

TRANSCRIPT -- 77TH GENERAL ASSEMBLY

OCTOBER 1971 SESSION

OCTOBER 14, 1971

PRESIDENT:

Pastor of the Lutheran Church in Petersburg. Pastor Colby. Reading of the journal. Moved by Senator Kosinski that the reading of the journal be dispensed with. All in favor signify by saying aye. Contrary minded. Motion prevails. The committee reports. We have a message that Senator Groen is ill and will not be able to be here. The journal will so show. Resolutions. Introduction of bills. Page 2 on your...page 2 on your calendar. Let's maintain some order. For what purpose does Senator Mitchler arise.

SENATOR MITCHLER:

Mr. President while your getting order, could the present pro tem or somebody enlighten us as to what the work schedule will be for today, tomorrow and if we will come in Monday. Just for planning so we can check out our rooms and so forth.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Yes. After we have finished today, we are going to adjourn today; and we will return Monday at 1 o'clock. Now there will be a schedule ready for you Monday which will set forth the plenary session hours and the committee hearing hours; and committees will commence on Tuesday. And while I am about it, I might as well say that Monday, of course, will be the final day for filing of bills.

PRESIDENT:

64 senate bill 64. Senator Egan.

SENATOR EGAN:

Mr. President and welcome members of the Senate. I am sure you are all familiar with senate bill 64. It has been called the barber bill. When I think of the discussion and misinformation that has been generated by this piece of legislation, I

think of my old college English Professor who used to say many times that "The trouble in the world is not what people don't know, it's what they do know that just ain't so."

PRESIDENT:

For what purpose does Senator Partee arise.

SENATOR PARTEE:

I hope that Senator Egan will pardon me for interrupting him; but we don't have anything like order and decorum here this morning. And I would like also to announce that there is a group from one of the channels in Chicago that are going to take some silent films and; they have promised to show us in no state of disaffair or disorder; and they will be taking silent films for a few moments and I just wanted the membership to be aware of it.

PRESIDENT:

We will have order. Senator Egan may proceed.

SENATOR EGAN:

But that wise and knowledgeable admonition that I heard so often, I think, bears a great deal of truth in this particular bill because of the misstatements of the actual fact of the legislation. The Governor even, in his veto message, misses the basic point in the bill. If the Governor doesn't realize what the bill does, then I suppose we can forgive him for vetoing it. However, I would like to override the veto for these simple reasons. He claims that this legislation attempts to exempt barbers from the price fixing prohibition of the Illinois Anti-Trust Act. Basically that is totally erroneous. This bill was filed to give barbers the same exemption that exists presently for lawyers, medical practitioners, architects, engineers, land surveyors and real estate brokers. All of these people are

licensed by the State of Illinois to perform their professional function in accordance with the rules and regulations of the Department of Registration and Education; and those which are governed by the supreme court of the State. The barbers merely wish to make price surveys and suggest a minimum schedule of fees the same as the other professionals which I have mentioned. If the Governor feels that this takes them out of the price fixing prohibition of the Illinois Anti-Trust Act, he is wrong. He has so stated; and I say he is wrong because it does not allow them to fix prices. It does not remove them from that prohibition.

PRESIDENT:

Just a moment. Just a moment. Let's...Proceed.

SENATOR EGAN:

If he wants to be known as the man who wishes to hurt the people whose industry, in my opinion, is the most basic business industry in the State of Illinois, or in any other state; then he can take that responsibility. But each individual barber has been sought after to get their ideas on this legislation and they need something to help them in their economical plight. If we can't help the barbers in the State of Illinois, Ladies and Gentlemen, I suggest that we can't go anywhere else to help them. I would suggest that the Attorney General felt that he should oppose this bill because he administers the law, as a matter of duty. And he asked the Governor, as a matter of duty, to veto this bill because he felt that it was a matter of duty. And I don't think it would be insulting to the Governor to tell him that we, the legislature, feel that we should remove that duty from them. And because we remove that duty...because we gave it to them originally we can take that away. And I don't think that any public policy of the State would be offended by it.

It passed this chamber by 43 votes. It passed the House by 109 or 119. Gentlemen I ask, if you favored this legislation before, consider it again. Thank you.

PRESIDENT:

Is there further discussion? The secretary will call...  
Senator Clarke.

SENATOR CLARKE:

Mr. President and members of the Senate. I did considerable study on this bill after it passed the Senate last Spring. Senator Sours did considerable study on it and I still think this is one of the worst votes we cast. I think the Governor, aside from the reasons stated in the opinion of the Attorney General, had ample reason to veto this kind of a bill. I think it would be a grave mistake...the fact of the matter is, and I have seen it personally, that the very thing that is being tried in this bill-to make legal-the barbers union for a good many years in the Cook County area, the metropolitan area has been doing. They have been going in and saying, "here is a price list and you had better follow it or else." The or else is- you are going to get a bomb through your window, as my barber did. And this type of action is the way that it is operated for a good many years. I think that to take this type of restraint off and to say that this should be legalized would be horrendous and I would urge everybody on this side to desist from voting or to vote no.

PRESIDENT:

Is there further discussion? Senator Egan, do you wish to close the debate?

SENATOR EGAN:

Mr. President and members of the Senate. I, in closing just

let me say that I think that that is living in the past. Those situations do not exist today. That is not the intent of the bill. Again this is misstating the purpose and the very essence of the bill and I would hope that all the members of the Senate would take that for what it is.

PRESIDENT:

Secretary will call the roll.

SECRETARY:

Roll call...Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes, Johns, Knuëpfer, Knuppel,

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

If the lawyers can do it, I don't see why the barbers aren't allowed to, too. We fix our salaries and make recommended schedules of fees, and they should have the same rights we have. It seems to me. I vote aye.

SECRETARY:

Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas, Smith, Soper, Sours, Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

Carpentier no. On that question the yeas are 28, the nays are 17. The bill is declared passed. The motion is defeated. On... Senator Coulson moves to reconsider. Senator Clarke moves to table. All in favor of the motion to table signify by saying aye. Contrary minded. Motion to table prevails. 67 Senator

Laughlin. Senator Laughlin. Senator Laughlin. Senator Laughlin.  
131 Senator Ozinga. Senator Ozinga. Senator Ozinga 131. 719  
Senator Graham. 802 Senator Kosinski. 916 Senator Weaver. 916  
SENATOR WEAVER:

The secretary has the motion to strike.

PRESIDENT:

Motion is to strike. Is there any discussion? All in favor  
signify by saying aye. Contrary minded. Motion prevails. 1174  
Senator Newhouse. Senator Newhouse.

SENATOR NEWHOUSE:

Motion to strike, Mr. President.

PRESIDENT:

1174. Motion to strike. Is there any discussion? The motion  
should be in writing to the secretary if you can do that. All  
in favor signify by saying aye. Contrary minded. Motion to  
strike prevails. 1198 Senator Graham. 1225 Senator Soper.  
Senator Soper.

SENATOR SOPER:

Mr. President and members of the Senate, I have some infor-  
mation here on 1225 and I think that we have some other motions  
here, I think they are going to take those up first.

PRESIDENT:

Do you wish - we will come back to you-

SENATOR SOPER:

I will hold these till Monday. Or after the other motion.  
When I get some of this information out to the Senators.

PRESIDENT:

Alright.

SENATOR SOPER:

Thank you very much.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Mr. President, I feel I owe an explanation on this motion to strike. I am sorry I didn't give it. There are some people who voted for the bill and they ought to know what the reason was.

PRESIDENT:

Just a moment. Let's have some order.

SENATOR NEWHOUSE:

The reason for the motion to strike 1174, Mr. President, is that a similar bill has been signed into law. It has a time restriction on it, but they are close enough that I think there is no further need for this bill, therefore, I make the motion to strike. Thank you.

PRESIDENT:

223 Senator Merritt. 717 Senator Weaver.

SENATOR WEAVER:

I would like -

PRESIDENT:

Just a moment. I am advised by the secretary. Senator Hynes. I understand we have two motions here and you are yielding, Senator Hynes.

SENATOR HYNES:

I have a motion on file to restore the line item for this appropriation for the University of Illinois but I would defer to Senator Weaver, the principle sponsor of the bill, who has filed this morning a similar motion.

PRESIDENT:

Senator Weaver.

SENATOR WEAVER:

Mr. President and members of the Senate. This motion is to restore to senate bill 717, the appropriation for the University of Illinois. On page 1 line 11 personal service item in the



amount of 5 million 839 thousand 672 dollars. Inasmuch as approximately only half of this amount would be expended due to the freeze, I would hope that this Senate would act favorably on this motion to restore. The Universities and their current budget have not the ability to grant any pay increases and still maintain the operation in the various areas, both the medical school and circle campus, the University of Illinois at Urbana-Champaign. The only increase has been in the expansion of the medical facilities in Chicago, Urbana-Champaign, Rockford and Peoria. Two million dollars has been earmarked for this purpose. There are approximately 20,000 state employees that, after the wage freeze is terminated, will find themselves in a position of receiving no pay increase unless this restoration is made. We could argue this point for many hours this morning. I feel very strongly that we should not discriminate against those employees working for the Universities of the State of Illinois, and that this restoration should be made. So I respectfully ask for a favorable roll call, Mr. President.

PRESIDENT:

Is there further discussion. Senator Hynes.

SENATOR HYNES:

Mr. President and members of the Senate. I speak in support of the motion to restore these funds. And I would like to make a few comments that will be applicable to this motion and to those that will follow with respect to the other Universities in this State. By way of background to briefly reiterate the comments that were made yesterday. The initial requests of the Universities for 865 million dollars were reduced in the General Assembly by a total of 155 million dollars to a level of 710 million. That legislative solution was a clear cut unequivocal decision that this was the proper and acceptable and minimum

level of funding that we could tolerate for higher education in the State of Illinois. The Governor determined after the recess of the General Assembly to make further reductions of approximately 55 million dollars; which in my judgment were shortsighted and false economy and in fact, are crippling the higher education establishment in the State of Illinois and are threatening the very quality of the higher education that we are going to be able to offer to the students in this State. In addition, the Governor has suggested that a tuition increase be imposed. Notwithstanding again a clear legislative mandate in the past session that this tuition increase not be imposed. Now we find the typical student in Illinois in a very precarious situation as a result of these activities. Enrollments have declined in our schools this fall quite unexpectedly. And why have they declined? First of all there is a general economic problem in the country. The families of the students are in economic trouble. Summer employment was not available. So that the outlook for this September was difficult indeed. But in addition to that, by the actions of the Executive, we have now suggestions there should also be a tuition increase. By the reduction in the budget, we have cut scholarships. We have also cut student jobs at the universities. Libraries have been closed-or shorter hours have been enacted-a traditional source of student jobs. A typical student finds himself in a very difficult economic pinch. We propose to restore 23 million dollars of the 55 million that was eliminated from this package passed by the General Assembly last June. 3.2 million of the Illinois State Scholarship Commission, 11 million to the Jr. Colleges, 7.3 million to the senior Universities. This is the first line item which we are going to restore. We feel that the package as far as the senior universities are concerned will

enable them to give a modest 4.6% pay increase such as all other state employees have received, will enable them to reinstate certain basic services, will enable them to provide student jobs that are so desperately needed, and will enable them at least for the second semester to save certain courses that have been cut from the curriculum. A question may be asked as to where is this money going to come from. And I think it is a legitimate question. It seems to be the basis for the action that was taken here. First of all, let me say that this amount represents less than 1/2 of 1% of the State budget. Less than 1/2 of 1%. We have a budget in this State of 6 billion dollars and we cannot find sufficient funds to operate our universities. In fact, we have been told this is a hold the line budget. That is simply not the case. The operations...the appropriation for operations of state universities, the senior universities, has in fact been reduced from last year by 6 million dollars. 6 million dollars less than last year not to mention how much below what we appropriated. How can you expect quality education when in a time of rising cost and inflation you reduce the operating appropriations for these colleges. If we took out of consideration the new universities at Governor State and Sangamon State which received an increase, the reduction would amount to 10 million dollars in operations.

PRESIDENT:

Just a moment--just a moment. Let's have some order. Proceed, Senator.

SENATOR HYNES:

10 million dollars, which in my judgment, threatens the very quality of our educational product. We believe that the Governor should look at that 6 billion dollar budget, reorder his priorities. We should be more concerned about scholarships

and about education than we are about new horse barns and other buildings at the State Fair and about new employees...new patronage employees which are being added all over the budget. Finally, there are funds available. There are in certain earmark funds surpluses which we believe can be transferred to finance this appropriation. We have distributed a statement outlining the sources of these funds. I might mention briefly a few of them: the public welfare and building bond retirement and interest fund, we suggest a transfer of 3 million 100 thousand dollars; Universities building bond retirement and interest fund, a transfer of 4 million 300 thousand dollars; service recognition bond retirement and Interest Fund, a transfer of 6 million dollars; the Agricultural Premium Fund, a transfer of 5 million 100 thousand dollars; the Drivers Education Fund, transfer of 7 million dollars; Fire Prevention Fund, transfer of 500 thousand dollars; the Illinois Fund for Illinois Colts, a transfer of 500 thousand dollars; the Fair and Exposition Fund, a transfer of 3 million 200 thousand dollars. A total of transfers of 29 million 700 thousand dollars. Substantially in excess of the restorations we are seeking here today. And I repeat these are earmarked funds which by the very budget book put out by the Bureau of the Budget will be a surplus by the end of this year. These funds have not been allocated for any other purpose. We feel at this point they should be used for this highly important area of concern. I would urge your support for this motion to restore the reduction.

PRESIDENT:

Senator Knuepfer. Senator Gilbert.

SENATOR GILBERT:

I think that we had better take a look at why we have this problem in personal services at all the universities including

the one which is in my home town. When the Governor delivered his budget message, he stated how much money would be available for higher education. That is the same amount of money that is now in the bill as reduced by the Governor. Every University or its governing board was called into the bureau of the budget. They were told how much money was available for that system or that individual university. Those of you who were here, and many of you were, remember back under Governor Kerner we had a similar situation, and I cannot recall whether it was in '63 or '65, in which we reduced the budget. I believe it was '63 because Governor Kerner was not willing to have any tax increase before the 1964 election. And the Universities and the common schools at that time were told how much money was going to be taken from their budgets. They were told then as they were this time. "You are the ones to determine where you can stand the cut." Certainly certain things such as bond payments, interest payments, and things of that nature cannot be reduced. Other things can be put off. The Universities are no different then we are. If you are running low on sources of income, you can drive your car another 5,000 miles, you can wait another year to paint your house. Yes, you would like to have it done now and maybe it would be good to have to done; but it isn't going to be destroyed if you have to put it off. And that is what the Universities were asked to do, to establish their own priorities. It is interesting that the University of Illinois particularly, and I am a graduate of it so I certainly am not anti-University of Illinois; they took 1/2, a little over 1/2, of the entire reduction in their appropriation from personal services alone, 5 million 800 thousand dollars from personal service alone. Southern University reduced personal services over a million dollars. I think it was a million 200 or a million 700 I don't recall which. Now the point I am going to make is

that when they did this...and these are the people who gave these figures, the reductions that they wanted to the Bureau of the Budget. The Bureau of the Budget did not say what their cuts were to be; they merely said that the amounts that the cut had to be. They were told that they could even take money from capital improvement and put it over in operations, they could take reappropriations. Illinois State, for example, had a reappropriation of 2 million dollars; they took one million of it and put it in personal services and in operations. Now the Universities had the opportunity to do this. When these gentlemen came back to the Bureau of the Budget with these figures; they knew at that time, members of the Senate, that there would be no money for salary increases. This is not something that developed at the time the Governor vetoed the bill or reduced the bill. It was known at the time they presented their figures where they wanted their cuts made to come within the budget as appropriated for them. As for the tuition; I do not believe that there was a clear mandate that there be no tuition increase. It was the position of Senator Hynes and Senator Newhouse that there be no tuition increase. It was a position of Senator Laughlin and myself as members of that sub-committee that at that particular time, referring to the spring of 1971, and if you will read our report, I think you will find that we say "not at this time." The matter of tuition increase is something entirely within the control of the trustees of the Universities. And some of the trustees did put in a tuition increase. The thing that they need from us when they do that is the authority to spend the money. Putting in the tuition increase without authority doesn't mean any money for the University. I would hope that a tuition increase would be put in that it would be put in certainly by January of this year or even in this session to take effect in

September when people will have an opportunity to know what they are going to have when they go back to school. As to why we have a decline in enrollment. Yes, I agree with Senator Hynes as to the...some of the things that he gave us as reasons. But also Ladies and Gentlemen let's remember that there is also a decline in enrollment and the day you do away with the draft, there will be a marked decline in the enrollment and everyone of you here have had, I'm sure, as I have had, constituents trying to get their students back in school who did not make it academically so they would not have to go to the draft. And the mere fact that there is less pressure on the draft is unquestionably one of the reasons that there were fewer students enrolled at this time. We have made available 6 million dollars more for scholarships. I would like to have seen the full figure that we recommended and I was on that with Senator Hynes and Senator Newhouse and Senator Laughlin. But the money was not there. We still made available 10,000 additional scholarships with the additional money that we have given. So we have not turned our backs on the people. I certainly hope that we do not go back to the method of operating the state that we did under a major part of the Kerner administration in which each time we were here we borrowed money from one fund and then paid it back to that fund the next time and borrowed from some other fund. It's fine to borrow if you don't have to pay it back. We take 29 million dollars of funds now, this time, we are going to have to make an additional increase in revenue of 29 million dollars in the next session just to pay that back in addition to the additional funds we will need. You see this is the first year since the Ogilvie administration has come in, that we have not had additional increases in revenue. The first year, of course, we had the income tax; but we only had 10 months of the income tax

and so the economy stayed the same and it was a growing economy at that time. In the next year we had 12 months of income from the income tax; and with a growing economy we had additional monies. We ended up with an 86 million dollar surplus the first year. We had a 30 million dollar surplus this year and if we can begin to hold the line on public aid, which is increasing at the rate of 3 million dollars a month, and if we can cut that down to just 31 million dollars instead of the 36 it appears to be now, we will be able to just break even. If you take this additional fund we are going to admit right now that we have a budget that is 23 million dollars in the red. Thank you.

