  
17. kill the alligators, but if you read this bill carefully, I  
18. have an alligator wallet, a briefcase, I have a leopard rug,  
19. leopard skin rug. According to this bill, possession of these  
20. articles is a violation. Am I correct, Senator Bruce? Senator  
21. Bruce?

22. PRESIDING OFFICER (Seator Johns):

23. Senator Bruce.

24. SENATOR BRUCE:

25. Would you care to restate your question, Senator Neistein?

26. SENATOR NEISTEIN:

27. Well, you and I discussed it a few days ago. Possession of  
28. an alligator briefcase or a wallet or a leopard skin rug is a  
29. violation under the terms of this bill. Is that correct?

30. SENATOR BRUCE:

31. No, Senator Neistein. You are . . . We are reading, perhaps,  
32. different bills. Let me answer in relatively a circuitous manner.  
33. First of all, after, in Section 3, after the date of January 1, '73,

1. it would be unlawful to possess the animals listed in Section 1.  
2. Under Section 4, we have made provisions which allow any individual  
3. to apply to the Department for a permit which would allow him to  
4. keep any animal skin or fur that he possessed on January 1, 1973.  
5. The problem that you raise is, I believe, a diminimous one. We  
6. have many regulations in the law which says the individual is  
7. regulated in a certain manner. I cite the Federal Food and  
8. Drug Administration rules and regulations which say, in effect,  
9. that they can follow tainted food into your home . . .

10. PRESIDING OFFICER (Senator Johns):

11. Senator Neistein.

12. SENATOR BRUCE:

13. . . . and take it. That is the same problem that you  
14. raise here. I do not believe the Department of Conservation has  
15. either the capability or the will to go into your home and remove  
16. from you any . . .

17. PRESIDING OFFICER (Senator Johns):

18. Senator Neistein.

19. SENATOR NEISTEIN:

20. Senator Bruce, you didn't answer my question. You start  
21. talking about a federal regulation on how they can get in your  
22. home and all. Read on page 1, lines 31 to 35. It says, "A  
23. wild animal product prohibited under this State, under this bill,  
24. is anything that in the green or raw state, or any product manu-  
25. factured or refined." And then on page 2, it says it is unlawful  
26. to posses, or sell, or offer to sell, or give any product. And  
27. under the terms of this bill it is unlawful to possess any item  
28. that's manufactured, whether it's a skin or a wallet, or a  
29. brief case of any of these animal skins. Now you can tell me all  
30. that gobbledly-gook about the federal law and what these other  
31. things are. Explain this bill and those two sections that I  
32. quoted.

33.

1. PRESIDING OFFICER (Senator Johns):

2. Senator Bruce.

3. SENATOR BRUCE:

4. If I may have just a moment to read, Senator Neistein, you  
5. have stopped, perhaps, too early in your reading of the bill.  
6. Section 5 says, very explicitly, and I will read from the  
7. bill, "The Department shall issue . . . " not may, " . . . shall  
8. issue a limited permit to any person, firm, association, or  
9. corporation, which had in its possession prior to the effective  
10. date of this Act, wild animal products of an endangered species."  
11. I can read you the rest of Section 5, but I believe that answers  
12. your question.

13. PRESIDING OFFICER (Senator Johns):

14. Senator Neistein.

15. SENATOR NEISTEIN:

16. If you'll read further, it says the Director may revoke  
17. the permit. Since when, if I've got a wallet or a briefcase,  
18. I have to go to a Department and get a permit to own a briefcase  
19. or a wallet or a rug. I can understand if I was in Florida or  
20. if I was in South Africa where a species was becoming extinct  
21. we'd stop the killing of those species. But you're going to  
22. citizens of a civilized area that don't do this hunting and  
23. don't do the poaching or don't hit seals over the head and  
24. you're saying that if I possess one of these items, then I'm  
25. guilty of the law, we've got plenty . . . of a crime. We've  
26. got plenty of laws on the books. We've got plenty of red tape,  
27. and I don't think that any citizen of this State should be  
28. subjected to going to any Department creating another Department  
29. and saying you got to get a permit, and I'll have another card  
30. in my wallet that I've got a card that allows me to own this  
31. wallet. And I think this is going too far. I don't mind if  
32. we were in the State of Florida and you wanted to stop the  
33. killing of alligators, fine. But what have you got against the

1. citizens of this State that own a wallet or a brief case or  
2. a rug or a fur coat. And as much as our esteemed leader, Senator  
3. Partee, extolls the work of this committee, and Senator Mitchler  
4. says it's a great bill, I don't share your views. I think the  
5. people of this State have been imposed upon enough and here's  
6. another example that we are going to create more pigeon stools  
7. and more of these other people that you go to a Director and  
8. get a permit so that you can own a wallet and you don't kill  
9. the animal, you don't do anything to make it extinct. And I'm  
10. going to oppose this bill violently.

