

TRANSCRIPT -- 77TH GENERAL ASSEMBLY

OCTOBER 1971 SESSION

OCTOBER 19, 1971

PRESIDENT:

Reverend Milton Q. Konett, pastor of the London Mills Methodist Church.

PRESIDENT:

Reading of the Journal. Moved by Senator Romano that the reading of the Journal be dispensed with. All in favor signify by saying aye. Contrary minded. Motion prevails. Reports from Committees.

SECRETARY:

Senator Donnewald, Chairman of the Assignment of Bills, reports the following: Judiciary, Senate Bill No. 1265 and House Bill No. 3044; Appropriations Division, Committee on Public Finance, House Bills 3030 and 3037; Revenue, Senate Bill No. 1267; Transportation, Senate Bill No. 1270; Constitutional Implementation, Senate Bill No. 1271 and House Bills 2899, 2999, 3031, 3038 and 3047.

PRESIDENT:

Message from the Governor.

SECRETARY:

Message from the Governor by Arthur R. Swanson, Assistant to the Governor: Mr. President: The Governor directs me to lay before the Senate the following message: To the Honorable the members of the Senate of the 77th General Assembly: I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments by your honorable body. Executive Committee.

PRESIDENT:

Resolutions. On page two.... Introduction of Bills.

SECRETARY:

The Committee on Rules met on October 18 pursuant to the call and unanimously approved the introduction of the following bills: Senate Bill No. 1274, introduced by Senators Hynes, Partee, Cherry, Donnewald. A bill for an Act making an additional appropriation to the Board of Trustees of the University of Illinois. Senate Bill No. 1275, same

sponsors. A Bill for an Act making additional appropriations to the Board of Governors of the State Colleges and Universities. Senate Bill No. 1276, same sponsors. A bill for an Act making additional appropriations to the Board of Regents. Senate Bill No. 1277, same sponsors. A bill for an Act making additional appropriation to the Board of Trustees of Southern Illinois University. Senate Bill No. 1278, introduced by Senator Groen. A bill for an Act to amend Section 12-2 of an Act in relation to state finance. Senate Bill No. 1279, introduced by Senators Harris, Clarke and Coulson. A Bill for an Act to repeal Section 8 of an Act to prevent extortion and unjust discrimination in the rates charged for the transportation of passengers and freight on railways in the State and to punish the same and prescribe a mode of procedure and rules of evidence in relation thereto, and to repeal an Act therein named. Senate Bill No. 1280, introduced by Senators Donnewald, Partee, Cherry and McCarthy. A Bill for an Act to add Section 11.1 to an Act to revise the law in relation to the State Treasurer. Senate Bill No. 1281, introduced by Senator Neistein. A Bill for an Act to amend Section 12-121 of the Illinois Pension Code. Senate Bill No. 1282, introduced by Senators Groen, Soper and Rosander. A Bill for an Act to amend Sections 12-124, 2-134, 14-179, 14-182 and 18-41 of the, and to add Section 2-135 to the Illinois Pension Code. Senate Bill No. 1283, introduced by Senators Groen, Soper and Rosander. A Bill for an Act to amend Section 2-108, 2-110 and 22-509 of The Illinois Pension Code. Senate Bill No. 1284, introduced by Senators Saperstein, Partee, Cherry, Donnewald. A Bill for an Act making a supplemental appropriation to the Superintendent of Public Instruction. Senate Bill No. 1285, introduced by Senators Graham, Clarke, McBroom, Baltz. A Bill for an Act to amend Sections 3-14-8, 6-35, 7-43, 17-10 and 21-1 of the Illinois Election Code. Senate Bill No. 1286, introduced by Senator Gilbert. A Bill for an Act making a supplemental appropriation for the ordinary and contingent expenses of the Board of Trustees of Southern Illinois University. Senate Bill No. 1287, introduced by Senators Merritt, Baltz, Walker.

A Bill for an Act to amend Section 1, 2, 6, 7 and 8 of an Act making appropriations and reappropriations to the Board of Governors of State Colleges and Universities. Senate Bill No. 1288, introduced by Senator Knuepfer. A Bill for an Act to provide for the transfer of duties of the Treasurer of certain duties of Local Government and to provide penalties for the violation thereof. Senate Bill No. 1289, introduced by Senator Berning. A Bill for an Act to amend Section 18 of an Act concerning fees and salaries and to reclassify several counties of this State in reference thereto. Senate Bill No. 1290, introduced by Senators Berning and Merritt. A Bill for an Act to amend Section 159 of the Revenue Act of 1939. Senate Bill No. 1291, introduced by Senator Knuepfer. A Bill for an Act in relation to fees and salaries. Senate Bill No. 1292, introduced by Senators Lyons, Partee, Hynes and Cherry. A Bill for an Act to amend Section 19 of and to add Section 19-25 to the Revenue Act of 1939. Senate Bill No. 1293, introduced by Senators Egan, Partee, Cherry. A Bill for an Act to require the reporting of Governor's actions on bills to the members of the General Assembly. Senate Bill No. 1294, introduced by Senator Knuepfer. A Bill for an Act to amend Section 2-26.01 of the Election Code. Senate Bill No. 1295, introduced by Senator Knuepfer. A Bill for an Act to amend Sections 247 and 9 of an Act relating to the compensation of an election of the County Boards of certain counties. Senate Bill No. 1296, introduced by Senators Dougherty and Graham and the Election Laws Study Commission. A Bill for an Act to amend Sections 1-3, 7-9, 7-63, 10-2, 10-14, 24-3, 24a-17 and to add new Article Ia to the Election Code. The first reading of the Bills.

PRESIDENT:

On Page 2 of the Calendar, on the bills returned from the Governor, 67, Senator Laughlin

SENATOR LAUGHLIN:

If I do nothing, that just dies, right?

PRESIDENT:

That is correct.

SENATOR LAUGHLIN:

That is the way I like it.

PRESIDENT:

131. Senator Ozinga. Is Senator Ozinga on the floor? 719, Senator Graham. 1225, Senator Soper.

SENATOR SOPER:

Mr. President, members of the Senate. I filed a motion to override the veto of the Governor on Senate Bill 1225. I think you are all well informed on this bill. This is the one-year residency bill. I distributed amongst the Senators, last week, a little summary of what has happened with this legislation. Now, the Supreme Court, at one time, ruled that residency requirements were unconstitutional. But, if you will read in their opinion - the opinion of the court said that, when the Statute affects only matters not mentioned in the Constitution and is not arbitrary or irrational, the court is not entitled to pick out particular human activities, but it also said that where the State shows a compelling state interest. Now, Connecticut and New York have similar legislation and the situation is this: This concept is now before the Supreme Court on appeal from these two States on this compelling need. Now, in the State of Illinois in 1968, we appropriated approximately three hundred million dollars for relief. This last year we appropriated one billion, one hundred and thirty million and we're about one hundred and ninety million dollars short. Now, if the Supreme Court reverses itself, which New York and Connecticut believe that they will, it will put us in a precarious position if we don't have a law for residency on our books. We would then receive all the recipients from the other states, come into the State of Illinois, and we would add to our relief load. Something that we can't carry at this time. It is estimated that, through the years, we have added to our relief load about 250 million dollars. Now, we have been badgering around with 7 million, 2 million, 9 million, 20 million as far as higher education is concerned. We have been badgering and looking for 29 and 30 million for parochial aid and books

for nonpublic schools. Here we have a chance to safeguard our treasury and help the State show the Supreme Court of the United States that this is a compelling need. Now, if you want to put our State in good stead, in a position whereby we will be able to save our treasury in case the Supreme Court rules that this is constitutional at this time under compelling interests and need; and, if you have read what I have put on your desks, you will know that we should help the two states. Now, we are not going to spend any money doing this, but by showing that the legislature in the State of Illinois finds that this is a compelling need because of the fact that we have gone from 261 million dollars for relief in 1966 to 1 billion 1 hundred thirty million with the awful aspect of looking at one hundred ninety million supplemental appropriation, I think it behooves us to safeguard our treasury and I would like to have a vote on this.

PRESIDENT:

Is there any discussion?

SENATOR SOPER:

Would you ring the bell. Let's get everybody out. This is important.

PRESIDENT:

There is a request for the bell to be rung. 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,

PRESIDENT:

Senator Partee:

SENATOR PARTEE:

Having been an original sponsor of Senator Soper's Bill and having

supported it when it was called the first time, I think I owe some explanation to my present vote. As you will recall, I said at that time that one of the problems with our rising relief rolls is the fact of increasing unemployment. And you may cut it anyway you want to cut it; but the fact of the matter is, as long as our persons are not working and the unemployment rolls are on the rise, so will concomitantly the rolls of persons on welfare. I was concerned and I was distressed when I considered that two other prominent states like California and New York had passed a one-year residency law and I was under the impression that there was some obiter dictum in the Supreme Court opinion on the residency law that may well suggest that such a law would be declared constitutional. On that basis and for that reason, I supported the bill with the feeling...

PRESIDENT:

Please, let's maintain some order.

SENATOR PARTEE:

I supported the Bill with some reservation, but with the knowledge and feeling that perhaps that obiter dictum would become law in the next opinion and we would find ourselves in Illinois in a rather precarious position with two other leading states having such a law with Illinois being bereft of one. Hence, I supported it. Since that time, the courts have spoken rather positively and affirmatively on that question and I think perhaps that the decision as it is now will stand. I think the Governor took the same position in assessing what the law is going to be at present and what it will be futuristically. On that basis, I cannot vote to override the veto.

SECRETARY:

Rock, Romano, Rosander, Saperstein

PRESIDENT:

Senator Saperstein.

SENATOR SAPERSTEIN:

Mr. President and Senators, I am going to vote to uphold the

Governor's veto. That bill is just as unconstitutional today as it was when we first considered the bill and no one knows more, I think, than the Governor in terms of the heavy load, financial burden that the State is now carrying. I will say today what I said last time.....

PRESIDENT:

Just a moment - just a moment, Senator.....Senator Saperstein is entitled to be heard. Settle down.....Just a moment, Senator. We've got about three caucuses going on here. Proceed.

SENATOR SAPERSTEIN:

That this is no way to treat this very vexing social problem existing not only in Illinois but all through the nation and I vote to uphold the veto. I vote no.

SECRETARY:

Savickas, Smith, Soper

SENATOR SOPER:

Mr. President....

PRESIDENT:

Senator Soper.