PRESIDENT:

Senator Knuepfer.

SENATOR KNUEPFER:

The debate here today I think is one that this legislative body has in effect produced by its actions as I have seen them ever since I have been in the legislature. I am reminded much in our relationship to the universities, of dealing with a spoiled child. We have been extraordinarily generous to the universities. I was just looking back over one, the University of Illinois, and all the rest of them are relatively in a comparable situation; back 10 years ago when our budget for the University of Illinois for operations was 75 million dollars a year. In just 10 years that has grown to better than 210 million dollars. So both the Ogilvie and the Kerner administrations have been extraordinarily generous and that is I think where we have created the problem. Whenever the Universities came to us and said "We need something" we have said "why certainly we will give it to you." And we have given it to them. We have given it to them without strings. We have said "Here



you know how to spend your money better than we do. Go spend your money." In the last few years we have suddenly begun to take a look at how they are spending that money. And I think all of us ought to have some concern as to how they are spending that money. These are not new stories - the story of the air fleet of 57 or is it 65 airplanes. There is nothing new, and this hall has heard the story before, about the possible lack of productivity at the university. About teaching loads that go on the order of 8 to 10 hours a week. And sometimes not even that, because the young graduate student is given the job. And I frankly have some serious concerns about the productivity and about the direction of our universities. As to whether we have a real concern for education or whether in turn we have a concern... our primary concern is to provide the staffs of these universities with the time that they want to perform whatever research they may want to do. Just last year we had a bill before this body to ask the University of Illinois, or to ask the board of higher education rather, to evaluate the whole area of extension services to see whether some of them were not redundant; to see whether the University of Illinois in performing some of these extension services is providing the same services that may be performed by the local junior colleges. Who came down to testify against that bill? The University of Illinois came down to testify in behalf of that. They didn't even want an examination. The extension courses are still going on. We have ended up with a child who has had everything he has asked for for 10 years. Now all of a sudden the parent has said "No ice-cream cone today." And he, like any other child in this posture, is throwing a tantrum. And he is doing the obviously political. When you close a library down, you do that because that has visibility. If you were to turn off a research project that someone may or may not care about anyway; nobody would complain

about this. So you have got to make your posture visible, the effects of this visible. There is nothing to suggest that wage increases may not be available; but the universities have taken the position that they want to keep their full staffs available rather than to take a look at those staffs to see if some of those activities may not have the priority that I think teaching ought to have. Senator Hynes has suggested some places where we might get additional money. Senator Gilbert I think, as well, has talked to that point and suggested that this is only a pay back. What I think is more significant is the fact that by the end of this year, if I can read the public aid...what's happening in that area, we are going to be a 100 million dollars short. And what does that mean? That means that we are going to be short in next year's budget and if our state institutions and our state universities feel that they are in trouble this year, I can only suggest, gentlemen, that next year is going to be a lot worse. And it is time to take our medicine right now. We have spoiled the child; we have led him to believe that there was no end to the money available in that pocket. And sooner or later we are going to have to stand up like parents and say "I am sorry we have run out of money, we haven't got anymore money. You have got all that you are going to be able to get." We created the problem today is the day to stand up and I think resolve that problem and let the universities know as well that we have a great many problems, we have a great many other priorities; public aid, mental health, common schools; which also do utilize a substantial amount of our state's monies.

PRESIDENT:

Senator Saperstein.

SENATOR SAPERSTEIN:

Mr. President and Gentlemen of the Senate. I rise in

support of the motion to restore the cut in senate bill 717. We have heard figures from my honored colleague Senator Gilbert concerning the last figure that the Governor agreed for higher education and I want to remind him that the final figure, and this includes the 57 million dollar cut, that Governor Ogilvie's final figure was less than what he recommended in his original budget for higher education. And totally, I believe, the budget was reduced from 860 to 657 or so. So I do believe these figures are correct. We have heard...may we have some order please. There is too much talking in the back

PRESIDENT:

Please let's have some order.

SENATOR SAPERSTEIN:

We have heard figures concerning salaries; we have heard figures concerning capital improvements. But I want to call your attention to what is going to happen to the young people in the State of Illinois who are being denied an opportunity to fulfill their educational requirements and their potential. I am thinking back to the time I first came to the legislature in 1957; and at this time they were debating whether or not to allow Southern University to expand its curriculum to include a school of engineering. And as a freshman I was catapulted in this whole debate about the expansion of higher education in the State of Illinois. Now I voted with SIU because I believed any community that recognized the value of higher education and was asking for this in their community...considering the bad economic condition of southern Illinois at the time; I said any group of people, any community that wanted this should have it. And so I voted in favor of the expansion of Southern Illinois University. I did not know Senator Gilbert at that time, it wasn't a personal matter; but a matter of principle as far as I was concerned. And then in 1951 house bill 108

was passed and that authorized the University of Illinois to look for a sight in the Chicago area. It took 20 years to finalize the creation of a Chicago campus of the Illinois University; 20 years of struggling. It was a long and torturous road. However, we believed in higher education. And it became--this dream of a Chicago campus became a reality. And then a few years later we accepted the master plan for higher education and we included the junior colleges because again we supported the principle of higher education and making it available to all young people regardless of economic standing. And so we come to this important day, and we are asking ourselves, "What does this assault mean on higher education?" Let me tell you what it means; and this is only from one school. It means that at Western Illinois University 1000 students have been denied enrollment. It means that scholarship cuts are about 20% lower. It means that many promising students from lower income families are not able to continue their education because of the cut in jobs that universities often offer their students. It means a cut of...the elimination of 25 classes...different courses at Western Illinois. This assault on higher education shall not be allowed to exist. I think we ought to stop it today in this historic chamber where many of you have worked deliberately and hard to make the higher education system in the State of Illinois one of the best in the nation. What happens here today will not remain in the walls of this chamber. It will be heard all over the United States that Illinois is coming down on higher education; that Illinois is denying its students a chance of fulfillment. I urge you to support the senate bill 717 and to restore this cut in higher education.

PRESIDENT:

Senator Hynes. Excuse me. Senator Partee.

SENATOR PARTEE:

Mr. President and members of the Senate. Sometimes when matters involve millions of dollars they are talked about and in-pouched in language which does not lend itself to easy understanding. And it is the kind of language that has acquired, at least for Washington, the denomination of gobbledygook and sometimes when you talk about millions of dollars...

PRESIDENT:

Just a moment - Let's -

SENATOR PARTEE:

When you talk about millions of dollars, and it is talked about in gobbledygook language, perhaps sometimes the populace doesn't understand it. But I think of the budget of a Governor as being much like the budget of a family. Certainly there are allocations in percentage amounts for the necessities of that family. There is a mortgage to be paid which represents a certain percentage of the earnings of a family; there is food to be purchased; there are clothes to be bought; there is a budget item for entertainment and there is one for medical aid and necessities. And what Senator Hynes was talking about in terms of where the money should come from is a very simple matter if you apply it to a very simple concept like a family budget. It's like saying that if a person has a toothache and there is not enough money in the medical budget to pay for the toothache or to pay to the dentist; that you cannot then take money out of the entertainment budget, which is over and above the absolute necessity for the moment, and send the kid to the dentist to have his tooth done something with to alleviate his pain. What he is saying is that there are 7 or 8 places in the Governor's budget where the money is available, where the money is in that section of the budget in excess of current needs. And to deny one section of the family an absolute necessity while sitting on and holding enough money to send the lad to the dentist to have

the tooth extracted or repaired is nonsense. We talk about the education formula, and it is a complicated one and people shrink from discussing it because of its complication. And for that reason I try to give a simple example so that it could be understood by people. It's been said here that the scholarship funds are adequate and able, but I say here to you that I have a very, very sensitive area of my being concerning scholarships. Because except for scholarship, it is entirely possible that I would not be standing here right now.

PRESIDENT:

Just a moment, Senator. Let's maintain some order. Can we--  
SENATOR PARTEE:

And any reduction and any diminution of the number of scholarships available to people, hurt little people and middle class people; not just the upper echelon of society, but the little people. Here we are in a state that is trying as much as we can to educate our people by bringing into being the junior college system; by bringing into being the senior college system, such as we now have at Governor's State University and Sangamon State University. We believe in education and we are trying to educate our people. And at a time when we are going into a society which not only needs but demands people with increased training because of our technological process and progress; we simply can't cut back in training people unless we are prepared to be relegated to a lesser roll in the council of world affairs. It's been said here that we...the university is like a spoiled child and we have been giving him too much. Let me say to you that I pay taxes just as you do and it is just as painful to me as it is to you. And I would not appropriate one single dollar to any university if that money is going to be used for frills and non-necessities. And that is why I worked so long and hard and patiently with our task forces; to remove from those

budgets any item which had the appearance of being a frill or non-necessity. And when we recommended to this Senate the passage of the bill that affects this particular area, we were confident that the amount of money set forth in that bill was not in excess of basic needs. Let me tell you a story about the depression years and about a very learned caucasian gentleman who had a medical license in the State of Indiana who was concerned about the education of his children. Though he was a doctor he was not able to earn the kind of living that was necessary to send three students, his children, to college when all three of them were going to be in college simultaneously. So he made a survey of the State of Indiana with a view toward finding two things: (1) a town in which he could eek out a living to support his family, because they were not getting the big fat fees that they get in these days. They were getting hogs, and chickens and eggs and farm products in lieu of cash. And he moved to a town called Greencastle, Indiana where there was a very fine school called DePauw University. And those children could live at home and not have the expenses of dormitory living. And those three children went to school there and at the end of the time that they were all out, he was in a better financial posture and he could then send them to graduate school. One of those students became a masters in music from Boston University, and is now a member of the Boston Symphony Orchestra. Another of those children is a physician in New York City. The third of those children was sent to the University of Chicago where she became a lawyer and became the first lady judge to be elected to the Circuit Court of Cook County. I am only giving you this example so that you will think again about how much the education system means to the parents of this state. People who will make all kinds of sacrifices to see that their children have a decent education. People who believe in the education process and there

is hardly a man alive who does not want more for his son than he does for himself and I say that the restoration of these funds are necessary. It is imperative so that we do not place people in the lower income and middle income brackets in a position where their children cannot complete and finish their education. We are not being generous. Education is a necessity in the American scene and scheme of things. It will be an increasingly more important commodity as we move even faster and further into the technological progress that this nation is undergoing. We are a nation of movement. There is some of you who can remember riding in a buggy with your Grandfathers and you can also remember riding in a jet airplane. You remember going outdoors to relieve yourselves on cold winter nights and you now compare that with beautiful palatial homes with bathtubs and all of the modern necessities and conveniences. It is not a country that stands still. This is a nation of movement and to cut back in education at a time when the money is in fact available is a whim on the fair face of justice.

PRESIDENT:

Senator Weaver do you wish to close the debate?

SENATOR WEAVER:

Mr. President and members of the Senate. It has been suggested that the University administrations chose where to make these cuts proposed by the Governor. Let me say this. No reasonable choice could have been made due to reductions of other line items. I could go through them item by item. If university operations were to continue in the '71 - '72 fiscal year, they had to be made in this area. The actual effect of the reductions imposed by the Governor for regular operations at the University of Illinois amounts to 3 million 900 thousand below the corresponding figure of the '70 - '71 budget. The total reductions made on senate bill 717 as approved by the Senate amount to 16.3



million. I feel that the restoration of 5.8 million, page 1 line 11, should be made as I said before. Only approximately half of this could be expended, the rest will lapse. But I would certainly request a favorable vote on the restoration of this motion on 717. Thank you.

PRESIDENT:

Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Senator Hynes.

SENATOR HYNES:

Very briefly an explanation of my vote, which is aye. I would like to comment on one or two points that were made that I consider to be misstatements. First of all, as to the additional funds that we feel are available in the budget. We are not, I repeat, not speaking of a loan. We are speaking of a surplus that exists in these various funds and which is available to be transferred in fact with all...by simple action of the Governor to finance this package. So, it is not borrowing which will have to be repaid next year. It is not a loan. It is expenditure of available surplus funds. Secondly, a comment was made to the effect that the cutbacks by the universities have been political in nature in the sense that they are highly visible. Well, I would simply ask, with respect to that, how can the cutbacks in services; in student jobs, library services, etc; be other than visible when we are dealing with a reduction in appropriations from last years level of expenditure. Six million dollars or ten if you exclude the two new universities. Ten million less than

last year at a time when costs are rising in every area. Thirdly, the Governor has not approved the level of funding at 672 million, as he indicated in his original message. The actual level is 657 million. The additional 15 million can be available, says the Governor, if we put a tuition increase on. So only with the tuition increase will we reach the 672 level of funding. Also the point was made that the universities themselves selected the items that were to be cut. So the surgeon says to you, "I am going to remove one of your arms. Make the choice whether it be left or right." I don't think the blame can be put on you for the cuts that were made. The universities were told by the Bureau of the Budget, "Cut x amount of dollars. We don't care where you cut it, but cut it." Now, if that is management of the affairs of this State, then I would like to see mismanagement. Finally, let me say that the total amount of the...involved in the motions that are involved here will be 14 million dollars; but we intend to approve only expenditure of 7 million and we are asking for written assurance from the universities that they are going to lapse at least 50% of the amount restored. Because of the constitutional requirements that we restore only all or nothing. That is the only approach we could take. That will be true of every motion. Again, I would urge your support for this very vital restoration. I vote aye.

SECRETARY:

Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Lauthlin, Lyons, McCarthy, Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas, Smith.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

In explaining my vote, Mr. President, I would like to just

make a little comment. It seems strange that the Senators can vote to override the Governor's veto for 5 million dollars and 7 million dollars for higher education for students in their district and vote against aiding the handicapped children by purchasing equipment so that they can get a better education and become self sufficient. In one hand you vote for 7 million dollars to restore and on the hand you vote against 200,000 dollars to help the handicapped. I still vote aye.

SECRETARY:

Smith, Soper, Sours, Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

Senator Tom Lyons.

SENATOR TOM LYONS:

How am I recorded on this? I don't think I am.

PRESIDENT:

You are not recorded.

SENATOR TOM LYONS:

Well, I would like to vote aye on the motion. And I purposely foreborn until the end of the roll call, because I could see what was happening. We have, obviously, a locked-in party position on this matter on the other side of the aisle and, of course, when you start to play for political advantage in matters of this kind, you can get into serious trouble. Playing for political advantage always in the end may be balanced to the long term disadvantage of all the people of the State. The Governor vetoed another bill which would have made it possible for us to have one more vote in this chamber today. Senator William Lyon's replacement would be here today. Senator Lyons voted aye on this bill the first time around. Instead of having 29 affirmative votes for this measure, we would have 30. We would have passed this bill. It would have overridden the Governor's reduction veto on this measure and I suppose the same roll call will be recorded on some of the

other measures to aid the education of the children of this State. The responsibility rests with one man who has dictated a locked-in party position on the question of education for the children of this State. And it was guaranteed that that position will prevail by failing to sign a bill which would have made it possible for us to fill a vacancy in this chamber. 180,000 people of this State are unrepresented today because the Governor vetoed the bill which would have made it possible for us to replace Senator Lyons. Presumably that would have been another vote in favor of the higher education of the children of this State and the Governor is responsible in both particulars and for both reasons for the failure of this measure. I vote aye, Mr. President.

PRESIDENT:

A request for the call of the absentees.

SECRETARY:

Baltz, Berning, Carroll, Fawell, Gilbert, Graham, Groen, Latherow, Merritt, Soper, Sours, Walker.

PRESIDENT:

On that question the yeas 29, the nays are 16. The motion having failed to receive the necessary 30 votes is declared defeated. The motion by Senator Coulson to reconsider. Motion by Senator Mohr to table. All in favor of the motion to table signify by saying aye. Contrary minded. Motion to table prevails. 742 Senator Harris. Senator Hynes, you have a motion on 742? Senator Hynes.

SENATOR HYNES:

Senate bill 742 which is the appropriation for the Board of Regents universities. I have two motions. I move that item on page 1 line 14 senate bill 742 be restored, the item reduction of the Governor to the contrary notwithstanding. I have filed a written motion with the Secretary and I so move. This will involve 624,000 dollars ultimately for the regents for Illinois

State University. I think the comments that I made and that others have made with respect to the preceding motion are sufficient.