11. PRESIDING OFFICER (Senator Johns):

12. Senator Sours.

13. SENATOR SOURS:

14. I have a question for Senator Neistein. Are you aware, Senator,  
15. that garters as well as sarongs are made out of leopard, and would  
16. it be possible to get a search warrant to find Gertie's garter?

17. PRESIDING OFFICER (Senator Johns):

18. Senator Berning.

19. SENATOR BERNING:

20. Yes, thank you, Mr. President. I think I can somewhat  
21. resolve the dilemma for Senator Neistein by calling his attention  
22. to the bottom of page 1, where it says, ". . . or under regulations  
23. issued pursuant to this Act." I think that the Department will  
24. issue the regulations. I share your concern over two points  
25. here. One is the specific piddly turtle, and the other is, that  
26. most violent of wild animals which I don't see included in here,  
27. and that's the homo sapiens. Senator Neistein, I think you have  
28. a point. Let's take care of those wild animals.

29. PRESIDING OFFICER (Senator Johns):

30. Senator Neistein.

31. SENATOR NEISTEIN:

32. And yellow-bellied sapsuckers aren't in here either, and  
33. they should be included.

1. PRESIDING OFFICER (Senator Johns):

2. Senator Egan.

3. SENATOR EGAN:

4. Senator Bruce, are any of the endangered species native  
5. to the State of Illinois?

6. PRESIDING OFFICER (Senator Johns):

7. Senator Bruce.

8. SENATOR BRUCE:

9. Senator Egan, to my own knowledge, none of the animals  
10. here listed are indigenous to Illinois. The list, however,  
11. was prepared by 12 organizations who have both national and  
12. international status. I don't believe you probably want me to  
13. read the list, but I would say to you that the list has been  
14. prepared in conjunction with 12 organizations and their  
15. specific list of endangered animals.

16. PRESIDING OFFICER (Senator Johns):

17. Senator McBroom. Oh, wait a minute. Pardon me. It's  
18. Senator Egan still.

19. SENATOR EGAN:

20. Yes, thank you, Senator. I know of no . . . none of the  
21. listed endangered species either as being native to the State  
22. of Illinois. We are, once again, legislating in the area where  
23. the federal government obviously should maintain a jurisdiction  
24. which it does not. We have been trying to save the skins of our  
25. school children today over the strenuous, hypocritical objections  
26. that we've heard. Now you're asking us to vote \$5,000.00 to save  
27. the skins of animals none of which are native to our State. I  
28. in all conscience have to vote against your bill, Senator.

29. PRESIDING OFFICER (Senator Johns):

30. Senator McBroom.

31. SENATOR MCBROOM:

32. I move the previous question.

33.

1. PRESIDING OFFICER (Senator Johns):

2. All those in favor of Mc . . . Senator McBroom moves the  
3. previous question. All those in favor say aye. Opposed. The  
4. ayes have it. Senator Bruce, conclude the debate.

5. SENATOR BRUCE:

6. Mr. President, members of the Body, just a few quick  
7. comments. First of all, I believe this list has been compiled  
8. by organizations which are concerned with things that this  
9. Body should be concerned with. The National Audubon Society,  
10. the International Union for Conservation, the Brookfield Zoo  
11. and Lincoln Park Zoo, the Chicago Park District, Fieldbrook  
12. Museum of Internation . . . of Illinois Mammals, the Rural  
13. Wildlife Fund, the Sierra Club, the National Wildlife Federation,  
14. The Isaac Walton League, United States Department of the Interior.  
15. This is not a list that has been developed in a short period of  
16. time. We have spent more than a year in trying to develop  
17. those animals that are in need of  
18. protection. To Senator Neistein, the reason we have need for  
19. this legislation not in Florida, but in Illinois, is because  
20. all animals are endangered because there is a market. And  
21. if there is no market, then there will be no need for the  
22. plunder of these animals. None of these animals are native to  
23. Illinois, but I should hope that this Senate can look beyond  
24. our own borders and act responsibly. Finally, on whether or  
25. not we should act. Senator Neistein has stated a question of  
26. civilized people. Well, I believe that we are a civilized  
27. body, that if civilized people act, then these animals can be  
28. protected. I should hope for a favorable roll call on House  
29. Bill 2444.

30. PRESIDING OFFICER (Senator Johns):

31. Roll call.

32. SECRETARY:

33. Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier,



1. Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson,  
2. Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham, Groen, . . .

3. PRESIDING OFFICER (Senator Johns):

4. Senator Groen. Senator Graham, first. I'm sorry, sir.

5. SENATOR GRAHAM:

6. I have a couple of suggestions. I was comforted to hear  
7. Senator Bruce say that this didn't apply to species outside of  
8. our State. I was concerned about those cottonmouths down in  
9. Senator Johns' district, and I . . . They're still not covered.  
10. I might suggest to you, also, that if we don't get on the ball,  
11. not only the endangered species that'll need to be protected  
12. live outside of the State, it might apply to some of the members  
13. of the General Assembly, so why in the heck don't we get going?