SENATOR SOPER:

I feel constrained, Mr. President and members of the Senate. I feel constrained to answer the Honorable Pro tempore. Now this question hasn't been determined. It is now before the Supreme Court of the United States. Now, this hasn't been judged unconstitutional because there is a different theory on this. And as far as Senator Saperstein's remarks are concerned, I would say this: That, if we don't want to protect the people who are in need that are residents of the State of Illinois, and if we are going to cut back on their needs because people come from other states, because other states pay \$150.00 or \$120.00 where we pay \$284.00, and we take these people in our state without reservation, well then the monkey is going to be on your back, gentlemen. And, if we can't give this a chance and if we can't say if the Supreme Court comes forward and says that this is constitutional and, as I said

before, if we can't save our people who deserve this, the people who are beholding with...to whom we are beholding...and if we take everybody that comes from the other states, and if the other...if New York and Connecticut then send all the people that are going to their states when this is held constitutional, then it will be on your back, then you look for the money. If you are willing to sit here and appropriate 190 million dollars besides the 1 billion 1 hundred and 30 million dollars you've appropriated and, if you're then willing to cut because you can't find the money and cut the blind and the halt in our State because you have carpetbaggers coming from other states just to make a little bit more money by not working, well it's up to you. I vote aye.

SECRETARY:

Sours

PRESIDENT:

Senator Sours.

SENATOR SOURS:

Mr. President and Senators. About a month ago I heard, through the usual grapevine, that the other side was going to switch in this bill so, in the interim, I went out and talked with a caseworker from the City of Peoria who deals with the general subject and, with your permission, in about three or four minutes, I would like to read about a page of her statement so we'll know how we are throwing it down the sewer. I am going to mention names. This statement refers to certain individuals who are on relief who receive public aid and who may or may not be deceiving the authorities in connection with payments due them. There is one Carrie Tillman, T-i-l-l-m-a-n, residing at 720 West....

PRESIDENT:

Just a moment. Senator Sours is entitled to be heard. Let's have some order, please. Proceed.

SENATOR SOURS:

Residing at 720 West McBean Street, Apartment No. 382, employed as a salad girl at the Ramada Inn in Peoria, who apparently has not reported

income for the past year and has received more than \$4,000 excess assistance. By excess assistance is meant that amount of money over and above what they received from the Department of Public Aid of the State of Illinois. There is also a Buster Dugger, D-u-g-g-e-r, and Geraldine Gilliam, G-i-l-l-i-a-m, white caucasians, who state their address to be the same residence of 1203 South Greenlawn - one word - Avenue, Peoria, Illinois. Buster Dugger came to the office of the Public Aid and stated his wife was Geraldine Householder, her maiden name, and that he, Buster Dugger, and Geraldine Householder Dugger were residing at 1203 South Greenlawn Avenue, Peoria. Thereafter, one Geraldine Gilliam came to the Public Aid office and stated her husband was Paul Gilliam and they, too, resided at 1203 South Greenlawn, and she stated on that occasion her maiden name was Householder. This may be a matter of double assistance for either the stud or the sow. There is a certain Amanda Coleman, C-o-l-e-m-e-n, who has a husband by the name of Donald who supposedly has deserted Amanda. The caseworker called at their residence and asked for Donald. The man answering the telephone said he was Donald Coleman. The caseworker identified herself as a caseworker of the Department of Public Aid and said he should come to the office or that the matter of disbursement might be cancelled. A man came in and represented himself as Donald Coleman and the caseworker questioned him as to his living and residing with his wife, Amanda Coleman. Donald Coleman then stated....

PRESIDENT:

Just a moment. For what purpose does Senator Partee arise?

SENATOR PARTEE:

A point of order coupled with a parliamentary inquiry. I fail to see how the remarks of the gentleman with reference to particular cases involving the relief situation is relevant to this debate. The question under debate is whether or not the Governor's veto shall be overridden. Now, I just don't see either the relevance or whether this is a point on the subject matter under discussion.

PRESIDENT:

The Senator will confine - I might add the Senator is about used

up his time so if he can conclude his remarks. I'm sorry.

SENATOR SOURS:

I, I'm referring to my, my explaining my vote and I can finish this paragraph in about a half a minute. Donald Coleman then stated he just uses her address for mailing purposes. And there is a play on that one, too, m-a-i-l-i-n-g. When the caseworker asked him why he didn't work, he replied, "because I don't want to". Later the caseworker ascertained that Donald Coleman is the acknowledged putative father of a child by one Leonor Childs and this child of Donald and Leonor is also a child recipient. Now, ladies and gentlemen of the Senate, I think this impoverished State, which has to cut appropriations for higher education, which has no funds for your Chicago School Board or the Peoria District 150, which is obliged to curtail many of the absolutely indispensable adjuncts of government, ought to take another look at this to see how we are ratholing it. We have begotten three generations of public trough recipients. We have sprung a leak in the moral character of good people by handing all this to them. I say now is the time to shut it off and I am disappointed with this new switch. I vote to override the Governor's veto on this.

SECRETARY:

Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

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

SECRETARY:

Baltz, Cherry, Donnewald, Dougherty, Fawell, Hynes, Knuppel,

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

I also question the unconstitutionality of this provision. I think that, as a Legislator, that's the function of the court. I am in sympathy with the proposition that, if a man has to live where he votes, surely

he ought to have some kind of residency requirement in order to eat, at least if he is going to eat out of somebody else's pocket. So I vote aye.

SECRETARY:

Lyons, McCarthy,

PRESIDENT:

Senator McCarthy.

SENATOR McCarthy:

Mr. President and members of the Senate. The motivation that impels people to vote differs, I think, as to the individual that is involved. And some of the comments that I have heard for those who wish to override the gubernatorial veto are not particularly the reasons that impel me. I would not like this discussion to end without stating a reason that impels me to vote aye on this measure. The question of welfare is a national problem. It defies easy solution. I happen to think, in this instance of the national problem of welfare, it best can be solved at the federal level and now if the states take the position of imposing residency requirements, such as we are doing here, it strikes me, Mr. President, that this will accelerate Congress into dealing with welfare as a national program in all of the 50 states and hoping to nudge Congress along those lines. I vote aye on the motion to override.

SECRETARY:

Nihill, Palmer, Partee, Rock, Romano, Vadalabene.

PRESIDENT:

On that question, the yeas are 35, nays are 8. The Senate overrides the Governor's veto. Senator -- Motion by Senator Mitchler to reconsider. Motion by Senator Soper to table. All in favor the motion to table signify by saying aye. Contrary minded. Motion to table prevails. 717, Senator Weaver. 742, Senator Harris. On page 2 on the vetoed in part. Vetod in part, Board of Regents, right. Okay. 1190, Senator Gilbert. 1213, Senator Partee. Senator Partee, hold. 277, Senator Fawell. 636, Senator Walker. 1140, Senator Harris. Senator Harris, no. 1142, the same. 1216, Senator Carroll. Is Senator Carroll on the floor? 909, Senator

Gilbert. 1098, Senator Bruce. If you will turn to the previous column, under the Secretary's desk, you will note Concurrence in Executive Amendments to House Bills. The members will turn to column 3 on page 2. Concurrence in Executive Amendments to House Bills. HB 535, Senator Ozinga. 438, Senator Horsley. Senator Horsley?

SENATOR HORSLEY:

Can we pass that for a moment and come back to it?

PRESIDENT:

We can get back to it. You let me know when you want to get to it. I am advised by the Secretary, incidentally, in these situations, the Secretary's Office has made copies and is putting them on the sponsor's desk and it is up to the sponsor to distribute them or have them distributed to the Senate. 549, Senator Gilbert. Senator Gilbert?

SENATOR GILBERT:

I haven't had an opportunity to see it. It hasn't been distributed. I do have one that I will move on shortly - 1875 - which I did distribute yesterday. I will distribute these others and we have plenty of time on these since we only received them the 18th.

PRESIDENT:

584. Is Senator Bruce on the floor? For what purpose does Senator Rock arise?

SENATOR ROCK:

Mr. President, a point of inquiry.

PRESIDENT:

Just a moment. Please. Let'sSenator Rock.

SENATOR ROCK:

Senator Gilbert mentioned we do have time. I would like to ask of the Chair, on column 4 of page 2, those Senate Bills that were returned for action; is today the final day for action or is tomorrow?

PRESIDENT:

Today is the final day. The Chair is under the impression, or is that not correct? Senator Partee?

SENATOR PARTEE:

I'm sorry, I missed the first part of it. Are you referring to the

final day for the overrides? My understanding would be the 20th. The 5th day was the 1st day and the 1st day is not counted so it commenced to run on the 6th and the final day would be the 20th.

PRESIDENT:

Well, I guess the question is - do you count the 5th?

SENATOR PARTEE:

No, you do not count the 5th.

PRESIDENT:

Senator Rock.

SENATOR ROCK:

Those of us who have been involved in the service of summons know that you do not count the first day but I'm not so sure that the Constitution says that. It says 15 days and they were journalized on the 5th so I assume you count the 5th and then today would be the last day.

PRESIDENT:

Well, if within 15 calendar days after such delivery - the Chair is going to, I think, have to at least tentatively rule until the courts rule to the contrary that we have to count the 5th. Senator Partee?

SENATOR PARTEE:

It says 15 days after delivery, does it not? Within 15 days after delivery, so if the delivery was made on the 5th, that would be the first day and 15 days after that would be the 20th. Now, we discussed this with Senator Coulson and Senator Clarke and I think we are in agreement that the first day is not counted because the Constitution says 15 days after the delivery.

PRESIDENT:

There is another provision, Senator Partee and Senator Rock, that I think clarifies this and gives us the extra day. It says, if within 15 calendar days after such entry that House. We are talking about an entry into the Journal so that I think this give us, even if there is some doubt on the other matter, this gives us one extra day so that tomorrow would be the last day. Senator Partee.

SENATOR PARTEE:

I would like to make known to the Senate that there are 10 members of Parliament from 10 East Asian countries in our body. They are in the back to my right and they are programmed by the Commission on International Visitors and the Department of Business and Economic Development of our State. They are visiting Springfield escorted by George Knox, who is the Regional Program Officer of the Office of East Asian Programs of the United States Department of State and by Mr. Harold Senter, the Escort Officer for the United States Department of State and they are, of course, accompanied by that charming lady, Mrs. Clascenna Harvey. We would like for them to rise and be recognized by the State Senate.

PRESIDENT:

Before we proceed with the House Bills. Incidentally, on the Senate Bills, the Chair will recognize Senate sponsors at any time because of the importance of the time element. For what purpose does Senator Groen arise?

SENATOR GROEN:

Can I call a Senate Bill at this point.

PRESIDENT:

You could. I just told Senator Cherry I would call one that he has and then we will call yours. This is not Third Reading. I'm not talking about Third Reading. We are on the vetoed. And then we're going to go ahead with those bills. Senator Cherry?