I would urge your support on this proposition. I ask for a roll call.

PRESIDENT:

Is there further discussion? The secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Request for a call of the absentees. The absentees will be called.

SECRETARY:

Baltz, Berning, Bidwill, Carroll, Fawell, Gilbert, Graham, Groen, Horsley, Latherow, McBroom, Merritt, Sours, Walker, Weaver.

PRESIDENT:

On that question the yeas are 28, the nays are 15. The motion having failed to receive the necessary 30 votes, is declared defeated. Senator Coulson moves to reconsider. Senator Soper moves to table. All in favor of the motion to table signify by saying aye. Contrary minded. The motion to table prevails. Senator Hynes.

SENATOR HYNES:

This motion deals with Northern Illinois University and should be of particular interest to Senators Collins and Davidson. I move that item on page 1 of line 28 of senate bill 742 be restored, the

item reduction of the Governor to the contrary notwithstanding. I ask for a roll call.

PRESIDENT:

The secretary will call the roll. Just a moment. Senator Soper do you wish to have the floor?

SENATOR SOPER:

Senator Hynes you talked about a reduction, but you didn't tell us what that reduction was on.

PRESIDENT:

Senator Hynes.

SENATOR HYNES:

771,744 dollars.

PRESIDENT:

Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Senator Saperstein.

SENATOR SAPERSTEIN:

Mr. President and Gentlemen. I am really compelled to say this and explain my...in the explanation of my vote. This is really a sad day for the State of Illinois because in essence what you are doing...you are denying thousands of young people; especially from the lower income group because others can go to other universities; but denying them the opportunity of getting

a good high education that will provide them with the tools of being productive citizens. And I want to tell you, gentlemen, the students of the State of Illinois will not forget this. They are not going to be satisfied by the decision of this Senate today. I vote aye.

PRESIDENT:

Request for a call of the absentees.

SECRETARY:

Arrington, Baltz, Bidwill, Carroll, Clarke, Fawell, Gilbert, Graham, Groen, Latherow, McBroom, Merritt, Newhouse, Sours, Walker, Weaver.

PRESIDENT:

On that question the yeas are 28, the nays are 15. The motion having failed to receive the necessary 30 votes is declared defeated. Senator Mitchler moves to reconsider. Senator Clarke moves to table. All in favor of the motion to table signify by saying aye. Contrary minded. Motion to table prevails. 1190 Senator Hynes.

SENATOR HYNES:

This is the appropriation for Southern Illinois University. Again I move that the item on page 1 line 12 senate bill 1190 be restored the item reduction of the Governor to the contrary notwithstanding. I ask for a roll call.

PRESIDENT:

Secretary will call the roll. Senator Gilbert.

SENATOR GILBERT:

Senator Hynes for sake of brevity on this, I think the policy has been established. I personally live in Carbondale, that is my district. I am not going to support this. I would suggest that we accept the last roll call of 742. I think you will find an identical roll call on this. I see no point in calling the roll and then the absentees when I don't think it is going to change any vote.

PRESIDENT:

Senator Hynes.

SENATOR HYNES:

We would prefer to have a roll call, Mr. President.

PRESIDENT:

Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Request for call of the absentees.

SECRETARY:

Arrington, Baltz, Bidwill, Carroll, Davidson, Fawell, Gilbert, Graham, Groen, Latherow, Merritt, Ozinga, Sours, Walker and Weaver.

PRESIDENT:

On that question the yeas are 28, the nays are 14. The motion having failed to receive the necessary 30 votes is declared defeated. Senator Coulson moves to reconsider. Senator Clarke moves to table. All in favor of the motion to table signify by saying aye. Contrary minded. Motion to table prevails. 1213 - oh, excuse me. Senator Hynes.

SENATOR HYNES:

May we take 636 which is part of this package. So we can dispose of it all.

PRESIDENT:

636. Is there objection to that? 636.



SENATOR HYNES:

Again this is the appropriation for the Board of Governors and, with respect to Chicago State University which is part of that appropriation package, I move that the item on line 1...on page 1 line 11 of senate bill 636 be restored the item reduction of the Governor to the contrary notwithstanding. The amount of the reduction is 911,060. The amount...1/2 of that or the amount to be spent...or authorized to be spent is 455,530 dollars. I so move and ask for a roll call.

PRESIDENT:

There are 4 motions here. Is that correct?

SENATOR HYNES:

That is correct.

PRESIDENT:

Would it be acceptable, Senator Hynes, to use one roll call for the 4 motions.

SENATOR HYNES:

Yes.

PRESIDENT:

Is there any objection to that procedure? Senator Partee.

SENATOR PARTEE:

I just don't want to presume that anybody might not change his mind on one or the other of them; if that's the way they want to do it, we will do it that way.

PRESIDENT:

Is there objection? Leave is granted. This roll call will now apply on 4 motions in connection with senate bill 636. Senator Hynes.

SENATOR HYNES:

I would like to make the motions then with all 4 motions and explain them briefly if I might.

PRESIDENT:

Proceed.

SENATOR HYNES:

I move that the item on page 1 line 25 of senate bill 636 be restored the item reduction of the Governor to the contrary notwithstanding. This involves Eastern Illinois University in Senator Merritt's district. The amount of the reduction, 1,311,023 dollars. 1/2 of that, the amount that would be authorized to be expended, 655,512 dollars. I make the same motion with respect to the item on page 2 line 22 of senate bill 636. This affects Northeastern Illinois University. The amount of the reduction was 517,293 dollars. 1/2 of that, the amount that would be authorized to be expended, would be 258,646 dollars. And finally I make the same motion with respect to the item on page 3 line 6 of senate bill 636, which deals with Western Illinois University, Senator Latherow's district. The reduction was 2,455,512 dollars. 1/2 of that, 1,227,756 dollars. I would ask for a roll call and your support of these motions.

PRESIDENT:

Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham, Groen Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom.

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

Mr. President and Gentlemen and Senator Saperstein. I will very briefly explain my vote. Northeastern University is in my district. I have seen it grow from a small branch of Chicago Teachers college to a major educational institution in the last 15

years. I have also seen what disastrous effect the Governor's reduction veto has had on that institution already; just in the few months that it has been in effect. I have conferred with the President of the Institution, and I have conferred with many of the students. I have never received more mail on any subject since I have been in the General Assembly or indeed since I have been anywhere in public service or public life. The Governor's reduction veto has the effect of reducing the operating dollars for Northeastern University below the 1970 level. You can dress it up or play with the figures any way you like, but that is the ultimate result. Programs have been truncated, new programs have been not started or programs that were programmed to be started have not been started, the enrollment is declining already. And again, I like to point out that one party and one man bear the responsibility for this. I can assure you that not only the students and the personnel of Northeastern University are acutely aware of this whole issue, because they are in constant communication with their representatives. And there is no way that anybody can lever off the responsibility for the action that is taken here today. I vote aye, Mr. President.

SECRETARY:

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

PRESIDENT:

On those motions the yeas are 28, the nays are 12. The motions having failed to receive the necessary 30 votes, are declared defeated. Motion to reconsider by Senator Clarke. Motion by Senator Mitchler to table. All in favor of the motion to table signify by saying aye. Contrary minded. Motion to table prevails. 1213 Senator Partee. Pass. 277 Senator Fawell. 1140 Senator Harris on the floor? 1216 Senator Carroll. Senator Smith.

SENATOR SMITH:

The bill just called, I filed the necessary motions in my own name.

PRESIDENT:

Senator Smith is recognized on his motion.

SENATOR SMITH:

Mr. President and members of the Senate. Since Tuesday, I have set here and listened to the course of action with reference to some of the motions and I assure you I am not so gullable as to have any high hopes with regards to the probable success of the motion that I have filed in reference to this particular bill. As the co-sponsor of the original bill, I think it neat and proper that the motion should have been filed and just a word said with reference to the why of the filing of the motions. The motions as filed seek to restore certain cuts from the public aid annual appropriation. The particular lines, I confess, I don't recall, the motions are there; but one has to do with the medical assistance appropriation which was reduced some 25 million dollars, and the other has to do with the general assistance appropriation which was reduced some 40 million dollars. And I confess it is a little difficult for me to stand here and talk in terms of millions, today or any other time. I am cognizant of the fact that when this amount was originally placed in the original budget that there was a statement in the press to the extent that his Excellency did so in the expectation of receiving a similar amount from the Federal Government and that when he learned that that amount would not be forthcoming, he found it needful in order to balance the budget to make these two reductions which total exactly the 65 million dollars that was being expected from the Federal Government. Now those of you who know me, with regards to public welfare, I think know that I would be one of the last members of this body to stand here to make an argument against

any reasonable reappraisal with reference to the welfare set up here in the State of Illinois, or in either of the other states that comprise these United States of America. Frankly I say to you, as I have said before, that I think that the welfare setup as it now exists and as it has operated and apparently will continue to operate, is set up in a way and manner that it does exact opposite to that for which it was intended. My personal belief, I know not the beliefs, of others, but my personal belief is that your welfare program is now constituted and set up that it destroys personal initiative. I think that it destroys the will to do, the will to achieve. But, Mr. President and members of the Senate, with the economy as it now is, with inflation as it now is, with the 29 cents a meal allowance that is afforded by the Department during these inflationary times as it now is, with the millions and millions of men and women who have exhausted their social security benefits; I think that the two combined reductions are all together unnecessary. When those of us who comprise or compose your legislative advisory committee on public welfare were briefed just one week ago yesterday, we were told by the new Director of the Department, and I agree with the reasoning fully, in opposition to the belief of the 32 so-called welfare associations that exist in this State, I differ with their reasoning. Frankly, I agree with the Director's reasoning that it is all together neat and proper to transfer from the general assistance rolls and I am sure that the membership here understand or you should understand and no doubt do understand that the general assistance roll is financed wholly by local and state contributions. So the present plan, as we were briefed last Wednesday is to transfer the recipients from the general assistance-rolls to other categories, financed in part by the federal...by federal matching funds. And that such a transfer will of course necessitate a less expenditure, total expenditure on the part of local and state governments, and in

addition, we were briefed and told, that in the medical assistance appropriation, that a substantial cut will be made. And it might serve some purpose to state that the medical assistance program comprises...

PRESIDENT:

Just a moment. Senator Smith is entitled to be heard.

SENATOR SMITH:

The results will be the same when I am finished Mr. President. You know it as I know it. That the medical assistance appropriation comprises some 42% of the total budget. I see the Senator raising his hand. Do you differ Senator? But the plain fact is that the medical assistance program does constitute, as I just said, approximately 42% of the total appropriation. And according to the way and manner that we were briefed, that program has... rather a program of plans have been set up that will drastically reduce the amounts appropriated for such purposes. And that... the fear expressed in the veto was that if this 65 million remained in the budget...

PRESIDENT:

Just a moment. Please-Gentlemen. Proceed, Senator.

SENATOR SMITH:

That the Budget would be thrown out of balance. And it is my contention that with the hoped for savings from the two categories that I have just briefly mentioned, the general assistance and the medical aid assistance program, plus the restoration of the 65 million dollars; you will then still have at the close of the year the necessary amount to probably be of some service to others. Now, Mr. President and members of the Senate, were these ordinary times I would not have made the motion to file the two motions that I did file. But these are not ordinary times that are facing us here and now. With the market value...rather with the market for labor decreasing daily, billions of men and women...

and I think his Excellency recognized and appreciated that fact because in his message to us of May the 20th of this year he said that the recent economic situation has compounded the problem by bringing more persons on the welfare rolls and by making it more difficult for those who are on welfare rolls to get off. And again he says, "Work requirements I have proposed will have meaning only if there are jobs available." And I don't think anyone here will argue that jobs are available. In the present economy it is evident that not enough jobs are available in the private sector to employ persons with considerable skill, to say nothing of relatively unskilled welfare recipients. Nevertheless the program of reappraising that has been set forth in his same message he provides that these recipients, from their meager funds, pay one dollar for each visit to a doctor, one dollar for each visit to the dentist or the health advisor, one dollar for each prescription or a pair of glasses, three dollars for each day of a hospital stay. Now, I agree that many of the things I have said during the 2 or 3 days here that we have been here this week. I agree with those who might argue about the total appropriations for public welfare. The plain fact of the matter is for those who wish to do as I have done, total the figures and find out is; that the increase in appropriations for public aid totals approximately 30%. If the program, however, is to be maintained in all offices, I would say and I do say as I now close that the same provisions should apply to the departments over which his Excellency has complete control. I have here the figures, it is possible that you gentlemen have not noticed them. But do you know that his Excellency's appropriation, total appropriations, for his own office increased over the 1970 appropriations a total of 150%. We never hear any argument or any comment concerning that; but take his own immediate office, you take the human resources office over which he has control, budgetary commission, he has increased to a

considerable extent so much so that the total increase approximates 150%. The welfare program's total increase was perhaps 30%. Now I know how it is whenever we get up here and talk about public aid. And if my motion prevails, which it will not, but should the unexpected happen and my motion prevail; I would save you, Senator, I would save you many a headache. It would then become your duty to come in with a deficiency appropriation, and I think there are only two members on this floor who have fought for deficiency appropriations for public aid. I did it when my administration was in control. You do it now while your administration is in. And if this motion prevails, I will save you a considerable headache when the time comes to come forward with the deficiency appropriation. Now some argue here, and I have heard it, they have grown eloquent and have said that all of the recipients are lazy. There are some lazy persons on public welfare, there are some, perhaps, some lazy Senators, perhaps some lazy members of the House of Representatives; but they are not all lazy. Why not then cull the rolls of the undesirable? I am in favor of that. I am in favor of casting from the rolls everyone who is not entitled to public assistance and I have shown that throughout my voting here in this body. Here is one of the things that causes these things and I am going to take the time to read it. I clipped it from the Chicago Daily News on the 29th of the 4th month. What is that - January, February, March, April of this year. Here is a man. I will give his address. 3456 So. Western Ave. The owner of the Hungry Eye Steak restaurant. This man, according to this paper, when his Uncle died, and they give his Uncle's name, and they give his name and I am not going to read the name. He was given several pieces of property; 3 story building at the address I just mentioned, housing, the restaurant, he now receives the rent from several businesses and apartments. And he received a total in public welfare of 289 dollars per month. On the opposite side I



clipped from the paper a mother in my district; I won't give her name either, but I will let you read it; who has 11 children and she received a 150 dollars per month. The man receiving rental payments each month, a business and they mention a new cadillac that he had; he received 289. I think then that with the economy as it is, Mr. President, that many many others will be separated from their jobs or positions and that the 65 million dollars will be needful and necessary to save my friend Carroll from a headache and the necessity of coming in with a deficiency appropriation. I move the adoption. My motion.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Mr. President and Senators. My distinguished colleague and friend Senator Smith, who is Vice Chairman of this legislative advisory committee, just referred to the headaches he was going to remove from me if I would agree with his motion. Well, since I have been chairman of this committee, we have had headaches and so I am getting used to them. But I think we would have a greater headache if we adopted his proposal. You know that this year our public aid appropriation for one year is 1,060,000,000 and that is after the slight reduction that was made by the Governor. Now the purpose of the Governor's message and reduction was to try to transfer some of these cases from General Assistance to the catagorical programs where we obtain about 1/2 in federal matching funds. You all know that in cases on general assistance they are supported entirely by the State of Illinois and some local funds. The other reductions that we hope will cut some of this deficiency that I am sure we are facing are in the medical program...Medicaid program. One is trying to get people out of hospitals as soon as they are able to be removed and I will just sight you a little example of one in my own case where my own wife was in the hospital

and the Doctor on a Friday said she could get out on Saturday. However, on Saturday morning about 10:30 I had a call in which she was very disturbed that the Doctor was not going to let her out. I talked to him on the telephone and I said is there any medical reason why she cannot be removed from this hospital today, because I had made arrangements for her care at home. He said no but I just thought it would be a good idea for her to stay 2 or 3 more days. And he did release her on that Saturday. Showing that we can get in many cases if we press for it, people out of hospitals at that 60 - 70 - 80 dollars a day cost and into a facility of nursing care or some other facility that is less costly. And I believe that that was taken into the Governor's message when he was asking for these reductions. And I would urge this body to vote no on Senator Smith's motion.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Mr. President and Senators. I don't want to take up this time of this body unnecessarily, but I would just like to respond to just one portion of the remarks that were just made; and that's with reference to the hospitals. The reason I want to respond to it is because I had in my office 2 days ago representatives from 3 hospitals in my district that said that the way that the present regulation or the regulations that would govern them as regards to their patients on public aid were drawn; that, as a matter of fact, if this went into effect they would have to shut their doors in 30 days. One of them is Provident Hospital; which is an extremely old institution in our city that has given us some of our foremost surgeons, as a matter of fact; and I feel very strongly about the fact that they feel they are placed in jeopardy. Now the implication here was that hospitals as a matter of course hold patients for longer periods of time than is required. And I simply can't

believe that that is true. I know that in the case of Provident, for example, that the pressure to get into that hospital is so intense that the inclination, I suppose, would be to get patients out of there much more quickly than they would have in the past. But let's forget for the moment about Provident Hospital; about which I am concerned, and there are three hospitals in my district; and talk about what it is going to do to another public facility and that is the Cook County Hospital. If, in fact, Provident is effected in the fashion that the executives assure me it will be, and if in fact the two other hospitals close down; then it must hold true that there are other hospitals in that same condition about which I do not know. The loads that they will not be able to carry must necessarily go to the Cook County Hospital which is presently an overused facility in a great deal of difficulty. And the facts-of-life are, Senator, that from the state point of view, if that happens and if Cook County gets into the trouble that we understand that it will be in as a consequence of the reduction of medical payments; then I suspect that we are going to be in far more serious trouble as the consequence of that than we will be if we simply maintain at present level the funding for the medical program. I only want to speak to this portion Senator, I want to speak to it only because that portion was mentioned and because it has been brought very forcefully to my attention in the past few days.