14. PRESIDING OFFICER (Senator Johns):

15. He voted aye. Senator Groen.

16. SENATOR GROEN:

17. Well, Mr. President, I'm going to vote for the bill, but  
18. for the life of me, Senator Bruce, I can't see why we have to  
19. set up still another board, another group to do this job. It  
20. seems to me like it properly belongs to the Department of  
21. Conservation and I hope somebody along the line will explain  
22. why that was not the case. I vote aye.

23. SECRETARY:

24. . . . Hall, Harris, Horsley, Hynes, Johns, Knuepfer,  
25. Knuppel, Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom,  
26. McCarthy, . . .

27. PRESIDING OFFICER (Senator Johns):

28. Kosinski aye.

29. SECRETARY:

30. . . . Merritt, Mitchler, Mohr, Neistein, Newhouse, . . .

31. PRESIDING OFFICER (Senator Johns):

32. Senator Neistein.

33.

1. SENATOR NEILSTEIN:

2. In explaining my no vote, there's been levity on this  
3. bill, but in years to come, we'll rue the day when we employ  
4. a board on line 22 and 23 and 20 on page 3 that they can employ  
5. whoever they want without regard to the Personnel Code, and that's a  
6. violation of our thinking and our philosophy that we've built  
7. up through the years, and when I person can be fined a thousand  
8. dollars and imprisoned one year in the penitentiary, this is  
9. going some in our present society. And while others can, like  
10. I say, it may be a matter of levity to some, but to me this  
11. is real serious. And I think it's a very admirable cause to try to  
12. protect the alligator and the turtle and species that are  
13. going to be extinct by preventing the killing of them. But  
14. to go after the citizens of a State that's so far removed  
15. from the killing or preventing the species from being killed  
16. and to impose all these things that 5,000 initial in appropriation  
17. is peanuts. Wait 'til the board starts employing all personnel.  
18. Read page 3, line 20 to 23--"The board shall, without regard to  
19. the Personnel Code, employ and fix the compensation of all its  
20. necessary assistants." And then read the punishment that any  
21. officer or agent authorized by the Department of Conservation  
22. or any police officer of any municipality within the State  
23. may execute the warrant to search and seize any goods, merchandise  
24. in violation of this Section, any property or item, such goods,  
25. wildlife, and upon conviction, a thousand dollar fine and a year  
26. in the penal institution. And, as I say, we're regressing now.  
27. Why our forefathers would turn over in their graves and all the  
28. blood that they spilled is in vain when we go for legislation  
29. such as this to create boards, create more red tape, more  
30. bureaucracy, and to outlaw the wallet or a briefcase or a rug  
31. or a coat in which we had no part in killing or to further the  
32. killing. I say this is a very bad bill and I'm proud to be  
33. recorded no.

1. SECRETARY:

2. Newhouse, Nihill, O'Brien, Ozinga, Palmer, . . .

3. PRESIDING OFFICER: (Senator Johns)

4. Senator Palmer.

5. SENATOR PALMER:

6. In order to vote on this intelligently, I'd like to ask  
7. Senator Bruce a question. Senator Bruce, among the penalties  
8. that are provided in this Bill, does it also have a provision  
9. there that we can confiscate Senator Neistein's wallet and his  
10. briefcase and whatever is in there is contraband? Because in  
11. that case it'd be a very good bill and a great benefit to the  
12. State of Illinois. Otherwise I can't see the value of this  
13. Bill at all. As a matter of fact, it's an ipso facto law  
14. where penalties can be imposed after revocation of the permit.  
15. Can you answer me that question? Can we confiscate what's in  
16. his wallet?

17. PRESIDING OFFICER: (Senator Johns)

18. Senator Bruce.

19. SENATOR BRUCE:

20. As to the contents, Senator Palmer, obviously they could  
21. not confiscate those contents. If, after proper hearing, in a  
22. Court of, of jurisdiction, Senator Neistein or others were shown  
23. to be in violation of this Act, then they could take that skin  
24. or fur of an endangered animal and remove it from his possession.

25. SENATOR PALMER:

26. Not provide that we can have what Neistein got in his  
27. wallet. I vote no.

28. SECRETARY:

29. Partee, Rock, Romano, Rosander, Saperstein, Savickas,  
30. Smith, Soper, Sours, Swinarski, Vadalabene, Walker, Weaver.

31. PRESIDING OFFICER: (Senator Johns)

32. Senator Merritt.

33. SENATOR MERRITT:

1. Aye.

2. PRESIDING OFFICER: (Senator Johns)

3. Merritt aye. On that Bill the yeas are 33, the nays  
4. are 8. Having received the constitutional majority will be  
5. declared passed. Senator Bruce?