SENATOR CHERRY:

Mr. President and members of the Senate. Senate Bill 1196 has had substantial debate and consideration, I think for at least 4 or 5 different times on the floor of the Senate and I think every member is conversant with the conditions and provisions of this bill. I might make one brief statement with respect to comments that were made on this bill last week, when we postponed consideration; and that was with respect that there are no regulations with respect to the distribution of this money and, particularly, Senator Fawell who made those comments. I would like Senator Fawell to refer to Section 11 on page 7 of this bill which states

as follows: "This Act shall be administered by the Superintendent of Public Instruction who shall adopt any and all rules, regulations and procedures deemed necessary to insure compliance with, and the implementation of the programs and purposes of this Act and all of the monies distributed through the Office of Superintendent of Public Instruction who will review the claims made by the various parents and schools". The only difference between this bill as it is now structured and the bill that was passed in the last session is that the vouchers are made jointly between the parents and the nonpublic schools. Just briefly, this is the bill which provides for such payments to families whose income is less than \$3,000 per year or who are on public aid earning less than \$3,000 and so forth. I would earnestly ask your favorable consideration on this bill, Mr. President.

PRESIDENT:

Is there further discussion? Senator Horsley.

SENATOR HORSLEY:

Well, Mr. President and members of the Senate, I don't think any more of this bill than I did the other day when the matter was debated. But, you know, after studying this since the other day, I found one more defect in it. I think it is clearly as unconstitutional as it can be to have money made payable to a private school, which in most cases will be a religious institution, because the voucher is going to be made payable to the individual and the school on the same check. Secondly, there is simply no question in my mind but what you are going to use this to destroy the public schools. But you know the thing that intrigues me - and I'd like to hear Senator Cherry, the sponsor of this bill, explain it in detail and tell us how in the world you are going to figure it out and what it means - because, in many districts you're going to have one amount of grant payable based on the average daily attendance of all of the students of a given school in an area but, if you'll read this bill on page 5, and if you'll go down on page 5 to where it defines average daily attendance, in lines 17, 18 and 19, it says the actual amount of

each semi-annual state parental grant shall be determined by the average daily attendance --

PRESIDENT:

Just a moment, Senator Horsley. This is one of our noisy days, I'm afraid. Let's have some order. Proceed.

SENATOR HORSLEY:

The actual amount of each semi-annual state parental grant shall be determined by the average daily attendance of each applicant's child. Now, I'd like to know what that means, and you have a couple of legal "hot-shots" there on your left that are very clever men. You're a lawyer. Does that mean that, if my neighbor has 6 children in a private school, we're gonna take the average daily attendance of the 6 to determine the grant? But, if I have only 1 child, it will be the average daily attendance of my 1 child. I've never seen such poorly drafted legislation get out of this House and, you know, we also have a rule in this House, I believe, that anything that is introduced has to be approved by the Reference Bureau as to form. This hasn't even been through the Reference Bureau. It hasn't been approved as to form and the draftsmanship of this thing is so faulty that I don't see how you could possibly expect anybody to administer it. And I wish you'd explain to us how you are going to administer ADA, average daily attendance, based on the children of each parent. It's gonna be interesting. I can see Brother Bakalis sitting up there, day after day, night after night, with 150 secretaries and 200 assistants going over the daily attendance of each child, which we don't do in the public schools, to determine how much money you're gonna give each parent. I don't think we have enough adding machines in the State of Illinois to handle this problem. Maybe IBM will welcome this bill, I don't know. But, in the very essence that you are violating the Constitution by making these checks payable to a church body, it is unconstitutional; but, also by saying to Springfield or other areas, maybe where you have a flat grant we're gonna give more money to the parent of a child in a private school than we give to the

children for public schools. It will be interesting. I'd like to hear you explain how you're gonna average and have average daily attendance of the child of each parent.

PRESIDENT:

Is there further discussion? Senator Fawell?

SENATOR FAWELL:

I expect that this is probably going to pass. The work has been done and frankly, I wasn't down here yesterday and I kind of hoped I'd miss the whole darn sordid affair because I think that that is what it is. The whole matter of parochiaid is a tribute to the power of the church and joined with, in an unholy alliance with, politicians who are more concerned about some political things than they are about one of the few and, perhaps, the only real worthwhile public endeavor that we fund out of Springfield, which is public education open to all children regardless of race, religion or creed. And that, my friends, is a tremendous concept and we are engaged today and last week in just kicking the heck out of that concept and principle in the interest of the Mayor of the City of Chicago, the hierarchy of the Roman Catholic Church, (and their representatives are here today roaming the halls. They can always be counted upon whenever this matter is to come before this body that they swarm in like flies) and the Governor of the State of Illinois and a lot of other half-hearted politicians who don't have the guts enough to say what should be said in regard to this issue. A tremendous concept will be lost when we succeed, as we will eventually succeed, in moving the great middle class from support and commitment to our public schools. And I suggest to you that where you will first see the public schools totally succumb will be in the City of Chicago, where the public schools are involved in what I would call the pain of democracy, where they are trying to do something about the lack of equal educational opportunity, where they are trying to do something about the problem of racial segregation. And it is tough enough within public education where people have rights they can assert, at least, where the only ability to pick and choose is

on the basis of attendance center boundary lines. It's tough enough right there to be able to meet these great maladies of public education. And now, in the alleged cause of helping poor children; a misrepresentation that news media has fallen for hook, line and sinker, and many of the Legislators in these halls have fallen for hook, line and sinker. It's a dirty, rotten shame what you propose to do here today; by people who have not studied this problem in the depth that it deserves to be studied. And when you find more people "copping out" from the struggle of public education ^{to} open/all regardless of race, religion or creed, and going into the private school structure, and when you find that the great middle class no longer has that commitment, which is seriously already in jeopardy within every large city in this nation where the pain of democracy and the great maladies, socially speaking, of our country are most noticable, and when you see that the great middle class have gone back to private education as once was, unfortunately, the situation of education in this country, you will know that you have contributed mightily by what you have done here today and what we did last week where we actually said, last week, that the public schools in the cooperative districts will have to send, for instance, special education teachers and all the equipment that goes with it into any particular private school that may have an educationally disadvantaged child. No child within our public school structure has that privilege or right; but lo, far be it from this body to deny the request of the almighty hierarchy of church and state for they have spoken. And here we propose, as I said last week, to write out a check...., to write out a check made payable to the private school, oh, jointly with the parent, but the parent will never see the money and you know it and I know it. And not only that, but this check which goes to the private school in the guise of helping poor children, and there isn't a scintilla of evidence to show that the private schools have ever helped the poor....Mr. President, I don't ask for any more order. They're not going to listen anyway.

PRESIDENT:

Well, let's take a chance that they might, Senator Fawell. Let's have some order. We have this noise from the sandblasting that complicates things, but let's try to keep some order if we can, please. Senator Fawell.

SENATOR FAWELL:

It was Father Clark who said that we do not have the facilities within the inner city. Everyone knows here that 99% of your dirt poor kids are in the public schools not getting what they should get. And, let me tell you, you won't see the joinder of church and state and the Mayor and the Governor and everyone else joining together to really help the Chicago public school system. There will be the half-hearted try; but I've seen the Mayor come down here and move the Capitol dome when he wants to get something and I've never seen him try to do that or put that much energy into helping public education in the City of Chicago, which is, again, symbolic of the failure of his administration to help the people but to help big business. He's the great prototype of the old-type Republican Mayor. And this is another example where the people be damned. We're going to shovel off, what, 5 or 6 million dollars here in a check to the private schools and not one control, except perhaps what Senator Cherry just referred to "Oh, there is rule-making regulation of the Superintendent". Let's hope, Senator Cherry, that this doesn't bring about entanglement of church and state. There's only one factor I can add to all of this. The bill is so bad it is undoubtedly unconstitutional because you've gone so far tripping over yourselves to try to get away from entanglement of church and state that you've made it absolutely unconstitutional because, clearly, when you take away all the controls and say you can use this money for anything you want to for religious instruction or anything else you're going to knock it out on that basis alone and you know it and I know it. But, we go through the charades, we bow and we curtsy to the politicians of this State and to the boys who have the power; and even the press can't print the truth, or won't.

And so it's just going to pass, I suppose, and it's a lousy piece of legislation. It's a darn shame that the people of the State of Illinois have to rely on bodies like this to protect them, because we're not protecting them one bit. We can talk about the fact that we like to uphold the Constitution but that all depends, I guess, on what particular bill is before us. I didn't vote for that bill just recently that was debated here because I felt it was unconstitutional and I think this is unconstitutional. I hope that those who hold the controlling vote here will stop and realize what they are doing. As I repeat, what you will do is to give the motivation to the great middle class, especially in the City of Chicago, to "cop out" even more than they have in their flight to suburbia or into the private school system. Any wonder that the public school of the City of Chicago has the troubles it has. When people talk about the reading tests that have gone down in the last 10 years, I say to you that it's a wonder that system is as good as it is; when you consider the fact, for instance, some 500,000 whites, according to the census figures, have gone into suburbia and great masses of people have "copped out" already into the private school system. The pain of democracy, the front lines right in there in the City of Chicago, and here's the way you solve it. Fight like heck and get that football across the goal line to help the Mayor and the Cardinal, but the heck with the poor kids in the public schools in the City of Chicago. I could almost vomit!

PRESIDENT:

Senator Hall.

SENATOR HALL:

Mr. President and members of the Senate. It amazes me, that all of a sudden, that we hear about the constitutionality of a bill and we just passed a bill a few minutes ago that the Supreme Court had already declared unconstitutional; and yet we got plenty of votes, 35 to be exact, to pass this bill. There has been a lot of discussion on this bill. Senator Cherry has done a wonderful job in explaining all that was necessary on this. I don't believe we're going to find anything unconstitutional about this bill now. So I urgently urge everyone to please give

favorable support to this bill.

PRESIDENT:

Is there further discussion? Senator Cherry may close the debate.
Senator Smith. I'm sorry, Senator..... Senator Smith?