PRESIDENT:

Senator Dougherty.

SENATOR DOUGHERTY:

Mr. President, members of the Senate. I rise in defense and to sustain Senator Smith's move to override the item deletion from the public aid budget for the reason that it is one other item that concerns me a great deal. I have here a paper of some 15 pages presented to the Public Aid Advisory Committee last week from the

new director, Mr. Weaver. And he expressed a great deal of concern, as has been expressed here before, about the increasing load in the general assistance area. General assistance, you know, is administered by the local units alone and there is state assistance granted only in those cases where a levy of one mill is made in order to sustain the operation of general assistance in certain communities. There are 1,445 communities in the State that are eligible, or could possibly appropriate...or levy a one mill tax in order to support the general assistance. Cook County does that. It raises about 14 million dollars a year which for the City of Chicago is administered by the Cook County Department of Public Aid. The Governor's proposal is simply this. He proposes to transfer some 21 million dollars remaining in the general assistance item to ADFC program in order to offset a deficit in that particular division. The Department in its endeavor to remove as many people from general assistance, under the categorical programs has initiated a program wherein the Department of Health examines these people to determine whether or not they are eligible for categorical aid or for the continuance of G.A. Recently, beginning in July, they sent some 850 people over to this facility for examination. And the results were as follows: Transfer to federal programs, 157; cancellation recommended for one reason or another, 245; and the continuing eligibility for general assistance was 413; indicating that at least 50% or more of the people on general assistance are entitled to it. So this is what this transfer of funds is going to mean. It will leave exactly some 29 million dollars left in the general assistance item; and will at this time provide for 8 million 500 thousand dollars for the month of October. Reducing it to 3 million for the month of November and 2.5 million for the remaining months of the year. Now, how are we going to reduce these items when their own figures indicate that more than half of those on general assistance are eligible.

The answer would be, I suppose, that we should levy an additional rate. We in Chicago are levying the rate required; we are making our share of the bargain under the law. But this is aimed...the entire focus is on the City of Chicago to endeavor to have the authorities of the City of Chicago levy an increasing rate in order to provide more funds on a matching basis. I think that this is diabolical for the reason, I would like to point out, that more than 50% or at least 50% of all revenue coming to the State of Illinois comes from the City of Chicago and the County of Cook. And this is a direct slap at the great metropolitan area of Chicago. I support Senator Smith and his move to override the Governor's veto and I urge my colleagues to do likewise.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Mr. President and members of the Senate. Last week at our Legislative Audit Commission meeting we had testimony with respect to a special audit that was conducted of the public aid budget and appropriations. It was made by the Auditor General of our State. In his findings he concluded that our State, in public aid payments, has failed to pursue everything that we are entitled to from the federal government that actually resulted, on a spot check, of a loss of 11 million dollars a year. Now these procedures they recommended have to be tightened up. And we certainly have to see that everything that needs to be done is done by Public Aid Department in our State in order to get the federal benefits that we are entitled to. 11 million dollars a year would be a savings to our State and we would obviously have that 11 million dollars if we pursued that recommendation and got everything that we are entitled to from the federal government. That is the way to proceed to try to cut and reduce the public aid appropriation and the public aid budget. I think it is time we showed some

competence in this area; not by with a fell swoop of the hand reducing the public aid budget; but getting the money that we are entitled to. And I think that is the way to do it and I rise in support of Senator Smith's motion to restore that money.

PRESIDENT:

Senator Saperstein.

SENATOR SAPERSTEIN:

Mr. President and Gentlemen. Will Senator Carroll answer a question please? Alright. Senator Carroll you mentioned the budget of 1 billion plus. How much of this comes from the federal government and how much of this comes from the State?

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Well, I haven't got the figures right in front of me but actually of all the other programs other than the general assistance program, it's almost on a fifty fifty basis, Senator.

PRESIDENT:

Senator Saperstein.

SENATOR CARROLL:

...funds as you know with the exception of the 1 mill tax in the City of Chicago. With that one mill tax raises about 10 million dollars per year.

PRESIDENT:

Senator Saperstein.

SENATOR SAPERSTEIN:

I rise in support of Senator Smith's motion to restore the cuts. And I want to call the Senate's attention to one very sensitive area that I think isn't quite clear. Senator Smith mentioned the fact that under the new medicaid program, that an ADC or a welfare recipient when he or she goes to a Doctor's office will have to make a token payment of one dollar, 3 dollar token payment in the

hospital, a 50 cent token payment when you get a prescription. This really amounts a reduction in the grants for a recipient. We may call it a token payment for medical care, but they need to take this out of their grant. I asked the Director Weaver whether or not the State would subsidize these charges and he said no. And I think we have to think very very carefully whether or not in this day and this age of increased cost of living we can turn around and say to the recipients, "We're going to reduce your grant" and this is exactly what this reduction means - a reduction of the grants of the people on welfare. We can hardly do that today. I urge your support of Senator Smith's motion.

PRESIDENT:

Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Saperstein aye, Tom Lyons aye, Harris no, Chew aye. Request for a call of the absentees. The absentees will be called.

SECRETARY:

Arrington, Baltz, Bidwill, Bruce, Fawell, Gilbert, Graham, Groen, Hynes, Kosinski, McCarthy.

PRESIDENT:

Kosinski aye, Hynes aye.

SECRETARY:

Mohr, Soper, Walker.

PRESIDENT:

Fawell no. On that question the yeas are 26 and the nays are 21. The motion having failed to receive the necessary 30 votes is declared defeated. Motion by Senator Carroll to reconsider. Motion by Senator Coulson to table. All in favor of the motion to table signify by saying aye. Contrary minded. The motion to table prevails. 1098. Is Senator Bruce on the floor? 1195 Senator Cherry.

SENATOR CHERRY:

Mr. President and members of the Senate. I am going to discuss 1195, 96 and 97 as a package. But I think we should vote on them separately.

PRESIDENT:

Just a moment. Before we discuss them, I think we ought to have some order. Gentlemen, please let's...Senators Knuepfer, Rosander, McBroom. Senator Cherry may proceed.

SENATOR CHERRY:

These are the nonpublic school aid bills.

PRESIDENT:

For what purpose does Senator Horsley arise.

SENATOR HORSLEY:

Do we have copies of the message of the Governor on our desk?

SENATOR CHERRY:

Yes, they were on your desks since yesterday at 2 o'clock, Senator Horsley.

SENATOR HORSLEY:

I haven't seen them.

SENATOR CHERRY:

Well, every desk had a copy of the Governor's ammendatory veto and they were available, as I stated yesterday they would be. These are the bills which the Governor at our request; I say ours, the sponsors of these bills, has returned to the members of the Senate with the specific recommendations that we asked him to in-



clude in his return of these bills. The reason for the new structure of these bills was simply because, after the bills were passed by both houses of this legislature, a United States Supreme Court decision was handed down in which they declared two bills passed by both the Pennsylvania legislature and the Rhode Island legislature, the language of which put our bills in jeopardy. And in this decision by the Supreme Court of the United States, it defined its principle of excessive entanglement in the Pennsylvania and Rhode Island cases which are somewhat similar to ours. And so we attempted to remove, and we feel have removed, this entanglement between state and church, so that we would have our bills presumably constitutional. I might add that in two cases, in both the Allan case which was cited by the United States Supreme Court and in the most recent decision by the Supreme Court, the inclusion of payment for textbooks and remedial services were declared to be legal and constitutional. And using that language that was contained in that case, in the Lemmon case, we structured these bills and, therefore and subsequently, made our recommendations to the Governor to make the recommendations which we are presently considering and which motion is being to accept the recommendations that the Governor has made in the return of these 3 bills. I believe that these 3 bills now meet the constitutional requirements. We are going to pay for textbooks and we are going to pay the public school system for these textbooks and other related services; remedial reading and so forth, health services; that any public school may offer that will be available for any nonpublic school for which payment is being provided for by a formula. And so I ask your support in this motion to support the recommendations that are made and the changes which in our opinion will make this bill constitutional and prohibit any suspicion that they will not be constitutional. I ask your favorable support in accepting these recommendations.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Mr. President, I am not now speaking to the bill. I simply want to ask if the sponsor will yield to a question.

PRESIDENT:

Senator indicates he will.

SENATOR NEWHOUSE:

Senator, recently, in a nonpublic school district adjacent to mine, there was a refusal on the part of that school to admit a young pupil on the basis of his race. Now under this bill what would happen to that school...

PRESIDENT:

Just a moment. Senator Horsley says he cannot hear. Can we... Senators McBroom and Savickas and Course, I am advised that that conference is bothering some people. Senator Neistein, I am also advised that some...

SENATOR NEWHOUSE:

I would like to repeat the question, Mr. President. I would like there to be no mistake what the question or the answer is to this body. In a school district adjacent to mine in the recent past a youngster was denied admission to school specifically on the basis of his race. This was a nonpublic school. My question is, under the provision of this new bill as it is now drafted, what would happen to the school and to the youngster in that case?

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

The answer to your question, Senator Newhouse, is that this school would not be entitled to receive any benefits if they are guilty of violating the civil rights act of 1964 which is public law 88-352. In substance which is in compliance with the civil

rights act and that is specifically stated on page 3 of senate bill 1195. There could be no discrimination for race, color, or creed under that particular title and if the school is found guilty of doing what you have given us as an example, that school would not qualify for any aid under this bill.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Then that raises another question Mr. Sponsor. Since as I understand under this new bill, payments will be made directly to parents. Does that mean that each one of these parents will then have to find a new school in order to receive the benefits.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

That school would be ineligible, Senator Newhouse. And presumably the parents of that child could go to any nonpublic school which is in compliance with the civil rights act and get what it is entitled to...the family would get what it is entitled to.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

I understand your answer, but that was not the question, Senator. I assume that there are several hundred other parents in that same school who would be eligible under this act to receive benefits. Now would those several hundred parents then, I take it, would have to find another school for their youngsters. Is that correct?

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Where there was no discrimination that school would be eligible, but if they were found guilty of discrimination that school would

not be eligible. And I must remind you this; that the school would be getting their money through the public school instead of the manner in which the bill, the formula was provided for in the former bill, Senator Newhouse.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

That still doesn't answer the question, Senator. I want to get it perfectly clear. Is it true then, that that school would be ineligible for benefits and that those several hundred parents, whoever they are, would then have to find another school in order to be eligible for these benefits?

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

And my answer is yes.

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Mr. President and Senators, I have a question or two for the sponsor, Senator Cherry, if he will yield to them.

PRESIDENT:

He indicates he will.

SENATOR SOURS:

Does this bill in any way provide for any appropriation of public funds.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Yes sir, it does.

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Does it provide for the payment of any public funds to any person, firm or corporation.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

If you would read the new bill, Senator, and I am reading from page 4 so that my interpretation will not be necessary. It is specifically stated in the book, "Each parent shall make his or her request from any of the textbooks listed by the Superintendent of Public Instruction as provided for in the section under the school code. A parent shall submit a separate request voucher for each and every...of his or her children who are in attendance at a nonpublic school. Parents applying for a state textbook grant shall forward their completed request voucher form to the appropriate public school district on or before the application receipt date determined by the Superintendent." And then it goes on to talk about rental of books and so forth and provides for payment for these textbooks in accordance with the provisions of the formula contained in this bill. Whenever textbooks are furnished as provided for in this act, they remain the property of the school district furnishing them. Each public school district that furnishes textbooks in accordance with the provisions of this act shall annually certify to the Superintendent of the educational service region the name of the applicant and the actual state textbook rent amount which each applicant receives. Then that money is sent to the public schools to be distributed to the parents who have purchased the textbooks.

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Do you view this in any way as aiding either directly, indirectly

or even remotely any church or parochial institution? .

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

There is no distinction in the legislators who support this bill that we are going to help nonpublic parochial schools or churches or anyone else. This will be a direct payment to the parent for the purchase of textbooks and the other services which are included in this bill.

PRESIDENT:

Senator Sours.

SENATOR SOURS:

And your talking now about payments to parents whose children will attend nonpublic schools. Is that correct?

PRESIDENT:

Senator Cherry

SENATOR CHERRY:

That is absolutely correct.

PRESIDENT:

Senator Sours.

SENATOR SOURS:

I believe in your peroration today you suggested you're trying to make this constitutional. Is there anything in your judgment as a Senator and a Lawyer that is ambiguous in Section 3 of article 10 of the new constitution which the old gentlemen passed last year?

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

In my opinion, Senator Sours, as both a lawyer and a legislator, it does not violate any of the provisions of the new constitution.

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Are you similarly acquainted with the rule of law that says you cannot do through circumvention or indirectly what you cannot do directly. Meaning the court will look through form to find substance. Do you have any conflict with your conscience in that regard?

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

I have no conflict with my conscience, Senator Sours, and the reason behind this statement is the language used in the Supreme Court in the Allan case and the second case that just was decided in June of 1971 subsequent to the passage of the bill that we are considering.

PRESIDENT:

Senator Sours.

SENATOR SOURS:

May I say in conclusion that if I get to heaven and don't find you there, I will know there are two Cherrys. Thank you.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Well, I would kind of disagree with Senator Sour's comment and say that if he doesn't get to heaven, it would be for other reasons.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

Mr. President, my first question is really one of inquiry as to whether or not we are considering just senate bill 1195 as

amended or whether we are considering the other two bills also.

PRESIDENT:

Senator Cherry discussed the other two bills. There was no leave was asked for the same roll call on all three. So unless there is such a leave-we are only on 1195 right now.

FAWELL:

I think, that of all of the bills that have come before the legislature which have been designed to give some type of aid to private schools, that this is aimed, I think in the...as close to a possibility in achieving some type of constitutional aid. The idea of giving aid in the form of textbooks and in the form of auxiliary services was discussed by the commission which spent many months studying this problem and, although a vote was taken at one time for the commission to endorse that type of legislation, it was never made public, and unfortunately legislation was never drafted, and even more unfortunately this legislation is so poorly drafted that the imperfections are such that I don't think even if it is found to have removed some of the constitutional questions; it is, I think from a practical viewpoint, simply not workable. Basically, as I read the bill, there are no payments to the parents at all. And the obligation is cast upon a public school district upon a request being made by a parent of a child attending a nonpublic school; so long as that nonpublic school is situated within the boundaries of the public school to whom the request is made. That particular public school, then, which happens to have a nonpublic school of nonpublic schools within its boundaries, and this is true whether its a high school district or a grade school district. If they receive a request from a parent for certain textbooks which are listed upon a list that the Superintendent is supposed to maintain, then that particular public school district; be it a high school district or a grade school district and even though the request may come from



a nonpublic school-grade school or high school-it just simply has to come from a parent of a child attending a nonpublic school must then purchase that textbook unless they are not giving free textbooks in their own district or if they are renting. So that other words, if you have a nonpublic school which is within the boundaries of a public school district where free textbooks are being given, then the parents of any children attending that nonpublic school even though they do not reside in the school district, nevertheless have the right to require, and the public school district must from its own finances then go ahead and secure these textbooks and supply them free of charge to the parents. And then ultimately after quite a lot of bureaucratic scheduling or passing of the request from the school to the county superintendent and then ultimately to the state superintendent and then back down the line. Ultimately the public school district is reimbursed for the charge. Now that is one part of the bill. The other part of the bill is that the parent has the same right to ask any particular public school district wherein the nonpublic school to which the child attends is situated...to also ask that that public school supply, or the request can be made by the way through a cooperative and this is very important because we are talking about handicapped children and the whole mandatory handicapped childrens program. He can...the parent can make the request to the particular public school district of his choice; again it can be either the grade school or the high school district in which the nonpublic school is situated; and ask that they supply school health services, school guidance and counseling services, school psychologist services and what is referred to in an undefined manner, remedial and therapeutic programs for educationally disadvantaged children. And inasmuch as these requests can be made to cooperative district or cooperative entities serving school districts. There is only one definition, I think, that one can put to that and that is that we're talking about the EMH and the

TMH programs of a cooperative nature. There is a bit more because the public school district must come up with the money right away to be able to supply the teachers who will go into the private schools and in the private schools will then give services of an equal nature as may be rendered at the particular public school to which the request in concern has been made. This means that as a practical matter although in public schools in the matters pertaining to the educationally disadvantaged children, the children have to go to a cooperative district where you would have enough children to justify the expenditure for a special teacher and all of the special equipment that goes into the education of educationally disadvantaged children in cooperative districts. That all of this is altered in the private schools upon enrolling any children who are in the handicapped categories would have a right and a mandatory duty cast upon the public schools to send teachers of these special services plus all the equipment that goes with it into the private school in concern. And I also point out that what these bills do, too, is to alter the definition of a nonpublic school so that no longer is there any certification requirements for teachers; no longer, Senator Newhouse, is there any need for the particular nonpublic school in concern to supply information in regards to whether they are complying with the civil rights act. That is specifically deleted from previous legislation. Now the unfortunate thing about the drafting of this legislation...