6. SENATOR BRUCE:

7. Having voted on the prevailing side, I now move to  
8. reconsider.

9. PRESIDING OFFICER: (Senator Johns)

10. Senator Mitchler moves to Table. All in favor? Aye.  
11. That motion is Tabled. All right, one more bill. Senate  
12. Bill 1422, Senator Savickas.

13. SENATOR SAVICKAS:

14. Mr. President and members of the Senate. This Bill  
15. provides and adds the word "educational" in the School Code.  
16. It pertains to Chicago. I would appreciate your support in  
17. this measure.

18. PRESIDING OFFICER: (Senator Johns)

19. Senator Gilbert.

20. SENATOR GILBERT:

21. Mr. President and members of the Senate. I opposed  
22. this Bill the other day when it was on the roll call. Since  
23. then I have talked with the representatives of the Chicago  
24. Board of Education. I've talked with some of the Senators,  
25. particularly Senator Dougherty where this is a problem within  
26. his District. I have made further inquiry. I am changing  
27. my position. I have a...I feel that possibly that I was  
28. reading something into the Bill that was not as important as  
29. I thought it was. I think the situation in Chicago, particu-  
30. larly in relation to the engineers and the custodians is  
31. different than it is in many of the downstate districts, and I  
32. was attempting to use it in relation to our problems in  
33. Southern Illinois. And for that reason I am, on roll call,

1. going to change my position and support this legislation. I  
2. feel that for Chicago this is probably good. We passed the  
3. Bill to help to attempt them. This word "educational" was  
4. left out. They now feel that it is necessary and I now wish to  
5. say that I'm changing my position.

6. PRESIDING OFFICER: (Senator Johns)

7. Roll call.

8. SECRETARY:

9. Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier,  
10. Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course...

11. PRESIDING OFFICER: (Senator Johns)

12. Senator Clarke. Pardon me just a moment. Senator Clarke.

13. SENATOR CLARKE:

14. Mr. President. Senator Gilbert's persuasive arguments,  
15. I'm going to vote aye. But I just wanted to ask how, after we  
16. mark up a Calendar and set a priority list, Senator Savickas  
17. gets in under the wire with a Postponed Consideration Bill?  
18. I think that's very interesting.

19. SECRETARY:

20. Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert,  
21. Graham, Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer,  
22. Knuppel, Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom,  
23. McCarthy, Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill,  
24. O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander,  
25. Saperstein, Savickas, Smith, Soper, Sours, Swinarski, Vadalabene,  
26. Walker, Weaver.

27. PRESIDING OFFICER: (Senator Johns)

28. Mitchler aye. Walker aye. Rosander aye. On that Bill  
29. the yeas are 45, the nays are 2. Having received the consti-  
30. tutional majority will be declared Do Pass. Senator Course?  
31. Moves to reconsider. Senator Vadalabene moves to Table. All  
32. those in favor? Motion is Tabled. Senator Clarke.

33. SENATOR CLARKE:

1. Mr. President, I'd like to ask permission to revert  
2. to the order of Introduction of Bills. I talked to Senator  
3. Partee. We had a discussion in the Appropriation Committee  
4. regarding a refund method of the Revenue Department, and just  
5. to be on the safe side, I'd like to introduce and move to  
6. Second Reading, a Bill that would be strictly an appropriation  
7. for \$3.7 million that could be disposed of concurrently with  
8. the bills that came out of the Revenue Committee. So, I'd  
9. ask for suspension of the rules and the advancement of this  
10. Bill to Second Reading.

11. PRESIDING OFFICER: (Senator Johns)

12. Leave? Leave granted? Leave is granted. The Bill  
13. will be on the order of Second Reading. Senator Partee.  
14. Oh, I'm sorry, Senator Clarke.

15. SECRETARY:

16. Senate Bill No. 1582, introduced by Senators Carpentier,  
17. Clarke, Soper, et al, is a Bill for an Act to appropriate the  
18. sum of \$3,700,000 to the Department of Revenue for the purpose  
19. to provide an Act authorizing the Department of Revenue to  
20. make certain refunds. First Reading of the Bill.

21. PRESIDING OFFICER: (Senator Johns)

22. Senator Partee.

23. SENATOR PARTEE:

24. Yes, Sir. Pardon me.

25. PRESIDING OFFICER: (Senator Johns)

26. You told me you had a Resolution to introduce, Sir.

27. SENATOR PARTEE:

28. Yes. I have a Resolution. I would like the attention  
29. of the membership because this is someone you all know. It's  
30. congratulatory Resolution. Today is the birthday of a gentleman  
31. who has spent about forty years in and around these halls.