SENATOR SMITH:

Mr. President and members of the Senate. I maintain the same belief that I have expressed here at this mike over many, many years with regards to speech making. I haven't believed, and I don't believe as I stand here, that the fact that a member sees fit to stand and grow eloquent in speech making that it changes a single vote. Either this bill will pass or it will fail because of the honest opinions of members on both sides of this aisle. I have heard the membership of a particular religious group vilify and crucify. I don't enter any part of the discussion relating to the religious beliefs of any member ... not even myself. I do know that the Senator from DuPage was in error when he decried the fact, or rather when he came forth aggressively with the statement that the membership of a particular religious group are not interested in the total training of the membership of a particular ethnic group, the group of which I am a member. My son was educated in the Catholic schools. He learned not only his ABC's or that 1 and 1 makes 2, but the complete child, the whole boy, every facet of his being was improved as a result. The care, the kindness, and the attention given him together with the other unfortunate lads by the Sisters and the principals of the Catholic religion. I could find fault, perhaps, with any religious group that might be mentioned here today. There are those of you who know, perhaps, that I was educated for the ministry, that I have my Bachelor of Theology degree. But there were things that I couldn't see and I knew that I couldn't be honest standing before the people masquerading as a minister of the Gospel. It wasn't what I wanted originally. I wanted to be what I have heard referred to as the "learned member of the law". There were three of us. My father wanted a lawyer, he wanted a doctor and he wanted a preacher. I was the youngest of the three. I wound up as a Bachelor of

Theology, not wanting to masquerade and pose and be, in reality, a hypocrite. Much has been said, also, by my friend from DuPage about the probable unconstitutionality of this bill. My very good friend, whom I respect, now standing with the red tie and his hands in his pockets on the other side of the Senate; I have a likeness of you, Senator Horsley, clipped from the Sunday morning Chicago Tribune in which you, as a member of the House, at that time we were both members of the House, you stated that it's not the duty of the membership of this body to decide as to the constitutionality or the unconstitutionality of a measure, but that it's our duty, if we are sold to the belief of the worthwhileness of the legislation, to support it and to let the courts decide with regards to its constitutionality. I know that there are those who honestly oppose the tenets of this bill. There are those of us who honestly believe in the worthwhileness of this legislation.

PRESIDENT:

Just a moment, please. Let's....Let's have some order. Senator Horsley?

SENATOR SMITH:

I've talked 2 minutes, Mr. President...only 2 minutes.

PRESIDENT:

You have 7 minutes remaining, Senator Smith.

SENATOR SMITH:

I won't consume the entire time. There are others here....

PRESIDENT:

Wait. Senator Smith may proceed. Let's have some order.

SENATOR SMITH:

So, Mr. President, to satisfy my friend, you my good Senator, who stated that it's not our duty to decide with regards to the constitutionality of a measure, but to...but that that right is reserved to the court. I close by asking a favorable vote for this bill, 1196.

PRESIDENT:

Senator Cherry. For what purpose does Senator Horsley arise?

SENATOR HORSLEY:

I move the previous question.

PRESIDENT:

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

SENATOR CHERRY:

Thank you, Mr. President. Senator Horsley referred to some language on page 5, which actually is included on page 6; and he talked about the manner in which the formula that presently exists on paying schools from State money based upon daily average attendance is included in this bill. And it refers to the particular section, which Senator Horsley failed to read, that the Superintendent of Public Instruction must mandatorily adhere to in making the distribution of these funds just the same as the public school's formula provides. There is absolutely no change in the method in which this computation would be made, and so that, to me, is a complete invalid argument. Now, Senator Fawell has been continuously and constantly opposed to the concept of the two bills that we passed and this one. And he, at times, gets tremendously emotional about the concept and, of course, that is his prerogative. But I would say to Senator Fawell that he's been critical and has assaulted the Governor of this State, the sponsors of this bill, the members of the Schlickman Commission. He's assailed me in supporting these bills, he's assailed the Press because they, in their analysis of this bill, have favored this concept and that, too, is his privilege. But I don't know why his comments are more pertinent and more valid than those of us who support this bill. This bill is a very simple one. It provides for freedom of choice of schools by poor people, and that is simply the concept that we are providing here, that poor people have the right to select and choose a non-public school as distinguished from a public school, and that, to me, is freedom of choice. That is simply the concept and formula that is being provided here. And so I don't see any reason that these youngsters coming

from poor families who are entitled to a same quality education that their parents choose and select for them. And, so, Mr. President, I want to say to the members of the Senate that they have been very patient in the deliberation of all of these bills and I think it's high time that we bring it to a conclusion, and I would earnestly request and ask that the members of this Senate support Senate Bill 1196. May 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:

Unemotionally and very briefly, the allegation that this is freedom of choice for the poor is simply not true. Item No. 1, every investigation has shown that the private schools are not where the poor are. The history of the world is quite clear that the private schools never were created and never did serve the poor. The poor are in the public facilities, gentlemen, and they always shall be. And, as several advocates of "aid to private schools" have said that, if you're ever going to really help the poor, you're going to have to let them have a right to enter, an absolute right. That means we've got to control the inflow and the outflow. None of this baloney about the fact that you have all of the right to pick and choose who you want. The best football player, yea. Or the guy that can subsidize to the degree that the private school wants them to subsidize, or who is willing to take mandatory religious classes, etc, ad infinitum. Freedom of choice? Oh, Senator Cherry, you're much too bright to even say that. I vote no.

SECRETARY:

Gilbert, Graham,

PRESIDENT:

Senator Gilbert.

SENATOR GILBERT:

Just briefly, if everyone in this Senate had heard the testimony given two years ago before the Senate Education Committee as to the effect of this system of private support to schools throughout the world, they would not be voting today and they would not have voted last Thursday for the two more important bills than this that are the beginning of the decline of public education in the State of Illinois, and you will rue the day that you supported such legislation because of the effect that it will have. No country in the world, no place where you have private and public support of education has done anything but affect the quality, and I mean quality, and quantity of people attending the public school system, and it has caused a lowering of the quality and a reduction in the quantity attending. I vote no.

SECRETARY:

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 Newhouse.

SENATOR NEWHOUSE:

Mr. President. I'm not recorded. I'd like to explain my vote on this bill. Senators, you will recall that, when this bill came up the last time, it was put on postponed consideration. I said to this body that I was in a dilemma. I was in a dilemma because the principle, the bill that passed the principle that public tax money ought to be paid to private schools had passed, and now there was some bills that pended might help some poor people get an education in private schools. Now, up to this point I have agreed almost 100% with my friend on the other side,

Harris Fawell, my friend Bill Horsley, and at this point I'm about to depart from them and I want everybody to understand why. I have a friend in the Legislature in Colorado who said to me once that, when he goes to the Legislature, he has two lines which he observes. One is the line of principle, which is inflexible, and the other is the line of compromise which moves about. Well, the principle, as far as I can see, has been shattered. I am opposed to the principle, unalterably, and will remain so. Now I am faced with something else and that is the practical facts of life. How will this bill affect my constituents? And what I see is this. A principle that's been established that says that the pot is open, private schools come in and dip into tax funds and that these funds are going to be expanded. Senator Horsley, I agree with you 1,000%. I heard them represent when they came down before that Committee that what they, in fact, wanted was parity with public schools and, very frankly, I suspect that something is going to happen within the next two years, and I hope it does. One is that this is going to become so burdensome that we're going to be sorry that we ever looked at this, and the second is that some private schools are going to finally come to their senses and recognize that they are not any longer going to be private. Because, Senators, I don't care how you phrase this bill, I have every intention of looking straight down the throat of every private school that takes one dollar of tax money from the citizens of this State and, if they want that kind of monitoring, by God they're going to get it. I haven't said that. I've said to the sponsor of this bill that, because I see the measure that's before us as having the possibility of serving some people in my district who would not be served otherwise. I said that in the full knowledge that elsewhere I know what is going to happen, that the provisions that purportedly are going to keep down discrimination are not going to work, that no one's really going to enforce them, that they are not self-executing; and I recognize that we are opening up a can of worms and the money pot's there and there aren't the controls that there ought to be. And, in spite of all that, in spite of all that,

I am compelled to cast a vote in favor of this bill if it will pass for the sole reason that there are people in my district who will benefit from it and I would hope that, as a consequence, we get so loaded down with the expense of it, and I suspect we will, that we are going to be right back in here a couple of years from now repealing the whole confounded mess. And I'm simply hoping one thing. I'm hoping that our public school system, particularly in the City of Chicago which is on its last leg, can somehow survive this period of time before we do come to our senses and put all this money that we say we don't have for public education, that we somehow find for other kinds of purposes that are not related to education at all. That, at that point, we might come to our senses and begin to finance our public school system adequately from State funds. Now, Mr. President, in the event that there are 29 votes on that page, I want to vote aye. In the event that there are not 29 votes on that page I want to vote present, but I want everyone in this body to know what the reasons were for my vote, whatever it is, and to know that, if it is possible to pass this bill with my vote, I wish to cast it in that direction. May I ask, Mr. President, what the count is?

PRESIDENT:

The Chair does not make it a practice to announce what the....., if you want to come down here.

SENATOR NEWHOUSE:

Then, Mr. President, at this point I will vote present. Mr. President, would you change that present to aye.

PRESIDENT:

Senator Newhouse is recorded voting aye.

PRESIDENT:

Cherry, aye. Knuepfer, no. On that question the yeas are 31, the nays are 21. The bill, having received a constitutional majority, is declared passed. Senator Rock moves to reconsider. Senator Dougherty moves to table. All in favor of the motion to table signify by saying aye. Contrary minded. Motion to table prevails. For what purpose does

Senator Dougherty arise?

SENATOR DOUGHERTY:

I move to reconsider.

PRESIDENT:

That motion has already been made. For what purpose does Senator McCarthy arise?

SENATOR McCARTHY:

On a point of personal privilege, Mr. President. I have the pleasure of introducing to the Senators, and I think it is particularly important because it's ten minutes to twelve and I've got a ham sandwich in my hand, one of the best restaurateurs, not only in the State of Illinois, but in the whole United States. Many of you people have eaten at the restaurant called "The Place for Steak" on East Chicago Avenue in the Old Carriage House, and the owner, the man who hosts for you, is here back by Senator Neistein, Mr. Eli Schulman.

PRESIDENT:

We'll go back to concurrence in Executive Amendments to House Bills. 438. Senator Horsley.

SENATOR HORSLEY:

Mr. President and members of the Senate. The Governor sent this back with a technical amendment which geared it to the new Constitution and was an error in draftsmanship, correcting that error only. So, I move, and I have filed a motion, and I move that we concur with the suggested amendment made by the Governor.

PRESIDENT:

Motion to concur in the amendatory language suggested by the Governor. On that question, 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,

PRESIDING OFFICER: (Vadalabene)

Senator Partee.

SENATOR PARTEE:

Will the sponsor yield to a question? I am looking at the Governor's message and the first two parts of it seem to be just simple language changes. The third part would make a dramatic difference, I think, because the bill, as passed, would become effective on the final date of its passage. That language has been interlineated and it would now relate to the existing law of July 21st, 1965. Now, that would, in my opinion, include any cases or eventualities that took place between July 21st, 1965, and the final day on which the bill is signed, if it is, by the Governor. Now, could you explain to me, I am not raising this to be picayunish, but would you explain to me the reason for this change and the acceptance of it.