PRESIDENT:

For what purpose does Senator Newhouse arise?

SENATOR NEWHOUSE:

I wonder if the speaker would yield to a question? Senator, did I understand you to say, that under the present statute as it is drafted, that the schools would no longer have to comply with the civil rights act and if that is true, isn't that the

record contrary to what the sponsor represented.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

What I said was: in the previous bill, Senator, there was the specific mandatory requirement for every nonpublic school to actually, each year, supply information to the superintendent of public instruction so the superintendent can determine whether or not compliance has been had. Senator Cherry, however, is correct in saying that there still is a reference to the fact that the nonpublic school should be in compliance with the civil rights act. But the mandatory obligation upon the nonpublic school to supply this information which will enable the superintendent to make the decision is no longer contained in the bill.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

If that is true Mr.-ah-Senator, it would seem to me that that would place the burden upon some individual in the district to raise the question. Rather than the question having been raised from the superintendent as it ought to be. Is that Correct?

SENATOR FAWELL:

I think that is absolutely correct. Now I've said what is unfortunate here is that whoever drew this legislation...

PRESIDENT:

For what purpose Senator Newhouse arise?

SENATOR NEWHOUSE:

Senator, I wonder if you would yield to one more question, please. I don't mean to interrupt you, but under the case that I just outlined a few moments ago. In the event that under those circumstances that same child was refused admittance to the school and the parents of that child did nothing further, would

that school or would it not under the present provisions, in your opinion, still qualify for aid?

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

In my opinion, it would still qualify.

PRESIDENT:

For what purpose does Senator Partee arise?

SENATOR PARTEE:

I would just like to ask a question in pursuit of that.

Senator, there is a definition of what a nonpublic school is. You saw that, I take it, on page 3? Then if a school did in fact discriminate and was not in compliance with the civil rights act, it would not then qualify as a nonpublic school by definition. Is that correct?

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

That particular section of the civil rights act, I don't think has much teeth. The reason...I tried to specify that what I am saying is that the obligation upon the nonpublic school to secure this information is obliterated. Not, however, the technical statement that the school should be in compliance. If someone were to come in, obviously, and to show that a given nonpublic school is not in compliance, it would not meet the definition of nonpublic school as set forth in the act.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Your dialogue was very interesting, Senator, but you didn't answer my question. Well, let me say to you that when you say it doesn't have much teeth in it, let me say this to you. The State

of Illinois had had a public accommodations act since 1885. I came here in 1947 to be sworn in as a lawyer and couldn't get a cup of coffee. So what happens in terms of whats on the books and what happens in terms of implementation makes a great deal of difference to people who are subject to the law. As long as the law is on the books and as long as it is implemented...

PRESIDENT:

What is your point of order, Senator Horsley?

SENATOR HORSLEY:

The Senator here has the floor to speak and I've never known it to be that a man could ask a question and then start making a speech and interrupting another Senator. I think that the Senator is completely out of order in making a speech at this time. His question has been answered and I don't think he has any right to make a speech in reply at this time and I would sincerely suggest that as a point of order that Senator Fawell has the floor and should be allowed to continue.

PRESIDENT:

Senator Fawell, I believe you yielded to Senator Partee for the question. Is that correct?

SENATOR FAWELL:

I yielded to a question not a speech, necessarily.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I know Senator Horsley is a good lawyer and he probably hates to be away from his office and he wants to practice law and he wants to be Senator Fawell's lawyer. I would remind you, sir, that equity abhors a volunteer. Now, Senator Fawell is a lawyer and if he was upset about it, he knows how to take care of himself. Thank you Senator Horsley.

PRESIDENT:

Senator Fawell may proceed.

SENATOR FAWELL:

Actually I did mention it to my good friend and he took up the cudgels of debate. I sincerely say that this bill does try to approach, in a realistic way, an attempt to give some type of aid without necessarily having the vast potential of a new subsidy program that can grow and grow. What I suggest, however, is that under the original provisions of senate bill 1197, which unfortunately the Governor has somewhat emasculated by the new bill that he has drawn in that regard which has eliminated, Senator Cherry, the joint aspect of the program which I know you will agree was of central importance to the commission that you have joint programs. And if you would refer to senate bill 1197 as it was originally drafted, upon which I was a co-sponsor; that bill talks about programs of remedial reading and talks about counseling programs, it talks about the health programs that can be done in a joint manner in the manner in which it ought to be done. We already have the private schools with full rights to take advantage of the mandatory education program for handicapped children. And unfortunately this bill can completely undermine what is one of the finest bills which was passed by this legislature and effective as of July 1, 1969 calling for quality education for all handicapped children. But certainly not in private schools where you don't have to have any proofs whatsoever even in regards to the certification of teachers. I submit that unfortunately, and so far as senate bill 1195 is concerned, it does not come close even to doing the job it was designed to do, though the Governor...I think the Governor has zeroed in on a more acceptable basis of aid. As far as 1196 is concerned which is a fantastic, unbelievable piece of legislation; I can't say anything good about that. And unfortunately 1197 has been so injured by the work that has been done on that, it is completely unacceptable also. Here, unfortunately, the draftmanship, if it

had basically really followed some of the admonitions of the Allan case which still is somewhat up in the air, it might still have been able to do the job. One last parting shot here. You have the situation here where any particular private school or a parent that sends a child to a private school can simply look around and pick the particular public school, whether it is high school or grade school as I said, and as long as they have got any of these services they can demand that these services be sent out by that school district, financed initially by that school district, brought into the private school when actually the very children in the public schools, for instance, aren't even receiving that because they can pick any particular school in the district as long as those services are being given even though perhaps that the majority aren't receiving it. And in so far again as I say for the educationally disadvantaged this is a tragic error because I don't think that the drafter really envisioned what he was doing. But he talked about and he set forth right in the legislation, Senator Cherry, about cooperative districts and the only cooperative districts we have, of course, are your programs for the retarded and the handicapped children. Nobody, I think, nobody envisions that you ought to send all of the teachers, and the expensive equipment, etc. over into the private schools when nobody even in public education has that privilege or right.

PRESIDENT:

Senator Knuepfer.

SENATOR KNUEPFER:

Senator, Cherry, the...and I am addressing myself only to 1195 at this point and time, the suggestion for textbooks made in senate bill 1195 does not do violence to any precept that I have. While I think the method for financing is an extraordinarily cumbersome one and more thought could have been given to that, that is part of the bill. The section having to do with auxiliary

services does violence in only one respect to my views of what the court said. I have prepared an amendment. I left a copy on your desk. And the amendment simply makes one small change. I cannot say it is a non-substantive change, but it is a small change. The amendment simply suggests that in the auxiliary services must be performed at the public school, the nearest public school having the same grade level as the nonpublic school which the student attends. It does, I think, if it would be acceptable to you, make this bill a lot closer, in my opinion, to being a constitutional bill. And I do not want to create a great controversy and if there is violent objection on this point, I simply won't introduce it, because I suspect you have the votes anyway. In any case, I do think that it can resolve a problem that the courts discussed and I think this would go a long way, the acceptance of this amendment, to making this bill one that the courts would look on and could say is a constitutional bill and I will personally say it goes a long way toward resolving the problems that I have, the constitutional problems of separation of church and state. I have not offered it. I simply want an answer from you and if the answer is negative I am not going to call for a vote on the issue. But I did want to address this query to you, Senator.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Senator Knuepfer, I know you are well-intended and your comments are bona fide and sincere. I would object to any offered amendments for the simple reason I think that it would be constitutionally inappropriate and would do violence to the return of this bill with the Governor's recommendations. There have been no court decisions with respect to whether or not we in this body can amend by either a change of a comma, period or any one



word. In this bill, and I think that it would create a constitutional hazard, and I would regretfully say that I would not accept...or I would personally vote to reject any amendment that might be offered.

PRESIDENT:

Senator Walker.

SENATOR WALKER:

Thank you Mr. President. In due deference with reference to my fellow Senators, I don't think there is any votes being changed here and with the assistance of Senator Chew, I would like to move the previous question.

PRESIDENT:

Motion for the previous question. For what purpose does Senator Horsley arise. This is not a debatable motion.

SENATOR HORSLEY:

I want to make an inquiry. We have been talking, and limited this debate and this vote only to 1195. This motion applied only to 1195. Is that correct?

PRESIDENT:

That is correct.

SENATOR HORSLEY:

It is still a bad bill.

PRESIDENT:

The motion is for the previous question. All in favor signify by saying aye. Contrary minded. Motion prevails. Senator Cherry may close the debate.

SENATOR CHERRY:

Just briefly Mr. President and members of the Senate. I appreciate all of the comments made by Senators who have spoken on the subject. I am not fearful of the consequences of this bill with respect to its constitutionality. I am not fearful about any provisions of this bill with respect to the violation

under the civil rights act. I think that it will be properly and closely watched by any school that might engage in any violation of our existing civil rights act and I would encourage the people of the State of Illinois, in the event that this bill is passed and signed by the Governor, to report any violation of the civil rights act that is presently in the existence. And I would be the first one to raise my voice in support of no funds for any school that might engage in any discriminatory practice. I think we have heard this debate and I think that we all know that Senator Fawell has strongly opposed this concept from its inception. I know of no changes that could be made in this bill in its present form and structure that would satisfy Senator Fawell because he has continuously opposed the entire concept of having schools be uniform and having no discrimination to the students who attend nonpublic schools and to the parents that send their youngsters to nonpublic schools. I think they have a right to send their youngsters to whatever school they choose, be it nonpublic or public. And all this bill does is provide similar services and similar funds for youngsters who go to both public and nonpublic schools and I would urge as sincerely as I can that the Governor's recommendation be accepted. I ask for a roll call, Mr. President.

PRESIDENT:

The secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald, Dougherty, Egan, Fawell

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

Just briefly, and the only reason I arise is because I hope that my reputation here in the Senate because I fight hard against

certain types of legislation is not such that therefore my remarks should be totally disregarded as I think Senator Cherry has implied. I tried painstakingly to set forth in a rational specific way the reasons why I could not support this. I think Senator Knuepfer had a very fine amendment by the way which could make this a palatable bill. But I note, and I point out, that none of the allegations that I have set forth have been in anyway refuted by Senator Cherry. I think that is very important.

SECRETARY:

Gilbert, Graham, Groen, Hall, Harris, Horsley

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

I agree with what Senator Fawell has said. I think there is some merit in furnishing children the same type of services regardless of which school they go to. But I think the school ought to be certificated, ought to be an approved school, because we have a definition of a school which will allow any type of school which has just been in operation two years to require textbooks to be furnished, to furnish all types of these services, without being certificated or approved by the Superintendent of Public Instruction, without having teachers who are certificated and approved and I think it is wrong. I think if people want their children to go to a private school, I for one would say, let's furnish textbooks, medical services, the other things; but let them be furnished by the school board the same as they are furnished other children. And let's not get the school involved and let's not get the parents involved on vouchers and all this bookkeeping. It would be very simple to say that we are going to furnish textbooks to all school children on the same basis whatever the school board wants to do. That's the fatal error in this bill. Had you done that you would have reverted back to what we tried

to do two years ago; to furnish teachers on the same basis, and that was rejected. Now your back trying to cram the same principle down our throats you tried to cram down it two years ago. It's wrong and I think the court will upset it and I think had you accepted the amendment which Senator Knuepfer had to offer I think that it would be a palatable bill, it would be constitutional. And I hope, Senator Cherry, your opinion of the constitutionality of these bills is a little bit better than it was last time, because you assured us they were constitutional. Now I don't know what has caused you to change your mind since then, but I presume something has happened. But now you are assuring us all over again and I want to argue that point with you. Say that if you were to amend these bills to say that textbooks, medical services furnished by the public school board would be available to all school children attending approved schools, I think it might be constitutional and I would be happy to vote for it, but under the present bill I want to vote no.

SECRETARY:

Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt,

PRESIDENT:

Senator Merritt.

SENATOR MERRITT:

Mr. President, in explaining my vote am I entitled to ask the sponsor a question.

PRESIDENT:

You may.

SENATOR MERRITT:

Senator Cherry, while this only arrived on my desk late yesterday, I have been trying to digest some of the language. It would appear to me that this state aid for textbooks would be available to the nonpublic schools. Do I understand that under the terms of the bill that the parents of public school children

would not be entitled to this same aid?

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

That is an incorrect conclusion, Senator Merritt. The only time that the nonpublic schools would be entitled to receive these textbooks and get paid by state funds would be in the event that public schools do the same thing for students in their district.

PRESIDENT:

Senator Merritt.

SENATOR MERRITT:

Then in explaining my vote further, I know that probably the largest school district I have in my senatorial district is Danville. The parents or the children themselves are paying some 80 or 90 thousand a year in these book rentals and it would seem to me under the terms of this bill if I should support it then I am really making second class citizens out of the public school children in my district because I do not believe they are getting equal treatment. I vote no.

SECRETARY:

Mitchler,

PRESIDENT:

Senator Mitchler.

SENATOR MITCHLER:

Mr. President and Senator Cherry I would like to ask a couple of questions to clarify, before casting my vote. Mention was made of auxiliary services and I hastily looked through the bills I have on my desk. What is the definition of auxiliary services?

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Senator Mitchler, on page 7 of senate bill 1195 you will see

what all the services that you are questioning are included in the paragraph. The school health services, I will read them to you in the event you have not read them before, school guidance and counseling services, remedial and therapeutic programs for educationally disadvantaged children such as, but not limited to, remedial reading skills and teaching english as a second language. Those are all conclusive with respect to the auxiliary services which we are referring to.

PRESIDENT:

Senator Mitchler.

SENATOR MITCHLER:

This would not include, for example, janitorial services or such?

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Specifically not.

PRESIDENT:

Senator Mitchler.

SENATOR MITCHLER:

Then another thing. I don't quite understand about the textbooks part of it. To me if textbooks are being used in a public school, a certain history book, and it is on the list that that is the textbook being used. Do they actually loan the textbook which is the property of the public school system to the nonpublic school? How does the voucher or payment be involved in that?

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

The formula, Senator Mitchler, is that whenever books are approved by the Superintendent of Public Instruction which is given

in the public school district, are available for distribution to the nonpublic school students and their parents for either use or rental. And whatever the public schools do in that area in that district, are made available, the same formula is made available to the students in the nonpublic schools. And incidentally the property remains; it remains the property...all these books remain the property of the public school system. It is not a giveaway of title of these books but merely the right to use them.

PRESIDENT:

Senator Mitchler, we are beyond the time limit but you may conclude your...

SENATOR MITCHLER:

Well, the one question that is not resolved to me is what is spelled out in the new 1970 constitution of the State of Illinois. And I am not convinced by the debate or the explanation of the sponsor of this legislation nor the language in the Governor's message that this is a constitutional bill. I know it will be proved, but in the meantime, I am going to vote as I did before, so again I can tell you I told you so. I vote no:

SECRETARY:

Mohr, Neistein, Newhouse

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Mr. President and Senators. I have opposed this concept from the start and you all know that and I still do. I don't do it with any great joy and enthusiasm. I understand the argument that the public schools are in terrible shape; but I think that the cure is certainly worse than the disease. And what is going to happen if this money is appropriated; the public schools are going down the drain. That is my first thesis. Now Senators,

one of the things that was proposed when we talked about this bill all down the line was that private schools are just that-- they are private and they want to remain that way. And private schools, in fact, are segregated schools in most cases, along some kind of line. Segregated by class, segregated by race; and that is the privilege of those people who pay to have this kind of atmosphere in which they want their children to be educated. I got no problem with that. The problem arises when they ask the taxpayer to pay out his tax dollar to support whatever prejudices they have. Now, it just happened that while this bill was being signed that this case came up right in my back yard. And what happened was that a young black mother took her children to what she thought was the best school in the community. And at this school she enrolled her children. She enrolled her children and they stayed enrolled for only a few short hours; when she was asked to unenroll them. She was asked to unenroll them and I suppose under pressure she finally did. And those persons who permitted her to enroll, the principal and several of the nuns at that school, were fired. Now I don't have any faith at all that this bill is going to be so administered that cases such as this, and there are going to be hundreds of them are going to be responsive to anything like the civil rights act. If I understand this bill correctly in its present form, that instead of that act being a self executing act; that is to say that the schools at some point have to affirmatively show that they are acting in the fashion that the act requires. Then it is going to mean that this mother is going to have to go through the legal problems that she will have to face in order to get the board to even look into the fact. Then when you consider, on the other hand, that some of the boards who will be distributing this money will have no concern, no concern, for a school complying with the civil rights act, I think it is perfectly specious for us to sit here and accept the theory that somehow, that somehow, this bill is going to be administered fairly. I think we all know the loopholes in it.