32. WHEREAS, John Dreiske, the perceptive, independent, and  
33. sagacious political editor and columnist of the Chicago Sun-Times

1. is retiring on May 27, 1972, and

2. WHEREAS, Mr. Dreiske is undisputed "dean" of political  
3. writers in Illinois, after more than four decades of reporting  
4. on politics from the Midwest perspective, and

5. WHEREAS, He will be sorely missed by all public officials  
6. and politicians in the state who have felt his rapier thrusts,  
7. been the subjects of his sharp wit and the butt of his tongue-  
8. in-cheek political prose, proving that the pen is mightier  
9. than the sword, and

10. WHEREAS, Mr. Dreiske was respected or suspected, as the  
11. case may be, by Democrats, Republicans and Independents alike,  
12. proof of his genuine political objectivity, and

13. WHEREAS, He has never made an inaccurate election predic-  
14. tion, in that he covers all bases well in multiple columns  
15. and therefore has each candidate winning and losing, so that  
16. he can later point to the appropriate column and say, "As I  
17. predicted on ...", and

18. WHEREAS, He has never made a mistake or written an error,  
19. intentionally or unintentionally, but has upon rare occasions  
20. been embarrassed because of a typographical error resulting  
21. from mechanical printing problems not of his making, and

22. WHEREAS, In bringing his dog with him to Springfield  
23. many times over the years, and keeping the dog with him in his  
24. hotel, he has broken neanderthal downstate barriers discriminating  
25. against pets and pet lovers, and at the same time helped the  
26. City of Springfield fertilize its lawn and trees and add a  
27. gloss to its fireplugs, and

28. WHEREAS, He has been around the Capital City longer than  
29. anyone else except perhaps the statues of Lincoln and Douglas  
30. on the Capitol lawn, and

31. WHEREAS, He is a 1929 journalism graduate of Northwestern  
32. University and subsequently worked for several leading Mid-  
33. western daily newspapers before joining in 1935 the old Chicago

1. Times, and

2. WHEREAS, He began covering major politics in 1936 when  
3. he covered the Roosevelt-Landon presidential campaign for the  
4. Times, and

5. WHEREAS, He began covering the Illinois legislature for  
6. the Times in 1939 and, in 1942 began writing his column on  
7. Illinois politics, becoming political editor of the Sun-Times  
8. in 1947 when the Times and the Chicago Sun merged, and

9. WHEREAS, He was pioneer founder and first president of  
10. the Illinois Legislative Correspondents Association, serving  
11. as president of this distinguished group of State Capitol  
12. newsmen longer than any other person in history, and

13. WHEREAS, He has won numerous awards for journalism  
14. excellence, is author of a 1960 book on Chicago politics, and  
15. is well-known as a public speaker, journalism teacher at his  
16. college alma mater, radio-television personality, and

17. WHEREAS, His investigative acumen and astute political  
18. sense have enabled him to score countless scoops and exclusives  
19. so coveted in the highly competitive journalism profession, and

20. WHEREAS, Throughout his distinguished career, he has  
21. kept his readers informed on all aspects of political life in  
22. Illinois, and

23. WHEREAS, He has the ability to prick the balloon of  
24. pomposity while at the same time displaying character, integrity  
25. and honesty, as well as compassion and understanding of human  
26. foibles; therefore be it

27. RESOLVED, BY THE SENATE OF THE SEVENTY-SEVENTH GENERAL  
28. ASSEMBLY OF THE STATE OF ILLINOIS, That we commend and congratulate our  
29. beloved reporter-friend, John Dreiske, upon his retirement;  
30. that we express to him our appreciation for providing fair  
31. and comprehensive coverage of Illinois government and politics,  
32. helping in no small measure to interpret the complexities and  
33. nuances of political life for the average citizen; and that we



1. express the hope that he, his wife and dog enjoy many happy  
2. years together; and be it further

3. RESOLVED, That to compensate for the fact that the  
4. politicians and legislators finally are getting the last word  
5. on John Dreiske, that a suitable copy of this resolution be  
6. presented to him so that he can always be reminded of that  
7. fact.

8.  
9. I would ask, Mr. President, that the rules be suspended  
10. for the consideration and immediate adoption of this Resolution  
11. and that all Senators be added as co-sponsors.

12. PRESIDING OFFICER: (Senator Johns)

13. Any objections? Leave is granted. Resolution is  
14. adopted. Senator Horsley.

15. SENATOR HORSLEY:

16. Mr. President, I have a Resolution down there that I  
17. wish the Secretary would read. No, we're on the order of  
18. Resolutions.

19. SECRETARY:

20. Senate Resolution No. 345.

21. SENATOR HORSLEY:

22. In today's issue of the Chicago Daily News there is a  
23. statement by a reporter, Henry Hansen, that an architect by the  
24. name of James M. Coady told him that he paid 10% kickback on the  
25. architectural fees received on a recently dedicated State project.  
26. This is the same James M. Coady of a firm, I can't pronounce  
27. all of their names, Golabowski, Coady and something, that are  
28. now doing architectural work for the State of Illinois. They  
29. are now the architects who are designing the work in the House  
30. of Representatives. This article brings a stain upon every  
31. member of this great Body and of the Administration of the State,  
32. or maybe previous administrations. I don't know where it will  
33. fall because the article does not state to whom the 10% was paid,