PRESIDING OFFICER: (Vadalabene)

Senator Horsley.

SENATOR HORSLEY:

Because, as I read the message as sent back by the Governor, it is merely to conform with the provisions of the Judicial Article of the new Constitution. But I don't agree with your reasoning at all on it. I've read the message and I've also had our staff go over the matter, and I don't see any reason in the world....because for the change as.... I mean that it will do what you are afraid it will do, because it becomes effective only upon the date we pass it now and that would be true of all legislation that we pass, and the effective date will be now. So, I don't agree with your statement at all. I don't believe you've analyzed it properly, or else your staff has not looked into it; because we have had our staff look into it and it's strictly a very technical matter of complying with the new Constitution, which was poor draftsmanship by whoever drew this in the Bureau.

PRESIDING OFFICER:

Senator Partee.

SENATOR PARTEE:

Senator, I, to be perfectly candid, did not solicit your agreement with my position, nor did I expect it. I simply didn't really give you a position. Actually, I simply asked a question and, to date, despite the verbiage, I have not had an answer to my question; which is this, if I may repeat it: What is the difference between this bill becoming effective on the final date that the Governor signs it in its amended form, and as accepted, and the date of July 21st, 1965? Are there any classes of cases which will be included under the Statute of Limitations for that period. Now, if I could make myself perfectly clear, which is an expression we hear these days, on page 3, by striking line 4, and inserting in lieu thereof the following: "Existing law on July 21, 1965." Now, that's what the Governor puts in this bill, and he takes from it the effective date of this Act, which would be, normally, the date on which it is finalized by his signature. So, now to put it another way, the question I'm asking is this: Is there a class of cases that would be included with this change that would not be included except for this change? That's all I'm asking.

PRESIDING OFFICER:

Senator Horsley.

SENATOR HORSLEY:

Senator, now I think I understand your question. There is so much noise you can't hear in here. No. It puts the bill back so it would not bring about a new classification, but would continue the law right on through since 1965 without giving benefits to a new classification. Now that's my understanding. If there is any doubt about it, I'll go get Pete Bobbitt and clear it up. That's the way I understand it.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Well, I would think that there is just a little bit of doubt because I think this very dramatically changes the Statute of Limitations. We're talking now about five years instead of things which commence as of the effective date of the Act. It seems to me like a "nunc pro tunc" kind of legislation, and I would ask that you hold it until I can have an explanation of the reason for a going back of five years on this Statute of Limitations.

PRESIDENT:

The bill will be held. Senator Ozinga, do you want to move on 535 now? Senator Ozinga.

SENATOR OZINGA:

I have placed the motion on the desk there. On House Bill 535, these are just technical changes changing the word "when" to "if" there are no survivors...

PRESIDENT:

Just, just,...

SENATOR OZINGA:

and changing the plural to singular in the word "survivor". I would move for the concurrence with the Governor's recommendation.

PRESIDENT:

Motion to concur in the Governor's recommendation. Incidentally, the previous bill..., is Senator Horsley still on the floor? I would.. I am advised we were on roll call and we will have..., it will be scheduled on postponed consideration, technically, rather than pulling it from the record. 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.

What was that last one, I didn't hear...

PRESIDENT:

Bidwill, aye. Latherow, aye. On that question, the yeas are 46, the nays are 2. The Senate concurs. Senator Gilbert, 549.

SENATOR GILBERT:

I have filed a proper motion with the Secretary. This amends the Quo Warranto Act to clarify the provision of action challenging the organization of municipality or political subdivision. The Governor has changed the figure within one year of its organization to three years. I move concurrence in the Governor's change in the bill.

PRESIDENT:

Is there any 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,

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Mr. President, and members of the Senate. I would really like your attention on this because this is something which I think goes to the very heart of the legislative process, and I picked this bill because it is a short bill, and I am not picking on Senator Gilbert; but I want to amplify my real concern, in which I think is shared by those of you who take your legislative duties seriously, about what is happening to the Illinois Legislature and its right, its inherent right, to determine what shall be the laws of this State. The House, in many ways, is addressing itself, I think perhaps, more diligently than we because it

arose in a way that excited them a little, to this entire question of the authority given by our new 1970 Constitution to the Governor to re-write laws as passed by the House and Senate after days and hours of cogitation of the problems which beset us. Now, when these bills come back with their changes, it is probably in the nature of man following the least and the easiest path of resistance to go blithely along with the sponsor of the bill, particularly if it is a long and complicated bill, and particularly where we have confidence in the sponsor, as we do in Senator Gilbert, to agree to whatever has been done. Now, all I am saying to you is this: That we must, and I would invite comments or suggestions from the entire membership; but we must, it seems to me, devolve some system whereby we will know absolutely certain what we are doing and what we are voting on, about, and concerning, on all of these bills that come back. I say that to you because when you get back to your districts and when you make a speech to a group and you are asked questions about particular bills, I say to you, gentlemen, that you are going to have inadequate answers. And those inadequate answers may, in some instances, grow into a serious kind of Primary fight for you or may well result in your defeat. It may happen because you have done what you think is proper without really knowing what you have done. Let me ask you again for your suggestions, your notions and your ideas about how we can guarantee for ourselves a devolvement of a system that will be edifying and enlightening to us on how we can know precisely what we are doing on these matters that come back. Now, this is a simple bill. Let me read it to you. Actually what it does is change the time element for a political subdivision's effectiveness from three years as we passed it..., from one year as we passed it, to three years. There is probably nothing wrong, as I read the explanation. I think perhaps the Governor is correct; but that isn't the point I am making. The point I am making is that you can quickly make a determination on a bill which is of a short nature like this one but you darn sure can't do it on any bill that is two or three pages long or has any kind of complicating factors when they come back to

us in this fashion. I hope Senator Gilbert would understand that the only reason I use this bill is to make the point that this new system which is new to us must be met and we must construct and devolve a different process for treating them and I invite the membership to put your minds to this subject in your own best interest.

PRESIDENT:

Senator Gilbert.

SENATOR GILBERT:

I know that this is out of order and I certainly appreciate your statement and I understand Senator Partee that this is not particularly an attack on this bill or on me in relation to it. I agree with you. I think that we should have had the same situation in relation to the series of bills that we have passed in relation to parochial aid. I have a bill that I am not going to call because the Governor completely changed the intent of the bill. I will not be a party to it becoming the law in any form under the circumstances and I agree with you and I personally am attempting to look at these. I wish that we had done it more so on some that we have already acted upon.

PRESIDENT:

We are out of order but we will proceed. Senator Clarke.

SENATOR CLARKE:

Mr. President, while we are on this subject I would just like to point out to the Pro tempore that in the situation that we are in, with a completely new procedure and new material coming before us, that over the past couple of months our staff on this side prepared a big booklet on each amendment with an analysis for our members which we presented to each member the first day in caucus. And, on this particular bill, they have a page and a half so that if those, our members, did their homework with these books they know what they are voting on and I think that this is, of course, the obvious approach.

PRESIDENT:

Continue with the roll call.

SECRETARY:

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

PRESIDENT:

Rosander, aye. Carroll, aye. Walker, aye. Mohr, aye. Newhouse, aye. On that question, the yeas are 39, the nays are 1. The Senate concurs. 584, Senator Bruce.

SENATOR BRUCE:

Well, this is one that will not take much time and I'm afraid is not tremendously important. I have distributed to all the members the change. It basically....I move that we agree with the Governor in changing Yorkville State Game Farm in Kendall County to read Glen D. Palmer State Game Farm in Kendall County, and I so move.

PRESIDENT:

Is there any.....Senator Mitchler.

SENATOR MITCHLER:

I might just rise in support of Senator Bruce's motion to sustain the amended changes by the Governor. Many of us are very closely associated and know Glen D. Palmer. He was the first Superintendent of the Game Farm in Kendall County back in 1925, I believe it was. He was the Director of the Department of Conservation for eight years under former Governor Stratton and certainly is ranked as one of the leading conservationists in the State of Illinois and certainly this is an honor due a man who justly deserves such an honor. I would ask for concurrence with Senator Bruce's motion.

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, Gilbert, Graham, Groen, Hall, Harris, Horsley, Hynes, Johns, Knuepfer, Knuppel, Kosinski, Kusibab, Latherow, Laughlin,

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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:

Cherry, aye. Collins, aye. On that question the yeas are 51, the nays are none. The bill....the Senate concurs. 1186, Senator McBroom.

SENATOR McBROOM:

Yes, Mr. President. Amendment to House Bill 1186 is on everyone's desk and it does just what it says, a temporary...This is a bill that was wanted by the Association of General Contractors so that they could put a temporary structure on property while they are doing their construction work and, in the Governor's recommendation, time limit be put on of one year, not more than one year. The motion to move concurrence, Mr. President?

PRESIDENT:

The motion to concur. Is there discussion? The Secretary will call the roll.

SECRETARY:

Arrington, Baltz, Berning, Bidwill, Bruce, Carpentier, Carroll, Cherry, Chew, Clarke, Collins, Coulson, Course, Davidson, Donnwald, 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,

PRESIDENT:

Lyons, aye. Dougherty, aye.

SECRETARY:

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

PRESIDENT:

On that question, the yeas are 52, the nays are none. The Senate concurs. 1516, Senator Bruce. 1628, Senator Fawell. No. 1875, is Senator

Gilbert on the floor? Senator Gilbert, 1875?

SENATOR GILBERT:

Oh, I see where it is, yes. I thought you were going to have some other ones, why. I have filed the proper motion on this. This suggested change by the Governor is to adopt the Executive Order of the President's in relation to stabilizing prices, rents, wages and salary together with any modification or extension thereof by or pursuant to federal law. This merely adds this on. This is an increase in salary for the court reporters bill and also allows them to be reimbursed for travel within their county under certain conditions as approved by the Supreme Court. The salary increases must also be by the Supreme Court, but this limits when it can take affect. I move for the acceptance of the....I filed that the other day, yes. If not, I will file another one but I left it with you the other day.

PRESIDENT:

Is there any 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:

On that question, the yeas are 49, the nays are none. The Senate concurs. Horsley, aye on the last one. 1959, Senator Palmer.

SENATOR PALMER:

Mr. President, members of the Senate. I move to concur in the Executive amendment to House Bill 1959. House Bill 1959 provided notice of cancellation in automobile insurance policies. Now the Governor a-a-a

amendment provides for the striking on page 2 of lines 15 through 23. Now this striking is the removal of an immunity that was given the insurance companies of their employees of statements that were made in this notice of cancellation. And the reason the Governor sets out for striking this immunity is that it was in direct conflict with a federal act known as the Fair Credit Reporting Act which became effective April 25, 1971. Except for this striking, the bill is the same and intact.