I suspect that we are going to have to get into it a bit and let it fall flat on its face by virtue of the weight that is going to be created by incidents just such of this which will come forward. I think that all education ought be supported in some fashion. I don't know how. I think the public school system in Chicago is on its way out of existence at this very moment. The schools in my district are in terrible shape. They are in the kind of shape that money alone will not cure. These Schools need the confidence, they need the assets, they need the moral support which they are not getting; which will be flowing into the schools for which we will be providing money. We are in effect financing the destruction of the public school system in Chicago. And for that reason I vote no.

SECRETARY:

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

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Mr. President and Senators. Briefly, by way of explanation of my vote in this, I want to say that this is the beginning of super, super segregation at that time in the life of young people where they may become molded in their likes and dislikes and their opinions. They then learn to see the dissimilarities so evident in later life. This is going to be a crushing blow to anyone who believes in the end of segregation in any and all forms. The people who drafted our constitution, even the recent one which followed the old one, were not expressing bigotry when they wanted to keep the church out of civil matters. They wrote into this constitution explicit prohibition against the application of any tax revenue to the support of a nonpublic institution. Two school systems, may I say, Mr. President and Senators, cannot

be more economical than one. Nonpublic school education is a privilege. It is not an obligation of all the taxpayers of this State. And that is what this amounts to. The obligation of all the taxpayers of this State. I vote no.

SECRETARY:

Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

Knuepfer no, Senator Cherry.

SENATOR CHERRY:

I don't believe I am recorded. I vote aye.

PRESIDENT:

On that question the yeas are 32, the nays are 19. Bill having received the necessary 30 votes is declared passed. Senator Rock moves to reconsider, Senator Hall moves to table. All in favor of the move to table signify by saying aye. Contrary minded. The motion to table prevails. 1196 Senator Cherry.

SENATOR CHERRY:

1196 Mr. President and members of the Senate. There was just a very small change made in this bill. Instead of the State delivering the money to nonpublic schools of the parents choice, it is now delivered by the states to the parents who in turn will deliver it to nonpublic schools.

PRESIDENT:

Senator Horsley. Senator Fawell.

SENATOR FAWELL:

I can't believe my ears. I just heard Senator Cherry say there is just a small change made here.

PRESIDENT:

Just a moment. Let's have some order here. Sergeant-of-arms, can you clear out the back here. Let's maintain some... Proceed Senator Fawell.

SENATOR FAWELL:

I would like to recite some of the deletions which have been made by the Governor of our State. On this bill which is a bill that will give to our private schools more money in many instances from the State, than our flat grant school districts, public school districts, will get; which is, as I said before when we debated this bill, a bill which has set forth with the idea that private schools are going to help the needy. And I quote Father Clark of the Chicago Archdiocese when he said, "We simply don't have the facilities in the areas where the needy are." And there's not a person in this room who doesn't know that that is true. So it starts off in a hunk of hypocrisy which is pitiful. Pitiful because too much of the press of this State have not cared enough to even bother to look at these bills and understand them; pitiful because not enough of us have really studied it to see what they're talking about; pitiful because of the politics which is being played right on the floor on this side of the aisle and on the other side by people who are trying to pick up some votes. But here are some of the deletions. The bill deletes the fact that the private school has to file with the Superintendent of Public Instruction each year such information as he may require to establish that the school is in compliance with Title 6. It deletes the fact that the teachers have to be certified. Even with that wobbly old grandfather clause they stuck in there so that every teacher in a nonpublic school whether they went to college or not even; if they were teaching, they were automatically certified. They even took that out of here now so that it is absolutely...all you have to be is a private school in business for two years and that's it. You know, private schools even today aren't even approved by the Superintendent. There are no mandatory laws that apply to private schools. But even those controls were deleted. It eliminates all references to secular

subjects now. It is no longer a purchase of secular services type of bill. It is a purchase of education in general at any private school, any private school. There are much more than just religious connotations here, gentlemen. In the future, you are going to find that private education and the great life style of the super industrial era into which we are going is to be much more the nonreligious growth than the religious growth. So it is a broad area of private schools we're talking about and it deletes the limitation to not exceeding actual cost per child, of providing teachers salaries and instructional materials and secular subjects in the nonpublic school. It deletes the non-public school duty to report the total amount of state grants at the school. No reporting is needed. The parents do report this, but the checks from the...the final check and the money that comes from the State of Illinois is made out in a check which is jointly payable to the parent and guess who. The school. A check jointly payable to the parent and the school. The parents never get their hands on this and there is a gentleman up there in the gallery who knows what I am talking about there, who is interested in private education. The parents never get their hands on this. Don't you worry about that. The private schools will make very sure of this. No accounting is needed. That is deleted too. Before they had to maintain a system of accounting open to the Superintendent of Public Instruction, which by the way represents the people of the State of Illinois, to verify the actual cost of providing education in secular subjects. No more. The money can be used for anything. Sectarian or secular. We don't care. Just get that check to the private school, that is all. Make sure you get the check to the private school. It deletes Section 10. No monies received pursuant to the provisions of this act shall be used for providing instruction in religious or sectarian subjects, for the purchase of textbooks or other

instructional materials designed for use in such religious or sectarian subjects or for of paying teachers for imparting such instruction; but shall be used only for the providing of teachers' salaries and instructional material and...that isn't in there anymore. No siree. We just Katy-bar-the door. Just open it up. You know, here is the fallacy of these gentlemen, what they are saying is we don't want any entanglement between church and state so you see we just remove all the controls. And therefore you don't have entanglement, but therefore you have the most unconstitutional bill of all. We're not going in through the kitchen window anymore. We are going to go right in through the front door. We're going to take off the bandana and just have the gun right there. And the people are going to pay and they are not going to have one bit of control. Now I ask you, have you ever seen a subsidy bill like this ever, ever, ever, ever, anywhere in the whole world? Where you just turn the money over-no controls, none whatsoever. Nonpublic schools...they will get more money than the flat grant districts. Anything like this. This is absolutely unbelievable and the Governor of the State of Illinois is the author. What a production! What a production! It is so bad a bill I could start going into the...the whole idea...if a subsidy concept like this ever takes hold and we begin to move the great middle class of this state back into the support of private education as once was the case in the old European tradition, then we're going to find that our public education truly in the future will not be anything better than all types of public services in this State. Wherein the great middle class is not using those services. And I just challenge anybody on the other side of the aisle or this side of the aisle. Search your consciences for any type of public service that we fund where the great middle class doesn't use it and ask yourself if it's worth a damn. Look at Cook County Hospital, which is the only public hospital in the entire county of Cook, and ask you, yourself

if the services for the people are really worth something. Look at the public health services when the middle class don't use them. Are they worth anything? Look at transportation and ask yourself that except for the commuter runs in suburbia or the tollways which serve the middle class and up. It is not worth anything either. The brutal fact is, humanly speaking, that if you have the middle class not using it, it is not worth anything, and I say that this is the great social issue that has always been kicked around and not grabbed by many people. And all too often we have assumed that if someone is against this, you are just a bigot and so forth and so on. And I don't think anybody is listening so I will close right here anyway. The bill is lousy.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

Mr. President and members of the Senate. I would like to disagree with one thing my seatmate just said. I don't think the Governor is the author of this bill. I've been reliably informed that this bill was not drawn by the reference bureau, but was drawn by the attorneys for the Catholic hierarchy in Chicago and introduced as such and handed to the Governor who adopted it. I've never known Senator Cherry to purposely misstate anything on this floor. I think he hasn't even read the bill that he is talking about or he wouldn't have made the statement that he made awhile ago; because on page 7 in line 12, the bill says each certified amount shall be made payable jointly to the applying parent and the nonpublic school to which a particular parental application pertains. Now that is the language of the bill. This money is going directly to these private schools. The parents will merely endorse them over to the schools. I would call your attention to you people who cry with big crocodile

tears about more money for education in the State of Illinois. And I don't think this bill was drafted by anyone who loves public education in the State of Illinois; because, if you will read with me, please, on page 1 of this bill, these conditions are due in large part to the failure of the public elementary and secondary schools and economically depressed areas of low income population to adequately educate Illinois youth and to prepare them to assume economically and socially responsible positions. This failure of Illinois public schools is a direct result of overcrowded classrooms, outmoded facilities and understaffed faculties that are consequence of the inability of low income school districts and so on. Now, if you read this on down and read this indictment of the public school system, if it is true; then we shouldn't be putting anymore money into the public schools in this area. I am inclined to think that it may be true, but it is something that money cannot buy. I agree with Senator Newhouse. It's something you can't buy with dollars. It is something that we can't come along here and say we are going to allow nonpublic schools of any kind to share in tax dollars where we have no control over that school, where we have no control over the teachers, the certification of the school. We are slapping every school teacher in this State right in the face and saying, "We don't trust you anymore. Education in Illinois is failed, therefore we are going to pay more money to send a child to a private school than we give to your local school district for public schools." And that is exactly what is going to happen in many school districts, and how you can go back home and face the voters in your district is beyond my comprehension. This, as Senator Fawell said, is one of the most terrible drafted bills I have ever seen in this legislature. I've never seen anything like it. I have never seen anything so insulting to the intelligence of this body that is contained in this bill; and insulted...and

insulting to public education in the State of Illinois. This bill should be defeated because I am certain it is unconstitutional and will be so held by the courts and I will do all within my power to see that it is tested in the courts and held unconstitutional. But it is a bill that is our duty here and now to defeat if we believe in the public school system of the State of Illinois, I don't see how you can possibly vote for this bill. One more thing that I want to add. There is not one line in this bill that assure one of you that any child in your district will be admitted to the private school that you are taking tax dollars to support. There is no guaranty that they won't have a waiting list made up only of their own parochial students who will be accepted into that school. There is no guarantee that any child will not be accepted on the grounds of race, color or creed; merely that general definition that they shall not violate. But you and I, if we have any brains at all, know that when we line them up and say the list is already complete, we have accepted all the applications we can take, we are not turning anybody down because of race, color or creed; there aren't any more vacancies. You and I know that is how apartments are filled in Chicago in order to get around the law. It is done right here in Springfield; it is done everywhere. It's going to be done in these schools. These disadvantaged children that need a better education are not going to get it under this bill that you are going to take tax dollars. Two years from now this money will be tripled and quadrupled. I heard Father Clark right in our Education Committee say, "We will never be satisfied until we get the equivalent of what the public school system gets." And here they are already asking for it in this bill; the same amount the state pays in the district on the grants. So we arrived much quicker than we thought. But merely by limiting the number of total dollars in the appropriation bill; it makes it look sweet,



it makes it look better. And I'll say that you will have a tough time resisting the pressures next year, if you please, next April, to double, quadruple, this amount of money that is in this bill. We simply can't afford it. You are going to destroy public education in Illinois and if you are willing to destroy it, then vote for this bill.

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

I would like to ask Senator Cherry a question. Maybe it's unfair, Senator, because it may be in the speculative field, but in your city and in other large cities, they are talking about plans of bringing about integration through busing. They are doing it now in the South as you know. I am interested in knowing just how this is going to work now with private schools getting taxpayer's dollars. What kind of busing system will you have there to bring about further integration?

PRESIDING OFFICER: (JOHNS)

Senator Cherry.

SENATOR CHERRY:

In reply to Senator Collin's inquiry, busing is not involved in this bill whatsoever, Senator, and it provides for aid to economically deprived areas for families of low income where they have children who have not been able to get an education in either the public or the nonpublic school areas and this simply gives those students the opportunity. This bill provides for four and one-half million dollars for that purpose.

SENATOR COLLINS:

If the public schools use the busing system for integration and they use the taxpayer's dollars, how is that going to apply to the private schools who will be getting taxpayer's dollars?

SENATOR CHERRY:

This bill has nothing whatsoever to do with either public or nonpublic schools busing children either to and from one school to another.

SENATOR COLLINS:

Then I will ask you how it relates to your whole series of bills when it comes to busing?

SENATOR CHERRY:

Senator, for the third time I am saying to you that these bills have nothing whatsoever to do with busing and that is about the only way, respectfully, that I can answer your question.

PRESIDING OFFICER: (JOHNS)

Senator Cherry, are you through. Senator Soper is next.

SENATOR SOPER:

The sponsor, Senator Cherry, would you yield to a question or two? Now on this application for these funds. Now in the public schools all grants are made from the State on average daily membership, attendance. Now is this going to take place in this vein, too, in this thing; or is this going to be on enrollment, average daily enrollment?

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Senator Soper this contains specific language that the grants and formula will be used on the same basis that public schools receive from the State...on the basis of average daily attendance and not average daily membership. There is no change whatsoever.

PRESIDENT:

Senator Soper.

SENATOR SOPER:

In other words, then; if a child is absent for more than the allotted time then that parent can't go in and ask for the money.

Is that right?

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

That is correct.

PRESIDENT:

Senator Soper.

SENATOR SOPER:

Who is going to keep that attendance record?

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

The same way that we keep it now, Senator Soper.

PRESIDENT:

Senator Soper.

SENATOR SOPER:

Now we don't keep it by name. We just say there are so many pupils in attendance on a certain day and we don't say John Jones from 1314 Lakeshore Drive was absent on Monday on the 5th and the 17th and the 21st. We say on each day we had out of 2,100 pupils, we had two thousand in attendance and then we take that average and that is the way the subsidies are made through the State. Now with your...in the case that you speak of, you couldn't do the same thing as far as Johnny Jones' parents coming in because if Johnny Jones'...if the average daily attendance, who would you preclude from making the claim, the school or the specific parent?

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Senator Soper, I just suggested to you and stated that the same formula presently invoked with the attendance in the public school system and their claim for funds will be done exactly and

in the same manner by the nonpublic schools as is done in the public schools.

SENATOR SOPER:

Now, Senator Cherry, I know that you are a good constitutional attorney, because you gave us advice on that last bill. But now your avoiding the answer on this. You can't do it the same way because this is apples and oranges we are talking about. We're talking about a school system where you have 3 thousand children in attendance...am I on or off. Alright...you have 3 thousand children in attendance or enrolled and then you take the average daily membership and you don't say Johnny Jones wasn't here that day. You say we had 2,900 pupils that day and the next day we had 2,975; then you average that over the year and that is how you get your money. Now you are talking here about having parents make an application for funds. Now how is a parent going to make an application for funds unless we know which child was absent, how many times and which child was entitled to this money and which ones are not entitled to this money. Now you have got to answer that question. You can't tell me it's the same way because it is not the same way, Senator Cherry.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Senator Soper, I don't intend to argue with you or say that you are wrong, but obviously you have not read the bill. If you will turn to page 6 of this bill in section 7. I am going to read you this language. The actual amount of each semi-annual state parental grant shall be determined by the average daily attendance of each applicant's child, as the Superintendent shall provide. That is the Superintendent of Public Instruction. Average daily attendance shall be determined by the method described in 18-8 of the school code. You make what you will out of

that language. And I am saying to you again for the third time that the same formula applicable to the public schools is applicable to these requests of these youngsters who go to nonpublic schools.

PRESIDENT:

Senator Soper.

SENATOR SOPER:

Now the same formula cannot be used because of the fact we don't keep the names of each pupil that is absent. We just say how many pupils were in attendance on that day. Now in other words you say that you have got to keep the attendance record of every pupil and every pupil has to be certified from that school and that attendance record has to be sent into the Superintendent of Public Instruction and on that basis then that's the way that is done. Alright. Now I will ask you a couple more questions, if you'll yield. Now...

PRESIDENT:

Senator Soper you may proceed.