1. but it was based upon a \$2 million dollar project. Now,  
2. \$200,000 paid as a kickback is not peanuts in anybody's  
3. imagination. Somebody is telling the truth or somebody is  
4. not telling the truth, and the only way to find out is for  
5. this Body to appoint a Commission to report back here by  
6. June 9th to call in the books and records of this archi-  
7. tectural firm. Let's find out who they paid this money to.  
8. Let's call in Mr. Hansen, the man who made this statement.  
9. Let's hear the evidence. Let's be fair. Let's be impartial,  
10. but let's erase the stain from the State of Illinois. Ladies  
11. and gentlemen, we have been beset with scandal after scandal  
12. in this State until the public is of a mood to kick everybody  
13. out. I don't care who you are. They're in the mood to kick  
14. them all out. And stories like this are the very things that  
15. incite people. They're the very things that bring about the  
16. thinking on the part of people that shakes the very faith of  
17. their foundation. Now, when you talk about a \$2 million  
18. dollar project, and you talk about a 10% kickback, and you  
19. make a flat statement, and I am quoting Henry Hansen, if you,  
20. I presume all of you have seen this paper. "James Coady,  
21. the architect told a reporter," and I've talked to the reporter  
22. and it is Henry Hansen who wrote the story, "he paid the usual  
23. 10% kickback on architectural fees on the recently dedicated  
24. \$2 million dollar Dixon Mounds Museum 5 miles Northwest of  
25. Havana, Illinois." He was asked about further kickbacks on  
26. more recent contracts and whether the man decided it was time  
27. for him to shut up or not, I don't know. Or whether he's like  
28. the fellow that asked his wife to marry him and two hours later  
29. she asked why he didn't say something, and he said I've said  
30. too much already. And I would imagine this man may have thought he had  
31. thought he had already tipped his hands. But his books and  
32. records ought to be brought before this Body. They ought to  
33. be examined completely, minutely. Let's find out who got this

1. \$200,000, and let's find out if he paid it. Now, if he did  
2. not pay it, then let's expunge this story from the paper and  
3. have an apology. But by all means let's clear the names of  
4. the officials of this great State and of the members of the  
5. Senate and the members of the House. Now this Resolution  
6. that I have offered here calls for three members to be  
7. appointed by the President pro tem. I'm sorry, Mr. Partee,  
8. do you have a copy? I'm sorry. Here, take some more of these  
9. over there, would you please. And it asked for three to be  
10. appointed by this side of the aisle, so that we will have an  
11. absolutely fair and impartial group because the minority leader-  
12. ship will appoint three, so that we will have three Democrats  
13. and three Republicans and nobody can accuse us of playing  
14. politics. This Resolution has teeth in it. We can subpoena  
15. Henry Hansen. I don't think he can refuse to divulge the  
16. source of his information because he's already published it  
17. under his by-line in the paper. He's quoted the man in quotation  
18. marks as to what the man told him, and I'm sure, I've known  
19. Henry for 30 years, I would say he would stand up and tell  
20. exactly what the man told him. I think we want this Mr. Coady  
21. to stand up and be sworn under oath as Henry Hansen will be  
22. sworn under oath. We'll have the books and records brought in  
23. here, and we'll find out who's telling the truth. So, Mr.  
24. President, I move for suspension of the rules and immediate con-  
25. sideration of this Resolution and for its adoption so this  
26. Committee can be formed tomorrow, proceed with its work and  
27. report back here on June 9th.

28. PRESIDING OFFICER: (Senator Johns)

29. Senator Partee.

30. SENATOR PARTEE:

31. Mr. President and members of the Senate. I, too, have  
32. an absolute abhorrence for any suggestion like the one that is  
33. contained in this newspaper article. I, like you, have a family.

1. I, like you, have parents and children who are concerned when  
2. they read items of this sort. Precipitous action, however, is  
3. not indicated to me until we can get all of the facts. I read  
4. this article, also, and there are some questions within it  
5. which I can, perhaps, judgementalize within the next 24 hours,  
6. which would give me a posture where I can be certain that what-  
7. ever we do we are on sound legal grounds. For that reason,  
8. rather than to take this under consideration at this moment,  
9. it would be my suggestion that this Resolution be referred to  
10. the Executive Committee and that concomitant with its referral  
11. there would be a waiver of the six-day posting notice so that  
12. this Resolution could be on the Executive Committee's Calendar  
13. for tomorrow. For tomorrow.

14. PRESIDING OFFICER: (Senator Johns)

15. Senator Horsley.

16. SENATOR HORSLEY:

17. I will accept that, Sir, if you will invite Mr. Hansen  
18. and Mr. Coady to appear before the Committee tomorrow. Will  
19. the Chairman take that responsibility, or if you want, I have  
20. no authority to do it. But I think the Chairman of the Com-  
21. mittee has the authority to do it.