PRESIDENT:

Is there....Senator Partee?

SENATOR PALMER:

I move for concurrence.

SENATOR PARTEE:

I would like to ask a question concerning this. It seems to me that the language which is stricken is the real guts of the bill. Now the language which is stricken says that there shall be no liability on the part of and no cause of action of any nature shall arise against any company, its authorized representative, its agents, its employees, or any firm, person or corporation furnished to the company information as to reasons for failure to renew, for any statement made by any of them in any written notice of nonrenewal, or in any other communication, oral or written, specifying the reasons for nonrenewal or for the providing of information pertaining thereto. Now this is, to me, a very vital and a very sensitive provision of this statute. The reason for this language is that persons who are not, whose insurance is not renewed may be given... Can we hold just a minute, gentlemen, down a little. I can't hear myself think.

PRESIDENT:

Just a moment. Please.

SENATOR PARTEE:

The reason for the entire bill is because a large number of persons of this State have had their insurance policies cancelled and are not renewed by insurance companies at some caprice or whim of the insurance

company. The people, we felt, were entitled to know why they were not being renewed: and the language which he has removed now says that there is no liability for failure to let people know. And they say the reason is that the Attorney General says that the fact of the knowledge may be a violation of the Fair Credit Reporting Act. Well, to me, I think the business of the people having the right to know why they are not removed preponderates and outweighs, certainly, any consideration to the Fair Credit Reporting Act. Now, suppose it is in conflict with Fair Credit Reporting Act. So what! I don't think it matters a tinker's darn or....I just don't think that what we are removing ought to be removed, and I would give, ask you to give your rather serious consideration to whether or not it ought to be removed.

PRESIDENT:

Senator Palmer.

SENATOR PALMER:

Mr. President Pro tempore, will you please listen, Mr. President Pro tempore. I a-a-a think you and I are not clear on this, at least I do not understand it the way you have stated it. The guts of this bill is, of course, the way you stated that the insurance company must state the reasons for cancellation. This still remains as part of the bill and still necessary the notices must be given. The thing that is stricken is the liability...I am sorry...the immunity that the insurance company or their agents were given in the Bill of liability for the type of statement that they made in giving the cancellation. Are we clear on that? The notice and the reason for the cancellation still must be given under the, under the bill. The language that is stricken is the immunity that they cannot be responsible for what they said in their statement. How they said it or are there any damages as a result of that statement. A -a do we understand each other on that?

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I understand that, but if you take away the immunity, could you tell me what other incentive they would have for telling the truth? I mean if they grant the immunity, what other motivation would they have for telling the truth?

PRESIDENT:

Senator Palmer.

SENATOR PALMER:

It is taken away from them by striking these lines. In other words, I think we should be here fighting to take the immunity away from them, keeping the rights with the policy holder. Mr. President, the immunity was given to the insurance company not the policy holder.

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Mr. President, I don't have this on my desk and so I have been following this with keen interest because, certainly, I think that if it is, as Senator Palmer states, that the duty is still on the companies to give the notice and to, in fact, state the reason, and all it does is take away the immunity, this is a good change. Now, on the other hand, if Senator Partee is right in his interpretation, then that is a valid criticism and, not having the material before me in writing, I just want to make sure which it is before I cast a vote.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

It is like Abraham Lincoln said, I was wrong a few minutes ago and I am right now. I think that I have misinterpreted what you are doing here and I think it is a good and valid change. I read it wrong.

PRESIDENT:

Senator Berning.

SENATOR BERNING:

Mr. President and members of the body. Just as this dialogue has emphasized the divergence of opinion that can develop when we are called upon to make snap judgments and leaves many of us, then, not too sure we are acting wisely and having really no opportunity to, unless we have the powers of immediate and complete recall, to know how we voted originally. I think this bill, as well as the last one and perhaps all of them, serves to emphasize that the suggestions or the question raised by the Pro tempore as to what we ought to do should lead us to the conclusion and the suggestion that all of these kinds of recommendations ought to go back to committee. Heavenly days, it is irresponsible, without foundation of good thought, for us to be making snap judgments on substantive changes and, in many cases as you know, entirely new concepts. A complete new bill. And we vote on it on the basis of a few moments consideration, a cursory examination, which is all we have time for; and we are vitally affecting the lives and livelihood of every citizen of this State. I think we have no justification for this kind of activity and, if our rules can be changed, we ought to change them starting right now and refer all of these bills to a committee for a hearing. Mr. President, I think it is irresponsible on the part of us to vote on these measures without knowing really, more conclusively, what it is we are voting on. And I think from here on I shall refuse to vote.

PRESIDENT:

Incidentally, Senator Laughlin mentioned he does not have a copy of the amendments. Did you receive copies on your desk, Senator Palmer?

SENATOR PALMER:

I have the message from the Governor, but I don't have the amendment itself.

PRESIDENT:

You should have received copies for distribution to every member of the Senate. Apparently there has been a breakdown here because I think that...but we will...

PRESIDENT:

I'm not suggesting that I just, but we are...

SENATOR PALMER:

Senator Laughlin, do you want me to hold this?

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Well, Senator Palmer, I would feel better if I could read what I'm doing, but I believe you and, now that Senator Partee has agreed with you, I've taken competent colleague's statements on faith before and I'm willing to this time.

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

I appreciate Senator Laughlin's remarks and I have the amendment before me and all the Governor says in a line and a half is amend this bill on page 2, by striking lines 15 through 23. That's the provision which grants immunity. Now, with this stricken, the companies or its representatives do no longer have immunity for any false statements or invalid reasons for cancellation. That is all this amendment does.

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, Romanò, Rosander, Saperstein, Savickas, Smith, Soper, Sours, Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

On that question, the yeas are 47 and the nays are none. The Senate concurs. 1963, Senator Graham.

SENATOR GRAHAM:

Mr. President and members of the Senate. The reason for me asking for the concurrence in the amendment to 1963 is that when we changed the residency requirement last year for those who could participate in school elections, we didn't change age limit from 21 to 18 and that is what this amendment does and I move we concur.

PRESIDENT:

Is there any discussion? Secretary will call the roll. The Secretary indicates he does not have the motion in writing, if you will give that to the Secretary.

SENATOR GRAHAM:

I will do that.

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:

Vadalabene, aye. Lyons, aye. Romano, aye. Groen, aye. Savickas, aye. Davidson, aye. Soper, aye. On that question, the yeas are 45, the nays are none. The Senate concurs. 2006. Is Senator Sours on the floor? 2572, Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate. All this amendment does is add two more areas as park areas in the State of Illinois. The original bill was to establish, by name, certain areas in the park, certain areas in the State park areas. This establishes, by amendment, two others: Jubilee College Park in Peoria County, Lewis and Clark State Park in Madison

County. I move that we concur in this Senate amendment.

PRESIDENT:

Is there any 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:

Graham, aye. Donnewald, aye. On that question, the yeas are 43, the nays are none. The Senate concurs. 2769, Senator Gilbert.

SENATOR GILBERT:

Mr. President, I have just received the information explaining this. I would rather hold the bill until tomorrow when I can better explain the changes as made by the Governor.

PRESIDENT:

Will be held. Returned for changes. 1098. Senator Bruce asked that that be called. Is Senator Bruce on the floor? Senator Bruce.

SENATOR BRUCE:

Senate Bill 1098 was (tape incoherent) that differential was also reinstated so that there is a difference in pay between a non-lawyer and lawyer magistrate. At the same time, the Governor reduced the amount from \$18,500 to \$15,000 for the non-lawyer magistrate. The third change that the Governor has suggested relates to the amendatory act and executive order of the President as it relates to the wage freeze. Because each of these changes does not necessarily meet with my approval but, because of the complexities of changing them, I now move that we accept the specific recommendations of the Governor as to S.B. 1098 and I have

so filed a written motion.

PRESIDENT:

Is there any discussion? Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

I think the suggestion of the Governor is unreasonable. The people who are on the firing lines, the ones who have the toughest job and handle everything that is handed down to them are the Associate Judges now. And certainly, if Judges are worth \$29,000 a year, which I don't concur in, Magistrates, many times, are equally capable, if not more so. They, too, are certainly entitled to the increase that they were granted. I could never concur, I could never concur in kicking the little man. I feel that this is just unreasonable and we should never concur in it. We shouldn't even have given the Judges a raise in the first place, but if we're going to give it to them, we ought not to pick on the little man. I vote no.

SECRETARY:

Kosinski, Kusibab, Latherow, Laughlin, Lyons, McBroom, McCarthy, Merritt, Mitchler, Mohr, Neistein, Newhouse, Nihill, O'Brien, Ozinga, Palmer, Partee,

SENATOR PARTEE:

I'd like to ask just a couple of questions of Senator Bruce, because several questions which have just been asked me indicates that there is some confusion about the posture in which we find ourselves on this bill. Now, Senator Bruce, the bill originally provided for \$18,500 to be paid to Magistrates. Is that correct?

PRESIDENT:

I'm sorry.

SENATOR PARTEE:

Would you leave his light on too, I have a series of questions, please.

PRESIDENT:

All right. Senator Bruce.

SENATOR BRUCE:

The bill raised the salary of Magistrates, who now hold the title of Associate Judges; changed that salary from \$18,500 to \$21,500. The Governor reduced that back to the original amount of \$18,500.

SENATOR PARTEE:

Now, if we do not concur in the amendment made by the Governor, then what happens to the salary raises of the members of the Supreme Court and of the Circuit Court?

SENATOR BRUCE:

It is my understanding, that if we do not concur with the specific recommendations of the Governor as it relates to Magistrates, then this bill, in its entirety, will become ineffective. That would carry with it the raises for the Supreme Court, the Circuit Judges, and the Appellate Court; so if we let this bill..., if we do not concur with the Governor, the wage increases for the other Judges within the State, the bill would die. And they would not receive a pay increase.

SENATOR PARTEE:

And, you are seeking to keep all of the other raises in status quo, the acceptance of the Governor's taking out the Magistrates. Is that right?

SENATOR BRUCE:

Correct.

SENATOR PARTEE:

So, you're soliciting an aye vote to make certain that all the rest of those persons who have been given a raise in this bill, in fact, get it.

SENATOR BRUCE:

That is correct.

SENATOR PARTEE:

I vote aye.

SECRETARY:

Rock,

PRESIDENT:

Senator Rock.