SENATOR SOPER:

Alright. On page 5 line 7. This act is limited to parents whose annual family income is less than three thousand dollars per year or whose annual family income is in excess of three thousand per year from payments under the program of aid to families with dependent children. Now, in other words, the only parties that could possibly ask for any money under this bill would be people who had aid to dependent children because there is nobody, but nobody, that can raise a family with less than three thousand dollars in private employment. In other words, if you made more than three thousand dollars, you couldn't ask for the money. Right? Well, I think this is a ridiculous bill.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you Mr. President and Senators. I am not going to ask any more questions of the sponsor because I gather he is just about as embarrassed by this whole thing as I am. We got to travel a wanderlust course today. One of the first things we did was to take some action in higher education to knock out scholarships to needy students; then we went to public aid and made sure some money was taken care of there including monies that would have been of value to people whose health was not at the best at the moment; and now we come down and say that we want to give some aid to people who don't need it at all. People who have decided they want to use private schools. I think it is just a wonderous day that we come to all these kinds of conclusions. And now to put butter on the cake, we say that we are going to provide for poor families who have never used private schools to any extent to have the wherewithall to attend private schools with people who have gone to private schools for the express reason that they want to get away from poor people. Now one of the Senators before me mentioned the fact that there are going to be entrance rolls. Some of you who go to certain institutions know that you register your child for entry into that institution the day the child is born and you hope when you do it, he can get in. Well, that is not a trick that is going to be limited to Princeton and Yale and Scholt and other institutions that have traditionally been set aside for the social elite. So this bill we are talking about is worthless. And for anyone to suggest that, as the consequence of all the words that are put in here, that those youngsters that we are weeping crocodile tears for now, are even when the public schools fall apart, going to be able to participate in private schools education in anything more than token numbers, we are kidding ourselves. Now, there may even be two children admitted to the school about which I spoke a moment ago, maybe. There may

be two admitted to some of the other institutions. But under the provisions of this bill we have violated all the concepts of aid that we clung to in the first two bills about which I spoke. For example, we talked in committee and in a special subcommittee in the higher education field of making certain that there was a need factor attached to scholarships. The reasoning being that the State, the taxpayer, ought not to have to pay money for scholarships for those youngsters who can afford their own education. That was one of the curbs that we used. In Public Aid we have so many controls that it is less simple for needy people to get money than under the provisions of this bill and yet on this bill, when we talk about private school education, we simply open up the money pocket and say here it is, dip in. There is no question what is going to happen on the bill; the issue has been predetermined. But for us to sit here and say the words that imply that we have given a great deal of thought to this, that we worked this out the best way we can, and that the poor children in every district are going to be able to take advantage of a private school education previously foreclosed to them is nonsense and we all know it. I don't expect the vote to change, but I understand that at least some of this debate is being recorded so that at some future time we might be able to look back over it and decide precisely what these votes meant. It is not going to affect the vote today, but it might be a little food for thought as we cast the votes for and against this bill.

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Are you on roll call?

PRESIDENT:

No, no, I...Senator Chew...Senator Chew moves the previous

question. All in favor signify by saying aye. Contrary minded. Motion prevails. Senator Cherry may close the debate.

SENATOR CHERRY:

Very briefly, Mr. President. Senator Fawell, I think, made some pointed remarks about removing some controls. The reason, Senator Fawell, that this was done is to avoid the excessive entanglement as determined in this last supreme court decision. And I would point out to the members of the Senate that when these controls were in the previous bills, you voted against it so I don't see what difference that makes whatsoever. I ask for a roll call, Mr. President.

PRESIDENT:

Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning,

PRESIDENT:

Senator Berning.

SENATOR BERNING:

Before I cast my vote I would like to ask the sponsor the question that I was denied the privilege of asking him when the debate was closed. Senator, on page 4 line 12 there is the phrase "legal entity" and this causes me some doubt. What, in the context of this bill, is a "legal entity" and is a school, any school, a legal entity or are we talking about a corporation?

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

We are referring to a not-for-profit corporation, Senator Berning. Any other organization that is registered in the State that results in what we call a "legal entity" under the law.

PRESIDENT:

Senator Berning.



SENATOR BERNING:

Do I then gather you are saying that any school which is not a legal corporation under the laws of the State of Illinois, by itself, is not entitled to aid. Is that right?

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

I am sorry I didn't get that. Senator Dougherty was making a comment.

PRESIDENT:

Senator Berning.

SENATOR BERNING:

My question again, then, is this. Are you saying...do I understand you to say that any school which is not incorporated under the laws of the State of Illinois, by itself, is not entitled to aid under this or the previous bill.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

Senator Berning, they have to be a legally constituted entity such as a school, which is the only kind of entity that would be entitled to get monies under the structure of this bill.

PRESIDENT:

Senator Berning.

SENATOR BERNING:

Well, it still is not clear to me and I think there is justifiable grounds for doubt as to whether a school which is functioning is a legal entity in the interpretation of our existing statutes. Suffice for that, my only comment relative to this and the previous bill is, that the State of Illinois, the taxpayers of the State of Illinois, were billed something in excess of 55 thousand dollars by a study commission which produced the

previous measures. Now we have been told that those constitutional wonders are unconstitutional and we have to accept something else that is now a new constitutional wonder. It is an insult to the citizens and taxpayers. I vote no.

SECRETARY:

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

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

Just briefly. Never before in the history of the State of Illinois and perhaps never again in the history of the State of Illinois, unless and until a great and powerful group of religiosity should again make such a demand, will the citizens of Illinois ever witness their representatives authorizing the issuance of checks totaling millions of dollars payable to religious institutions, and that is the only entity basically that can be operating as far as the religiously affiliated schools are concerned. Millions of dollars and, because of what Senator Cherry calls entanglement of church and state which they want to avoid, to avoid entanglement there are no controls. And even in his answer to Senator Soper, for instance, Senator Soper, they don't even have the right to go in and check the attendance records because, you see, that would be entanglement of church and state and we want to avoid that don't we? So we just give them the money and say, "My goodness we certainly trust, we certainly trust men of the robe. Thou wouldst never steal from the people or not count correctly or do anything wrongly. And we do hope too that we can trust that there will be equal educational opportunities although here you are separate, but equal supposedly private schools and we somehow try to make ourselves believe

that as we turn these funds over without one bit of control that we are going to be working toward equality of opportunity of children." What an unbelievable thing we are doing here today. Never underestimate the power of the church. And thank God for the judiciary that alone these days does anything progressive; not the legislature. Were so tied, so tied to politics that we can't move one inch either to the right or to the left. We are just stuck in a rut. I vote no.

SECRETARY:

Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

I want to vote aye, but I want to disavow this connecting God up with the judiciary. I just can't buy that. I don't agree.

SECRETARY:

Kosinski, Kusibab, Latherow, Laughlin

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Mr. President. It is hard to remain silent and I would like to just very quickly refer to a statement I made when these matters were being debated on this floor last spring. I made the statement then that we are in the era of the problem solver, and to the problem solver; principle be damned. I felt I was right and the events that have occurred since then have clearly established that what I had said was, in fact, true. After the Supreme Court came with its decision, Representative Schlickman said, "This doesn't effect our bill." He had 3 out of 4 lawyers who would assure us it was constitutional. Then low and behold, low and behold, we read in the press, "No, no, don't sign the bill,

Governor, we've got to do something different. And then under the new amendatory powers, we watched our Governor; and I don't think he did it. I think someone done it for him and I don't know who; rewrite legislation and say, "Here, wouldn't you like to pass it fellows? This will solve the problem. Principle be damned. Let's solve the problem." If you go back to Schlickman's report and you read it, you wonder what kind of problems you're solving; because it said, with reference to auxiliary services, these forms of assistance provide only negligible relief to schools in serious trouble, for they leave untouched the most expensive components of the program such as faculty salaries and physical facilities. It also said auxiliary services may provide evidence of some public concern and thus stem the enrollment loss a little, but they aren't likely to alter the basic trend. It also said, to withhold significant state aid, anything less significant than a grant in some form of at least 50 dollars per child at the elementary level and 90 dollars per child at the secondary level as a beginning with any sense of finality, would probably catalyze nonpublic closures and enrollment declines largely because the future of these schools would look bleak to many patrons and leaders particularly in the Catholic sector. I won't go on - I could recite some more from that excellent report that we spent 55 thousand dollars to get. I am only saying to you, gentlemen, you are making the biggest mistake of your life. You are not, only not solving a problem, you are forgetting entirely about principle. For that reason, I vote no.

SECRETARY:

Lyons,

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

Mr. President and members. In explaining my vote which is aye,

I would like to just make a couple of points. I plead guilty to being what used to be called a papist. That is no longer a crime in the English speaking world although the patron saint of my old Jesuit High School was hanged for it. And I think also, in this atmosphere of total disclosure and complete ethical uprightness, I ought to point out that I am possibly guilty of a conflict of interest here because I have four children attending one of the Catholic schools in our neighborhood and if this bill passes, it may save me a few dollars. I vote aye.

SECRETARY:

McBroom, McCarthy, Merritt, Mitchler, Mohr, Neistein,  
Newhouse,

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Gentlemen, after the passage of this bill, I shall inform the black muslim institution in my district that the cookie jar is open. I think they are going to save us a great deal of embarrassment though. I think they are going to tell us we don't want your money because we want to run our own schools. Watch and see it happen. I vote no.

SECRETARY:

Nihill, O'Brien, Ozinga, Palmer, Partee,

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I certainly wouldn't deny to the poorer people of this State what we are giving to other people. I don't understand that at all. But I would like to ask a question of parliamentary inquiry. The provision which requires us to record, is that working?

PRESIDENT:

It is.

SENATOR PARTEE:

And it is going to be reproduced, is that right? Now I just wanted to know because I heard one gentlemen in opposition say that the Governor wrote this bill, and I am sure there are people who want to know about that. And I heard another fellow say that the Governor didn't write it, that someone wrote it for him; and I would like to know about that because it would be the Governor's responsibility to write it. And if he didn't write it then who is the Governor. I vote aye.

SECRETARY:

Rock, Romano, Rosander, Saperstein, Savickas, Smith, Soper.

PRESIDENT:

Senator Soper.

SENATOR SOPER:

I'd...in explaining my vote. Now the...my constituents make more than, the ones who send their children to parochial schools or to private schools, make more than three thousand dollars a year. Now all this bill does is give the right to ask for this money to people who are on relief under Title IV of the Social Security Act. In other words if they...they can receive more than three thousand dollars a year and ask for this money; but a family that makes over three thousand can't ask for it, so Senator Lyons, I don't think you have a conflict of interest because I think you make a little more than three thousand dollars a year so don't put in your application. I think this bill means nothing and I refuse to vote on something that means nothing for my constituents. So I vote no.

SECRETARY:

Sours,

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Mr. President and Senators. If one has read the newspapers the last month or six weeks, I believe he could infer rather justly that the legislature as an institution is in a lot of trouble because of the speculations of certain former public officials and a few present. I think a bill like this even adds to the denigration of this chamber. Maybe someone today will call this Illinois State Senate. I would prefer to call it Operation Head Start. I vote no.

SECRETARY:

Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

I am recorded. I would like the absentees called.

PRESIDENT:

Call the absentees.

SECRETARY:

Arrington, Baltz, Cherry,

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

This bill is for poor people who wish a freedom of choice of sending their child either to the public school or nonpublic school. And it simply provides that families whose income is less than three thousand dollars a year be reimbursed on the same basis that we reimburse school districts and public schools for each child in average daily attendance. The controls are there because the Superintendent of Public Instruction has the right to review the books as they do; the attendance records as they do in public schools. I see no reason why these type of families, these unfortunate families whose income is less than three thousand

dollars a year, can't get the same assistance in nonpublic schools as they get in public schools. I've never engaged in any personalities as long as I have been on the floor of the Senate. And it is a simple request; it is not an involved one. You have to make up your mind as to whether or not you want to follow the concept of helping those people who can't help themselves and who prefer to send their children...their youngsters to nonpublic schools and get the same benefits for themselves as we do for youngsters whose families have the opportunity of earning and do earn more than three thousand dollars or families who are not on public aid and assistance. That is all this bill does. It is a simple bill. It provides only for 4 and 1/2 million dollars and I think the State can adequately afford to take care of these kind of families, so they have the freedom of choice of their educational system. I vote aye.

SECRETARY:

Gilbert, Graham, Groen, McBroom, O'Brien,

PRESIDENT:

Senator O'Brien.

SENATOR O'BRIEN:

Mr. President and members of the Senate. I would like to explain my vote and in explaining my vote I would like to bring up a few things that I feel haven't been brought out clearly in relation to some of the reasons that individuals have been stating as their reason for voting. It appears to me that education in the Catholic institutions or the private schools throughout the State are in deep trouble. I think that is why we have this bill. But one thing that is clear, especially in my district and in the City of Chicago, is that some of the parochial schools are in trouble are in ethnically deprived neighborhoods. Now anybody in this room who has been receiving, and members of his ethnic group, receiving education for zero number of dollars from the



private schools in this district being supported by the archdiocese in the City of Chicago should have a different approach to this legislation. Because I think that they are the ones who have been receiving the benefits of the educational system in the Chicagoland archdiocese and I would just like to vote aye.

SECRETARY:

Walker, Weaver.

PRESIDENT:

For what purpose does Senator Cherry arise?

SENATOR CHERRY:

To postpone consideration on this vote.

PRESIDENT:

Motion to postpone consideration. That motion is in order.  
Senator Coulson.

SENATOR COULSON:

I preface my remarks by saying I am going to appeal the ruling of the chair. But I thought we had it understood that this sort of thing would not occur. I tried to forestall precisely this sort of problem, if you will recall, the first day these matters were taken up. And I wanted to do it then in connection with a perfectly noncontroversial item so that when it came to controversial items this would not occur. This thing is already in sufficient constitutional jeopardy so I think that you are dealing with a hopeless situation and I would, therefore, renew my motion to appeal the ruling of the chair and ask the members to... the chair has ruled that the motion is in order. I appeal that ruling.

PRESIDENT:

Correct. Just to clarify the situation that arose the first day we were in session. The question was on the reconsideration once the vote had been announced and the chair said the motion to reconsider would be in order unless we reached unanimous

agreement. There was no agreement. Senator McCarthy objected and since that time we have had the motion to reconsider and the motion to table. This particular motion is not a motion to reconsider, but a motion to postpone consideration. It is in order and the chair will so rule. Senator Coulson has appealed the ruling of the chair. The question is, shall the ruling of the chair be sustained and on that question the secretary will call the roll. For what purpose does Senator Horsley arise?

SENATOR HORSLEY:

Well, I am a little bit confused. I mean you have ruled, and has Senator Coulson appealed that ruling or are we on roll call?

PRESIDENT:

That is the opinion of the chair; that Senator Coulson has appealed the ruling. So now we will vote on the question of whether the decision of the chair shall be sustained. For what purpose does Senator Partee arise?

SENATOR PARTEE:

While they are cogitating the question and deciding their course of action, will the chair announce the required number of votes for this motion to prevail.

PRESIDENT:

35.

SENATOR PARTEE:

Thank you.

PRESIDENT:

Secretary...Senator Horsley.

SENATOR HORSLEY:

Then, I will ask for roll call on the motion to postpone and wish to be heard on it.

PRESIDENT:

Your assumption is the chair will be sustained, I gather.

SENATOR HORSLEY:

You what?

PRESIDENT:

The assumption is that the chair will be sustained.

SENATOR HORSLEY:

That is not my assumption. Oh! No, sir.

PRESIDENT:

Oh! Alright. Secretary will call the roll. The question is shall the ruling of the chair be sustained. Oh! You have withdrawn that. I'm sorry. I'm sorry.

SENATOR HORSLEY:

I am asking for a roll call on Senator Cherry's motion to postpone the consideration and I ask to be heard on it.

PRESIDENT:

You're entitled to a roll call. Yes. The motion is to postpone consideration. Senator Horsley has asked for a roll call.

SENATOR HORSLEY:

Mr. President, very frankly, it would take 35 votes on the matter of appealing the ruling and...

PRESIDENT:

That is correct.

SENATOR HORSLEY:

And I think as a practical matter, it would be impractical. So for that reason...and I recall the first day here when the parties tried to have an understanding that we would not postpone these matters. Now here it is Thursday at 3 o'clock in the afternoon with the understanding that we want to go home today, come back here at 1 o'clock Monday. The last day that these matters, any of them, and there are several more, can be considered is on Tuesday...is the last day that they can be considered if they originated in this body. Now we have debated this matter pro and

con fairly and squarely and I think that it is a matter that we should dispose of today. And if the motion to postpone is beaten, why then the vote will be announced and that will be the end of it on a motion to reconsider and a motion to table. And for that reason I would earnestly urge you to vote no on the motion to reconsider.

PRESIDENT:

The motion is to postpone consideration.

SENATOR HORSLEY:

I am sorry, I misstated that. Vote no on the motion to postpone.

PRESIDENT:

The motion is to postpone consideration. Those in agreement with Senator Cherry will vote in the affirmative; those in agreement with Senator Horsley will vote in the negative. A roll call has been requested. The secretary will call the roll.

SECRETARY:

Arrington,

PRESIDENT:

A majority of those voting on the question.

SECRETARY:

Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr, Neistein, Newhouse.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Mr. President, I find myself in a very peculiar position on this roll call, because I fully expected that when you called the

first bill that both of these bills would probably pass by the same vote. And it is remarkable that we passed a bill that opened up the pot and we go to the section where it applied to poor people and nothing happened. I don't think the bill is going to do that much, I will tell you that; but on the off chance that it might do something I am going to vote aye on this bill and I have got two reactions. One of them is that one of the fellows on this side walked up to me and remarked: "You know that it is a wondrous thing that those fellows come up to a certain point on the other side and then fall off." And the second remark that came to me was: "Well, now your guys can get the votes on the other side when they want it, but when they don't want it, they don't." I think it is a wondrous situation. I would like to see this consideration postponed. I would like to find out a little bit more about why the votes are going the way they are. I would like to look at this bill a little more closely and see if there is any remote chance that poor people might be aided by it. As I see it now, I don't believe it; but I think we ought to digest this one a little bit and I would like to hold it. Therefore, I am going to vote aye on the motion to postpone.

SECRETARY:

Nihill, O'Brien, Ozinga, Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas, Smith, Soper, Sours, Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

Senator Harris.