22. PRESIDING OFFICER: (Senator Johns)

23. Senator Partee.

24. SENATOR PARTEE:

25. Sir, I would take the position that, it being your  
26. Resolution, it would be your responsibility but, however, however,  
27. let me finish, Sir, however, I will ask the Chairman of that  
28. Committee if he will notify by letter or otherwise, the two  
29. gentlemen that you have mentioned and ask them to be present  
30. there tomorrow.

31. PRESIDING OFFICER: (Senator Johns)

32. Senator Horsley.

33. SENATOR HORSLEY:

1. I have one more point before I accede to your request.  
2. I have sat through the Executive Committee, and I have sat  
3. there for several days waiting to be heard, and I would ask  
4. that this be made the first order of business before that  
5. Committee tomorrow so that it can be handled expeditiously  
6. because this Resolution has a June 9 deadline in it, and  
7. there are certain appropriation bills that I know are in-  
8. volved in what's going to come out of this, and they should  
9. not be tainted. They should be whole. They should come out  
10. clean. And I think you, among all people, want to be sure  
11. that there is no taint in connection with them. And if you  
12. would assure me that this would be the first order of business  
13. tomorrow before the Executive Committee, I certainly would  
14. agree to it.

15. PRESIDING OFFICER: (Senator Johns)

16. Senator Partee.

17. SENATOR PARTEE:

18. Just so that we'll have the record straight, Senator.  
19. I would not ordinarily be concerned about it. It's diminimous  
20. But I think the record should show that this is not my request,  
21. as you have just stated. This was my suggestion. Now, as to  
22. tomorrow, I would have to, if you desire it, you are suggesting  
23. that I arrogate to myself the right to tell the Chairman of a  
24. Committee which bill shall be called first. I don't think that  
25. will be a problem. There are only two other matters in that  
26. Committee tomorrow. One of them, perhaps, takes a little more  
27. time than the other which relates to a Resolution which will  
28. perhaps excite some rhetoric. There are only two bills there  
29. tomorrow, and I don't think there will be any problem about  
30. there being a hearing on this particular Resolution.

31. PRESIDING OFFICER: (Senator Johns)

32. Senator Horsley.

33. SENATOR HORSLEY:

1. Is one of them on the Equal Women's rights? No.

2. PRESIDING OFFICER: (Senator Johns)

3. Senator Partee.

4. SENATOR PARTEE:

5. No. Nothing about Equal Women's rights. That's on  
6. the Floor of the Senate tomorrow. There a, it doesn't re-  
7. late to that question at all.

8. PRESIDING OFFICER: (Senator Johns)

9. Senator Horsley.

10. SENATOR HORSLEY:

11. To do with the Viet Nam War, and I understand that  
12. all the veterans and all kinds of people are coming here for  
13. it, Sir. And I don't think this would take more than fifteen  
14. minutes, at least, to have these two gentlemen. You could  
15. meet head on and see if we need to have an investigation.  
16. Would you, Sir, request the Chairman to place this on as item  
17. number one?

18. PRESIDING OFFICER: (Senator Johns)

19. Senator Partee.

20. SENATOR PARTEE:

21. I will ask the Chairman to place this as item number one.  
22. I still say I don't think there will be any problem getting it  
23. heard. But I'll ask the Chairman to make sure that we invite  
24. these two gentlemen and that it be given a priority status.

25. PRESIDING OFFICER: (Senator Johns)

26. Senator Berning.

27. SENATOR BERNING:

28. Thank you, Mr. President. Members of the Body, I think  
29. this matter is timely, but also only a start. I'd like to recall  
30. for you a series of articles that appeared in one of the Spring-  
31. field papers recounting a serious question of the overruns and  
32. addons and point out that on February 8th, I urged the Legisla-  
33. tive Audit Commission to look into this whole problem. This

1. goes much deeper than the matter we're under, that we are con-  
2. sidering right now, this Resolution. I appeared before the  
3. Audit Commission on March 1st again urging them to make the  
4. investigation, which they have the responsibility and the auth-  
5. ority to make. I would like to suggest that as an alternative  
6. to this Resolution, this Body take action to urge the Legis-  
7. lative Audit Commission to conduct a thorough investigation,  
8. not only of this latest reprehensible incident, but the whole  
9. problem of the rehabilitation with the tremendous amounts of  
10. add-ons which amount to contracts without the benefit of com-  
11. petitive bidding. Mr. President and members of the Body, this  
12. is a serious problem and we certainly ought to address ourselves  
13. to it. But I think we have the vehicle, the Legislative Audit  
14. Commission, and we ought to urge them to act.

15. PRESIDING OFFICER: (Senator Johns)

16. Gentlemen, before we go any further, we must have a  
17. vote on Senator Partee's motion to waive the six-day ruling  
18. for the consideration of Senator Horsley's Resolution. Do we  
19. hear any objections? Leave? Leave is granted. Senator  
20. Berning. Are you finished, Sir?