SENATOR ROCK:

Mr. President and members of the Senate. I find myself, on this particular roll call, in kind of a peculiar situation. We fought during the session, as you will recall, long and hard for the now termed Associate Judges. I did not feel then, and I do not feel now, that those men are properly paid. The problem is, and I commend the Governor for his technical ability in this bill, the problem is that he has us, as it were, locked in. I have a friend who is an Appellate Court Judge and I would sure like to see him get a pay raise. If, in fact, we do not concur in this bill, even though it stands in direct derogation of what I consider to be the hardest working members in the Circuit Court, we will, in effect, shut off or close out the possibility of any pay raise for any Judge, and I think that there are some who are entitled to it. It seems to me, however, that we should, in this bill and in the bill that is still pending in the House, take another look at the Associate Judges. I do not think that they are being paid in accord with the work they do. I am constrained to vote aye.

SECRETARY:

Romano, Rosander, Saperstein, Savickas, Smith, Soper, Sours,

PRESIDENT:

Senator Sours.

SENATOR SOURS:

I should like to make a comment, briefly, Mr. President, Senators, about this bill, too. I am going to support it, reluctantly, because

I feel the Magistrates, at least in my judicial circuit, are hard working. They devote many, many more hours actually than some of the other higher stratified judges. Rather than let the whole thing fail, though, I am going to support it. But I do hope someone someday makes the point to this chamber that these Magistrates are appointed, they're not elected; and, as such, they may be removed or they may not be reappointed after which they have lost their law practice because they have abandoned it and, sooner or later, they ought to be dealt with fairly because they have the tenure at the pleasure of the Chief Justice. After they have abandoned their law practice, what else can they do. They are the ones whose neck is at stake when some grotesque decision does not meet with the taxpayers or the citizens views. Somewhere along the line the appointed Magistrate ought to have some protection; either that or raise his salary.

SECRETARY:

Swinarski, Vadalabene, Walker, Weaver.

PRESIDENT:

Graham, aye. Senator Hall, Senator Egan.

SENATOR EGAN:

Mr. President and members of the Senate. I am sure you are all aware of my position regarding Associate Judge's salaries. We passed a bill out of this chamber allowing for the salary increase of Associate Judges in the amount of \$32,500 a year. We are voting now on an amendment which the Governor has recommended with a gun at our head; but I do want to point out that the Association of Magistrates, which is now the Association of Associate Judges in the State of Illinois, has very coolly and calmly and respectfully taken the position that they don't want to cause any waves, because they all know that we are voting with a gun at our heads. If we vote this recommendation down, then the Supreme, the Appellate and the Circuit Court Judges will not get a pay raise. With this at our heads, we are allowing those to get pay raises which least deserve them and those which most deserve them to let them go according to their own

wish because they want the Supreme, Appellate and the Circuit Court Judges to get a pay raise. I think it is very fair of the Association to take this position. I know that there are 30 recorded aye votes on the tally and, consequently, I want to be recorded no because it is totally inconsistent with the views that I have taken. It is disdainful and it is reckless for the Governor to hold the gun at my head and, consequently, I vote no. However, let me point out that I have a bill in the House which will allow for a pay raise for Associate Judges and those of you today who have stood up in behalf of the Associate Judge pay raise, I hope very sincerely that you'll support my bill if it comes back for concurrence in the amendments that have been placed on.

PRESIDENT:

McBroom, aye. Neistein, aye. Kosinski, aye. Senator Hall.

SENATOR HALL:

How am I recorded?

PRESIDENT:

You are not recorded.

SENATOR HALL:

Oh, I'd like to ask the sponsor of this legislation; I heard him mention the Magistrate's pay raise. Of course, they are no longer Magistrates, they are Associate Circuit Judges. What about the non-lawyers-- what is theirs? I have several in my district, so I am concerned with them.

PRESIDENT:

Senator Bruce.

SENATOR BRUCE:

The bill, as passed by the legislature, did away with the distinction between non-lawyer and lawyer Magistrates. Both would receive a salary of \$21,500. The Governor's specific change will mean that the distinction between lawyers and non-lawyers will continue, that the lawyer Magistrate will receive the annual salary of \$18,500, that the non-lawyer Magistrate will receive the salary of \$15,000 per year; so it continues the distinction.

PRESIDENT:

Senator Hall.

SENATOR HALL:

I'd just like to say that is very unfair to the...., that's been stated so many times. I am going to vote for this legislation very reluctantly. I heard Senator Sours say something a while ago; I am under the impression under the new Constitution that these men no longer serve at the pleasure of the Supreme. I think that they no longer serve at that. Is that correct? Oh, four-year term. O.K. I vote aye.

PRESIDENT:

Senator Lyons. Cherry, aye. On that question, the yeas are 42, the nays are 5. The Senate concurs in the changes recommended by the Governor. Senate Bills on Second Reading. 1266, Senator Partee.

SENATOR PARTEE:

Mr. President and members of the Senate. 1266 is what we call the vacancy bill. It is a bill which was introduced by me and others to bridge a gap which has come to pass in the legislative ranks; and very succinctly, I could say a lot about this, but very succinctly, let me just say that we will talk probably about the merits of the bills and all of the ramifications and nuancés of it when it reaches Third Reading. I simply have three amendments this morning and I understand that Senator McBroom has an amendment which we would like to put on these bills...., this bill, which we think would put it in proper form. As you will recall, just in historical context, the bills which had been passed originally, one in the House by Rep. Choate and one in the Senate by Senator Laughlin, were vetoed in toto by the Governor. Now the Governor's office was contacted by us subsequent to the veto and what we have prepared represents what the Governor says is now a good bill. We'll talk about that again another time maybe. But, in any event, amendment No. 1 is a simple amendment, says that the term member shall be interpreted to include a member elect. Now that's on page 15; we would strike lines 23 through 25 and insert this language. Now all it does is make sure that

a vacancy created by death of a member elect can be filled. That's all that this amendment does, and I would ask for its adoption.

PRESIDENT:

Is there any discussion? Senator Laughlin.

SENATOR LAUGHLIN:

I'm sorry.

PRESIDENT:

Amendment No. 1.

SENATOR LAUGHLIN:

Well, Senator Partee, is this the one on which I simply wish to make my position clear? I'm sorry, I was distracted here.

SENATOR PARTEE:

No, I don't think this one bothers you at all, because this amendment simply makes clear that the vacancy of a member elect can be filled, so this doesn't relate to the subject matter.

PRESIDENT:

All in favor of the adoption of the amendment signify by saying aye. Contrary minded. Amendment is adopted. Amendment No. 2 is offered by Senator Partee. Senator Partee.

SENATOR PARTEE:

Now amendment No. 2 amends the bill on page 16 by inserting after line 12 and before line 13 this language: For the purpose of making appointments to fulfill vacancies in the office of Senator in the 77th General Assembly, until the day of the Primary for the General Election in 1972, the legislative committee shall be the Senatorial committee as constituted on the effective date of this amendatory act of 1971. Now, all that means is this. It assures that an appointing body is in existence and ready to appoint on the date that the bill is passed. That's all that this amendment does. And I would...I move for its adoption.

PRESIDENT:

Is there any discussion? All in favor signify by saying aye.

Contrary minded. Amendment is adopted.

SENATOR PARTEE:

Now, the third amendment on page 15 strikes lines 8 through 10 and inserts in lieu thereof this language: "be entitled to one vote for each ballot voted in his county, township or ward as the case may be for the member whose seat is vacated at the Primary Election of which the member was nominated for the seat which." Now, all this says is that the Primary vote determines the vote cast by the chairman in filling a vacancy. And I might say that there are those who very steadfastly believe that the vote to be considered to determine the vote should be in the General rather than the Primary election. This is a subject on which we can honestly disagree, but we do feel that the Primary election is probably more meaningful in terms of party strength than is the General election. And, on that basis, we are offering this amendment. Now, this is one Senator Laughlin wants to talk about.

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Yes, I don't know, I don't think that it is necessary to make any motion, I think we just vote it up or down. I start out by saying very briefly that I think that the primary test is the incorrect one. I'd like to tell you why. I come from a district which, for the most part in years past, is beginning to change, has been very, very much Republican. Occasionally, within our party, we generate a contest in, say, one of the counties in my district and in the other four there isn't any contest in the Primary for any county offices. Consequently, the political party, and maybe you can criticize it if you want, doesn't do the job in a Primary election that the same party, my party, the Republican party, does in getting out the votes at a General election. Consequently, if this is in fact true, you have a distorted strength given to the member of the committee representing the county in which there was, in fact, a contest. Whereas, if the voting strength is keyed to the general election,

when each of the county chairmen and the county organizations in both parties are doing their darndest to get out the vote, you have a much better means and test in a fair evaluation of the strength of the party machinery in the counties; and I think, for that reason, to let this matter be determined and to give one or two counties a break because somebody in a particular county decides to spend a little money and have a contest and get out more votes than usual in a given election that it doesn't make much sense. So this bill, as introduced, I think, was very, very sound, and I told Senator Partee I'd co-sponsor it until he told me that he thought that he might change it by this amendment; and, with the change in this amendment, I would simply ask you, for the reasons I have given, to defeat the amendment.

PRESIDENT:

Is there further discussion? Senator Soper.

SENATOR SOPER:

I, ah, Mr. President, members of the Senate, I rise to support this amendment for the following reasons: Now, nominations are made at a Primary and the..., and the endorsements are made in the State Central Committee, I mean in the county, the township meetings, the township committeemen or, in Cook County, of course, I don't know how they handle it downstate but, in Cook County we have the Cook County Central Committee and the Cook County Central Committee has a meeting and the members of the various districts meet, they sit down, they decide who they'll support in the various primaries. Now they vote the strength as to their Primary strength. Now, then they support a candidate; they nominate him and then he is elected. Now, can you imagine where a supporting organization supported a man in a Primary, elected this man and then the man was elected in the General Election. Then, you turn around and this fellow, through some reason or another, either he dies or he's incapacitated and this has to be filled. Now you go to the General election and how many..., you cast the number of votes that were cast in the General election. Now, the party strength may not be the same in the General election. You'll

have someone come in that maybe in the party..., in the party forum has, say, two or three thousand Primary votes and in the General election in his district maybe there were 20,000 votes. Now, the gentleman that cast 15,000 Primary votes, maybe he cast 16 or 17,000 in the General election. He has absolutely no voice. His voice is diminished in party politics. Now, if you're going to take the party strength, you have got to take the party position that the Primary strength is the party strength, not the strength in the General election because you couldn't nominate anybody in a party on his General election strength. You gotta take the party strength. If you're going to nominate and if you're going to recommend his support, men, according to your Primary strength, then you better be able to replace the man who has lost the position through your party strength. That's why I support this position. I think it is logical; otherwise, we'll forget about the party.

PRESIDENT:

Senator Gilbert.