SENATOR HARRIS:

Mr. President, I don't think I am recorded. I just want to make a couple of observations here. We're involved now on the question of procedure of a member of this body, under our rules, to postpone consideration on a matter before us. This is a motion, as I understand it. Now, very frankly I remained quiet our first

day here about that quite unusual procedure to commit a majority of this body to some understanding indefinitely in the future; which I found to be quite intriguing and certainly a mistake if there was any comprehension that we were going to commit ourselves to some kind of a permanent position. Now one of the things that I've come to appreciate about this body is that 30 members ought to be able to do anything, anytime that they agree to do it. Procedurally or substantively. Now a member of this body has made an effort to carry his cause on an important legislative proposal and I voted no on that roll call. I voted aye on the preceding action. I am going to vote aye on the next. I think there are decided differences in all three of these pieces of legislation. But we are involved, right now, on action by Senator Cherry to postpone consideration on that motion; and to me it is just that simple about that. I don't want to be repetitious, but I just want to say that 30 members ought to run this body. Discussions about some long-run agreement without the imposition of the will of a majority of this body is a mistake, and I am trying to look down the road. There are going to be times when, individually, when we just want to be able to keep our options open to us. I am going to vote to sustain the privilege of a Senator to move to postpone consideration. It makes sense to me regardless of any single issue at any one time. It is a question of long-run good sense. I believe, in order to support Senator Cherry's motion to postpone action on his bill, the vote is aye. Is that correct?

PRESIDENT:

That is correct.

SENATOR HARRIS:

I vote aye.

PRESIDENT:

Horsley no.

SECRETARY:

McBroom, Mohr, Walker and Weaver.

PRESIDENT:

Bidwill aye. On that question the yeas are 30, the nays are 16. The motion to postpone consideration prevails. 1197. Do you wish to call that at this time, Senator Cherry?

SENATOR CHERRY:

Yes I do, Mr. President, because this is a new and innovative program in the State. I don't know what the consensus of the members of this body feels with respect to the recommendations proposed by the Governor. I would like to make this as briefly as possible and then proceed. This bill enacts the Illinois Educational Development Board of 1971 and creates the Illinois Educational Development Board with power to provide grants to public and nonpublic schools, sponsored and implemented innovative elementary and secondary school educational programs. It creates the fund by which this money can be channeled and provides an appropriation of 5 million dollars. The action taken by the recommendations we have before us has been amended in several sections. The Governor lists two specific reasons why he vetoed the bill and made the amendatory changes. The first stated that he felt a few provisions of the bill should be changed. The second reason was that it would expand the grants to more schools. The Governor apparently decided to include grants for cooperative programs for public schools also in this bill. So he is adding the public schools. While that might not turn out to be a priority change, the question is whether or not aid to public schools is supposed to combat the financial difficulties in private schools. Another key change is the dropping of joint administration of cooperative programs. Instead of the public and the nonpublic schools being responsible in cooperation for administration and coordination programs, the public schools, here in this bill, are given the

primary responsibility. This was done because it is felt that in keeping nonpublic schools out of administrative matters that that would make it constitutional. We are recommending that while the services provided under this bill might be helpful to nonpublic schools, they are often not found in those particular institutions. It might be helpful to a nonpublic school to find a cooperative source for such things as guidance counseling, remedial instruction, sharing of equipment, programs for the gifted and the handicapped, and so forth. In many cases nonpublic schools do not provide these services and the public school is the only source available. Obviously the nonpublic schools have no intention of providing these programs where they are involved in public schools. It is also obvious that under a cooperative program a child may get all of his instruction and academic benefits at the public school level. Therefore, we are asking you to evaluate the rationale for improving the nonpublic schools in these programs, and we concluded that the answer to that question should be yes. So I am asking for a favorable vote in accepting the recommendation, supporting the recommendations made by the Governor. It provides for an appropriation, as I said, of 5 million dollars for these innovative programs.

PRESIDENT:

Is there any discussion? Secretary will call the roll.

SECRETARY:

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



PRESIDENT:

Request for call of the absentees.

SECRETARY:

Arrington, Baltz, Cherry,

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

I vote aye.

SECRETARY:

Fawell, Gilbert, Graham, Groen, Knuepfer, McBroom, Mitchler,

PRESIDENT:

Mitchler, no.

SECRETARY:

Newhouse, Soper, Walker, Weaver.

PRESIDENT:

On that question the yeas are 30, the nays are 15. The motion having received the necessary votes is declared passed. Verification of the vote has been requested. Senators will be in their seats. Senators will be in their seats. The Secretary will call the affirmative votes.

SECRETARY:

Bidwill, Carroll, Cherry, Chew

PRESIDENT:

Is Senator Bidwill...here. Senator Bidwill is here.

SECRETARY:

Course, Donnewald, Dougherty, Egan, Hall, Harris, Hynes, Knuppel, Kosinski, Kusibab, Lyons, McCarthy, Mohr, Neistein, Nihill, O'Brien, Palmer, Partee, Rock, Romano, Rosander, Saperstein, Savickas, Smith, Swinarski, Vadalabene.

PRESIDENT:

Senator Hynes is here. Is Senator McCarthy here? Senator McCarthy is here. Senator Cherry moves to reconsider. Senator

Rock moves to table. All in favor of the motion to table signify by saying aye. Contrary minded. Motion to table prevails. Have some messages from the House.

SECRETARY:

Message from the House, from Selcke, Clerk. Mr. President, I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution in the adoption of which I am instructed to ask the concurrence of the Senate to wit: House Joint Resolution 93. Resolved by the House of Representatives of the 77th General Assembly of the State of Illinois, the Senate concurring herein, that when the House adjourns on Friday, October 15, 1971, it stand adjourned until Monday, October 18, 1971, at 1 o'clock p.m., and when the Senate adjourns on Thursday, October 14, 1971, it stand adjourned until Monday, October 18, 1971 at 1 o'clock p.m.

PRESIDENT:

Senator Donnewald moves the adoption of the adjournment resolution. All in favor signify by saying aye. Contrary minded. Motion carries.

SECRETARY:

Message from the House from Mr. Selcke, Clerk. Mr. President, I am directed to inform the Senate that the House of Representatives have adopted the following preamble and joint resolution in the adoption of which I am instructed to ask the concurrence of the Senate to wit: House Joint Resolution 92. It is really asking for Mt. Olive, Illinois, or Mt. Morris rather, to be the legal bell ringer in the celebration.

PRESIDENT:

Senator Laughlin..

SENATOR LAUGHLIN:

Yes, Mr. President, I would like to sponsor this joint resolution. I don't know whether you want it to go to a consent

calendar or not. Mt. Morris, Illinois, in my district, has a bell ringing ceremony on July 4th of each year and they would like to be designated for the 1976 ceremonies as the "Let Freedom Ring Bell Ringer" at Mt. Morris as the official bell ringer for the State of Illinois.

PRESIDENT:

Is there objection? All in favor signify by saying aye. Contrary minded. Resolution is adopted.

SENATOR LAUGHLIN:

Thank you.

SECRETARY:

Message from the House by Mr. Selcke, Clerk. Mr. President, I am directed to inform the Senate that the House of Representatives has adopted various amendments offered by the Governor to bills with the following titles: house bill 438, which is Senator Horsley's bill; house bill 1616, which is Senator Bruce's bill; house bill 1668, which is Senator Fawell's bill; house bill 1875, which is Senator Gilbert's bill.

PRESIDENT:

These will be on the calendar on Monday. Resolutions and motions. Senator Egan. Senator Egan.

SENATOR EGAN:

Mr. President and members of the Senate. The subcommittee that heard all of the evidence in the two election contest cases accepted from several county clerks various documents, ballots and exhibits that were accepted into evidence during that hearing. I would like to ask leave of the body to be able to return those to the respective county clerks.

PRESIDENT:

Is there objection? Leave is granted. Resolutions.

SECRETARY:

Senate resolution 228 introduced by Senator Harris and all

members. It is a congratulatory resolution.

PRESIDENT:

Senator Harris.

SENATOR HARRIS:

Mr. President, I don't want to take any undue time of the body, but I learned just today of this event that is taking place in my district tomorrow evening. Might I have unanimous consent to immediate consideration of this congratulatory resolution?

PRESIDENT:

Congratulatory resolution. All in favor signify by saying aye. Contrary minded. The resolution is adopted.

SECRETARY:

Senate resolution number 229, introduced by Senator Soper. It's congratulatory and it's going to...

PRESIDENT:

Consent calendar.

SECRETARY:

Senate resolution number 230, introduced by Senator Arrington. It is a congratulatory resolution congratulating the Chicago Symphony.

PRESIDENT:

Consent calendar. On the consent calendar, we have...there are five resolutions: house joint resolution 86, Senator Ozinga is the senate sponsor of; house joint resolution 85 regarding Miss Barbara Newman; we don't have a senate sponsor on. Anyone want to be a...she's Miss Illinois Young Republican and...Senator Clarke, do you want to be the senate sponsor on that? Is there objection to the adoption of those five resolutions? Five resolutions on the consent calendar. They are adopted. Senator Laughlin. 212 is adopted too. Senator Laughlin, you have some...a motion?

SENATOR LAUGHLIN:

Well, Mr. President, I introduced two bills that have to do with Constitutional Implementation. I talked to Senator Partee about them this morning. They deal with the matter of affecting the means by which we determine which members of the Senate are...which districts run for two years, four years, two years, and so forth. I have an agreement with Senator Partee that I could have them introduced and advance them to second reading without reference to committee with the understanding that I'll hold them there while they'll be looked at. And I'd make such a motion now. I don't know the numbers.

PRESIDENT:

Is there objection? Leave is granted.

SECRETARY:

Senate bill number 1272, introduced by Senators Laughlin and Gilbert is a bill for an act to divide the state legislative districts into three groups and establish the terms, "The Senators elected from the districts of each group." First reading of the bill. Senate bill number 1273, introduced by the same sponsors is a bill for an act to amend section 2-11 of the Election Code. First reading of the bill.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Mr. President, members of the Senate. I would your attention because this is something that you might get confused on. We have prepared a Senate schedule for the next week or so and the very first item...I think they have passed them out already... the very first item shows that on Monday, October 18th, we have a session from 12 noon to 4 p.m. Now we drafted this before we talked to the House which is coming in at one; so we are changing it now for Monday from 12 to 1 p.m. Monday afternoon. Now the

other matter I would discuss with you is that you will notice on the schedule that commencing on Tuesday, October 19th, there will be meetings of various of our committees. It becomes necessary to commence our committee hearings next week in order to accomodate both ourselves and bills which will be coming over later from the House. Now we have a rule which requires a 6 day posting notice on committee hearings and I am going to ask leave for us to waive that rule so that we would not have to wait six days from today before we could hear bills now assigned to committees. I would like an expression from the leadership on the other side.

PRESIDENT:

There is apparently no objection. Leave is...Senator Clarke.

SENATOR CLARKE:

Can I request of the pro tempore though, as to what period of time we will be notified? Is there going to be twenty-four hour, some period, so we will know ahead of time what bills to be prepared for?

SENATOR PARTEE:

That is a question which also occurred to me and I ask various of our chairmen if they could give us a list of bills which have been requested to be heard. They have told me, most of them, that there have been a minimum of requests for bills to be heard and I assumed that it was not a lack of interest; but it was because those persons with bills in those various committees simply did not know when the committees were going to meet and for that reason had not asked. They now know, in accordance with this schedule, when the bills are going...when the various committees are going to be meeting. Hence, I would feel that by Monday when we come in the various chairmen could give us a list of bills that have been requested to be heard.

PRESIDENT:

Senator Latherow:

SENATOR LATHEROW:

Senator Partee. Is this just for...

PRESIDENT:

Senator Latherow.

SENATOR LATHEROW:

Is this just for committees next week, or is this for the rest of the time we are here?

SENATOR PARTEE:

You mean, you mean the waiver of the notice? Do you mean the waiver of the notice period, or this schedule?

PRESIDENT:

Waiver of the notice, apparently.

SENATOR PARTEE:

The waiver of the notice will pertain from now until we finish this session of the legislature.

PRESIDENT:

Senator Latherow.

SENATOR LATHEROW:

Mr. President, members of the Senate. Now, I would have to object to this because I know of one particular bill in my mind that is going to require people to have notice in order to be able to get here and if this happens to be put on, I think it's absurd to think that they won't be able to make it. I want to exclude that provision.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Maybe I can assuage your fears in that area. The purpose of the rule is not to not give persons enough time to get their witnesses here. The purpose of the rule is to accommodate all

persons with bills, and particular bills coming over from the House, where we wouldn't probably in the waning days have time for the 6 days. Whatever bill you have, if it is required some time to get your witnesses together, I am sure if you will discuss that with the chairman of that committee, he'll accommodate your situation.

PRESIDENT:

Are there further announcements? Senator Saperstein.

SENATOR SAPERSTEIN:

To supplement what our leader has told us, I would like to ask the Senators who have house bills in education to please notify us as soon as possible so we may schedule them.

PRESIDENT:

Senator Latherow.

SENATOR LATHEROW:

Mr. President, I would like to rise on a point of personal privilege.

PRESIDENT:

Senator Latherow is recognized.

SENATOR LATHEROW:

Earlier today we had quite some discussion about some of the possible vetoes that have been presented to us. And, of course, Senator Hynes, I hate to recognize the fact to you that I probably knew where Western Illinois University was before some of the people in here were born. I would also like to bring to your attention the facts, and I do mean facts, of some of the things that were read to us here on this occasion concerning Western Illinois University. That University, as you have all been aware, is located in Macomb, Illinois. The facts were stated that in the cuts, 1,000 students were denied enrollment who were qualified. The enrollment date at Western Illinois University was cut off long before this legislation passed



or failed or was signed or vetoed by the Governor. The enrollment was cut off last December on some types of students, possibly who were qualified I shall admit. But I want you to know, of all the Universities that were concerned here, Western Illinois University was the only one who had an increase in enrollment, and that was of 400 and some students. Twenty percent scholarships and waivers were cut, students from lower income homes were unable to continue college. I would like, when this is presented as a fact, I would like to see evidence to prove that these people were denied entrance to a college because of low income. When 43% of the students at a University, and I am speaking of Macomb, Western Illinois University, are attending that school through a waiver of tuition, tuition grants or scholarships, I think maybe we need to look to some other part of what we are doing other than to say this is the cause of why students are not attending. Students in my area who want to attend school can go to a bank, as all of you know, through legislation that we have produced, and borrow the funds to go and the banks there are ready to help them. They would like for them to be local residents. I might want to say that. 60% of students jobs were cut. Now this is technical, of course. I had a course in mathematics several times in my college career and I do know that the funds were cut by approximately that much, but I can't say that 60% of the jobs were cut, and that they had to drop out of school. I want to know one person who has had to drop out of school at Western Illinois University because the jobs were cut. I spent considerable time trying to get a hold of the University people after I received some of this information yesterday; and they tell me it would be almost impossible for them to answer some of the questions that are produced here on this sheet of paper as facts. Fifty-one classes were cancelled. Those of you who are acquainted with the

University action knows that every year many classes are cancelled at these Universities because of lack of enrollment of students who want to take that particular class. A 20% increase. I will agree with you wholeheartedly on one or two of the instructors that we have there who are definitely overloaded. And I'll tell you this, if all the instructors at that University were like these two individuals that I have in mind, the enrollment would be glad to distribute themselves among the other teachers. One of the sheets that was handed to you gentlemen said that 5 million dollars had been appropriated by the General Assembly for a new educational building. The powers to be, and in that I speak of the University administration, the business manager and three other people, said that this is an entire distrust. The latest building census says that they are 35 percent occupied, 35 percent of the time. I don't know whether that means 24 hours out of the day, 12 hours out of the day, 8 hours out of the day, or what it means. When we receive stuff handed to us like this, I think we are entitled to know the facts, rather than just have fictional elements presented to us. I am hurt because Western Illinois University is cut. You bet I am hurt! And I am hurt, and I feel hurt worse than any individual on this floor, regardless of what may have been said earlier. Beginning institutions at Universities make only... beginning instructors at the University make only \$7200; and I can't understand how that could be possible when the administration of the University doesn't know it. These are things that I thought you fellows had ought to know. Thank you Mr. President.

PRESIDENT:

Is there further business to come before the body? Motion by Senator Vadalabene that the Senate, Senator Hynes.

SENATOR HYNES:

Very briefly, Mr. President, I...with respect to Senator

Latherow's comments, I do not know what handout he is referring to, that certainly is not the information that was in ours, but I would point out to him that the, by his own admission, funds for student jobs have been cut by 60%. In addition the operating budget for Western Illinois University is 1.2 million less than it was last year. Now, I don't know how you want to argue with those figures, the fact is that it is less than last year.

PRESIDENT:

Senator Latherow.

SENATOR LATHEROW:

I did not deny anything that you said, Senator Hynes, other than I hated to deny the fact that I did know University existed long before some living here.

PRESIDENT:

Senator Vadalabene moves that the Senate stands adjourned until one o'clock on Monday...Senator Donnewald, do you wish the floor? You're just waving a friendly greeting. Motion the Senate stand adjourned until one o'clock on Monday. All in favor signify by saying aye. Contrary minded. Senate stands adjourned.