21. SENATOR BERNING:

22. Just repeat, Mr. President, and members of the Body, I  
23. would like to see the Legislative Audit Commission address itself  
24. to this whole problem which goes much further than the one isolated  
25. incident we're talking about right now.

26. PRESIDING OFFICER: (Senator Johns)

27. Further Resolutions.

28. SECRETARY:

29. Senate Resolution No. 346 introduced by Senator Vadalabene.  
30. It's congratulatory.

31. PRESIDING OFFICER: (Senator Johns)

32. Senator Vadalabene.

33. SENATOR VADALABENE:

1. Yes, thank you, Mr. President. It's getting late. This  
2. is a congratulatory Resolution, congratulating Maurice F.  
3. Radrizzi. I would suspend the rules for immediate adoption of  
4. this Resolution and ask that all Senators be placed on this  
5. Resolution.

6. PRESIDING OFFICER: (Senator Johns)

7. Any objections?

8. Resolution is adopted.

9. SECRETARY:

10. Senate Resolution No. 348 introduced by Senator Mohr.  
11. 347. Senator Mohr.

12. PRESIDING OFFICER: (Senator Johns)

13. Senator Mohr.

14. SECRETARY:

15. It is a death Resolution.

16. PRESIDING OFFICER: (Senator Johns)

17. Will the members be in their seats. Senator...

18. SENATOR MOHR:

19. Yes, Mr. President and members of the Senate. This is a  
20. death Resoltuion.

21. PRESIDING OFFICER: (Senator Johns)

22. Just a moment, Senator Mohr. Will the Senators be in  
23. their seats please. Death Resolution. Vadalabene, Soper, Collins,  
24. Egan, Merritt. Senator Mohr.

25. SENATOR MOHR:

26. Yes, Mr. President and members of the Senate. This is a  
27. death Resolution which I would like the Secretary to read and  
28. I'd invite all members of the Senate to join in the sponsorship  
29. of this Resolution.

30.

31.

32.

33.



1. PRESIDING OFFICER: (Senator Johns)

2. Do you wish the Resolution be read? Yes.

3. SECRETARY:

4. WHEREAS, This Body has learned with deep regret of the death of Mrs.  
5. Bernice C. Rasch Fulle, devoted wife of the late Fred Fulle, a Cook  
6. County Commissioner, and beloved Mother of Floyd T. Fulle, a Cook  
7. County Board member; and

8. WHEREAS, Mrs. Fulle has a personified fulfillment of God's wisdom  
9. in creating a helpmate for man and establishing the institution of  
10. Motherhood; and

11. WHEREAS, Mrs. Fulle was a truly great lady in every aspect of  
12. family and community life who was very active prior to her husband's  
13. passing in 1964, including her work as a member of the Maine Township  
14. Women's Club; and

15. WHEREAS, She leaves a proud heritage to mourn her passing in the  
16. persons of her three children, Mrs. Vesper Fulle Herzog, Floyd T.  
17. Fulle, County Board member, Mrs. Cleon Fulle Nelson, 9 grandchildren  
18. (6 boys and 3 girls), and 1 great grandson, she will also be mourned  
19. by a legion of devoted friends; therefore, be it

20. RESOLVED BY the Senate of the 77th General Assembly of the State  
21. of Illinois, that we express our profound sorrow upon the death of  
22. Mrs. Bernice C. Rasch Fulle, a great lady and devoted wife and mother  
23. who personified our idea of motherhood and man's helpmate; that we  
24. extend our heartfelt sympathies to the members of her bereaved family;  
25. and that a suitable copy of this preamble and Resolution be forwarded  
26. to her son, Floyd T. Fulle, on behalf of her family.

27. PRESIDING OFFICER: (Senator Johns)

28. All Senators rise please. Resolution is adopted. Committee  
29. reports. Mr. President, Senator Partee.

30. SENATOR PARTEE:

31. I thought after the death Resolution that would be all. Is there  
32. something else?

33. PRESIDING OFFICER: (Senator Johns)

1. Let's take it tomorrow.

2. SENATOR PARTEE:

3. We're coming in at 11:00 o'clock, Senator. Yes.

4. SENATOR BIDWILL:

5. Republican caucus at 10:00 o'clock tomorrow morning.

6. PRESIDING OFFICER: (Senator Johns)

7. Senator Bruce.

8. SENATOR BRUCE:

9. Yes, I've had a motion up there for about 3 hours on House Bill

10. 4276. I ask it be read a second time today and advanced to Third

11. Reading. Senator Harris knows this is the Rend Lake appropriation.

12. It must be passed this week.

13. PRESIDING OFFICER: (Senator Johns)

14. Any objections? Leave. Leave is granted. Senator Partee, you

15. move we adjourn?

16. SENATOR PARTEE:

17. Move we adjourn until 11:00 a.m.

18. PRESIDING OFFICER: (Senator Johns)

19. Senate's adjourned.

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22.

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