SENATOR GILBERT:

Well, I rise in support of the position given by Senator Laughlin and for many of the same reasons, and I would point out to Senator Soper that downstate, with very, very rare exceptions, our county committees do not make endorsements in Primary elections. We let people run in an open Primary and I cannot recall in my experience of endorsements and when I have run I have never sought them and they have not been given as such by the Central Committee. Now, there are, as Senator Laughlin has pointed out, many instances in which there are no contests in the counties or there may be in one county, there may be some precinct committeeman fights in a county that will get out the vote, and that county would certainly be disproportioned to the strength of the Republican Party or the Democrat Party, and applies to either one of them, in downstate and in small counties in which I represent from which I come. And I think that the General election much better represents the feeling of the people in that area as to the party candidate, and if they have elected someone to

represent the Democrat party from that district and he is to be replaced, it should be based on the votes he received in the General election, and not in the Primary. I think that the General is much more representative.

PRESIDENT:

Is there further discussion? Senator Partee may close the debate.

SENATOR PARTEE:

Mr. President and members of the Senate, I think I ought to make it as abundantly clear as possible that the choice here between the Primary and the General Election in terms of the way to vote for the selection committee is not either a Democratic or a Republican consideration. It is an individual consideration which various members react to differently, perhaps in the main growing out of the experiences in their particular districts. I think I ought to point out that the Primary itself is more reflective of the Party's strength than is the General Election, and Senator Laughlin, my good friend, if he should, for example, run state-wide and all the people in my area who heard me say very nice things about him, voted for him in the General election and there came a vacancy later, my strength in the party councils may be diminished because of that kind of a consideration instead of the Primary consideration where I would not have had any opportunity to be selected. I certainly think that, if we are going to talk about the Democratic party or the Republican party replacing a candidate, it ought to be done on the basis of the strength of the persons within the committee who come from areas with relative strength in their Primary elections. There is certainly no way to tell, in a General election, about the strength of one party or one section as opposed to another. The strength lay in the Primary election and I would move for an aye vote from you, or solicit an aye vote on the adoption of this amendment.

PRESIDENT:

The...all those...Will all members be in their seats. All those in favor of the adoption of the amendment, please rise. All those opposed to the adoption of the amendment, please rise. The amendment is adopted.

Senator McBroom offers amendment No. 4. Senator McBroom.

SENATOR McBROOM:

My mike doesn't work, here, Mr. President. I don't know whether I'm on or not. I want to direct a question to the Pro tem. Did I understand you correctly, Senator Partee, that you concurred with the amendment I showed Mr. Cadigan?

PRESIDENT:

Senator Partee:

SENATOR PARTEE:

Since you are my friend, I'm going to say something. I've been waiting to say to somebody on this floor that I don't know what you understood. No, seriously, I said that you had an amendment which we had seen and which we didn't have, as I thought about it, any serious objections to. We may have after you explain it, though. What does it do?

PRESIDENT:

Senator McBroom.

SENATOR McBROOM:

That's precisely what I wanted Mr. Cadigan to look at. It...I understood you, Senator, to say that you concurred in the amendment. I don't.. I don't feel that it accomplishes the a...Well, wait a minute. Just a minute. Parochiad, isn't that what we're on?

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Here...Here...There was one minuscule kind of hangup. We think the language that you have employed, particularly where you are appointing members to the committee, is okay. But...

PRESIDENT:

For what purpose does Senator Laughlin arise?

SENATOR LAUGHLIN:

Why don't the rest of us have an opportunity to know what the two of you are discussing? This is absolutely meaningless, I think, to most of us.

PRESIDENT:

Just a moment. The point of order is well taken. I'm advised by the Secretary that we do not have an amendment. Senator McBroom.

SENATOR MCBROOM:

I have no desire to offer the amendment at this time. I was trying to clear up what I thought Senator ParTEE said.

PRESIDENT:

All right. Senator ParTEE.

SENATOR PARTEE:

Now, I'd like to get this amendment in today if you're going to. If you..., have you passed copies of the amendment around? I assumed that you had since we had one here.

PRESIDENT:

Senator McBroom indicates that he is not going to introduce an amendment at this time, Senator ParTEE.

SENATOR PARTEE:

Well now, I would like to get some understanding with him because I want to move the bill to Third Reading, and if you have the amendment tomorrow, and want to go with it tomorrow, then I will bring it back for the purpose of your amendment, but I do want to ask for a vote on this bill tomorrow.

PRESIDENT:

Senator McBroom.

SENATOR MCBROOM:

Well, I didn't get the last. Senator Merritt was talking to me and I didn't get the last of what you said, Senator ParTEE. They are bringing the bill back tomorrow, right? Okay, that's fine. Thank you.

PRESIDENT:

Are there further amendments? Third Reading. 1272, Senator Laughlin.

SENATOR LAUGHLIN:

1272. I don't even know where we are.

PRESIDENT:

On Senate bills on Second Reading.

SENATOR LAUGHLIN:

No, I haven't had word from Senator Partee.

PRESIDENT:

All right. 1273 will be held, also? Senate Bills on Third Reading. Senate Bills on Third Reading. 491, Senator Ozinga. Hold. 492, hold also? 1052, Senator Partee. No, all right. 1053, oh that series. 1062, Senator O'Brien. 1164, Senator Berning. 1194, Senator Cherry. For what purpose does Senator Mitchler arise?

SENATOR MITCHLER:

Mr. President, a point of inquiry. I notice we're on Senate Bills on Third Reading. I notice we're going down the list, right down, and if a Senator doesn't call them, how long are we going to keep these bills on Third Reading in the Senate, when assumed that we will recess on November 12th? Will that mean that all these bills will remain on the calendar until we come back in 1972? Just for my own clarification, could that question be answered, or is there a deadline on action on these bills, or what's the procedure?

PRESIDENT:

That's a matter that the leadership is going to have to get together and make a decision on. There are no rules governing it right now, so we can't answer your question right now, Senator Mitchler. 1207, Senator Partee.

SENATOR PARTEE:

Which one?

PRESIDENT:

1207.

SENATOR PARTEE:

1207 is a bill which has been passed in the House and it has been signed by the Governor so we can strike it.

PRESIDENT:

Motion to strike 1207. All in favor signify by saying aye. Contrary minded. It is stricken. 1224, pass. 1255, Senator Bidwill.

SENATOR BIDWILL:

Mr. President and members of the Senate, I'll briefly try to outline for you what this bill does. It states that ten days before the first day of each calendar month the Bureau of the Budget shall provide the Governor with protection, or projection rather, of the General Revenue Fund for that month, including any deficit balance projected during the month. The Governor shall order temporary transfers and re-transfers of available balances as he shall determine are necessary and desirable to maintain an available balance in each regular fund sufficient to cover the projected disbursement. Upon notification in writing by the Governor, the Auditor of Public Accounts or the Comptroller, as the successor, and the State Treasurer shall immediately make the designated temporary transfers. In no case shall a temporary transfer be outstanding longer than six months. All such transfers must be repaid in full no later than six months from the date of transfer. All temporary transfers and re-transfers shall be a matter of public record. An annual report of all temporary transfers and re-transfers shall be prepared by the Governor and filed with the Legislative Audit Commission and the Auditor General. This report shall be available for inspection within 90 days after the close of each fiscal year. Now, basically, members of the Senate, what this does: When there is a projected deficiency, the State would go and borrow temporary money which, of course, necessitates the paying of interest. This will eliminate that tax on the State of going out and borrowing money, which in these days we can use every dollar available to the State. I think this is a sound piece of legislation. I ask your cooperation in a favorable vote.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Would this mean that the Governor could, without coming to the Legislature, take money from the Road Fund?

PRESIDENT:

Senator Bidwill.

SENATOR BIDWILL:

I believe so, Senator...I think he can transfer it from any department, Senator. It has no affect on other State agencies; now whether that includes the Road Fund, Senator, I don't know. It has to be paid back within six months, regardless of what fund he borrows it from, Senator; and it has, of course, to go through the Auditor and the State Treasurer for approval.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

In other words, if he borrows some money out of the Road Fund and, within a six month period he had to pay it back, he could then borrow some money out of the School Fund without coming to the Legislature to pay back the Road Fund, and this could go on from fund to fund at his discretion without any consultation of the Legislature as to where he got this money from. Is that right?

PRESIDENT:

Senator Bidwill.

SENATOR BIDWILL:

Yes, that is correct.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Now, what happens if he borrows fifteen or twenty million dollars from the Road Fund and doesn't pay it back in six months. What happens?

PRESIDENT:

Senator Bidwill.

SENATOR BIDWILL:

What happens is the Road Fund would be in a bad situation, Senator.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I think you are very right, Senator, not only would the Road Fund be in a bad situation, but so would our entire budgetary process. You've seen an example of what happens when the Governor has uncontrolled powers. I take nothing from the office of the Governor. I think it is a very important and sensitive office. It is one-third of the offices collectively in our State. The Executive department is as important as the Legislative department. But I think, Senator, that the Legislative department is as important as the Governor's department. We've seen whittling away of the authority, the like of the people, in our Legislative walls. We've seen what the new veto procedure does to our legislative process. The new veto procedure makes the Legislature, in my humble opinion, almost a rubber stamp for the Governor, and makes us less effective and less tied in to the desires of the people, because the Governor can virtually re-write any legislation without having to ask us how it should be done; and this business of coming back and approving it, and the way it has been interpreted in the House, the Governor is now the Legislature and writes the laws. Now, we've had, historically and traditionally, in this State many, many divisions of government which had, as their primary functions, determining the manner in which finances should be raised in this State and determining the way in which they should be spent. We've had a Budgetary Commission. We've had a Bureau of the Budget. We have had Appropriations and Revenue Committees in both Houses which geared themselves to, and addressed themselves to, the very sensitive problem of how to raise money in this State and how to expend it. I remember, just a few years ago, Senator, when the then State Treasurer of the State of Illinois, Adlai Stevenson, had the same kind of proposal as this, only he was good enough to include, in his proposal, something which this one

sorely lacks. At least, in the proposal of the then Treasurer Stevenson, there had to be some check and balance on this made by the State Auditor and by the State Treasurer. The Governor could have the right to do these things but he would, at least, have to have some check by the Auditor and the Treasurer. You, at that time, as that legislation was defeated, felt that that was not good enough and that the Legislature should be the repository of the right of decision as to how money shall be spent and transferred from one division of government to the other. Now, with this increased power of the Governor and the legislative field of changing, and altering, and amending, and virtually re-writing our legislation, I think it goes much, much too far, and I think we deprive ourselves of that which is our sworn duty to give to the Governor this power. I do not say this in any personal or individual kind of way. I would say this, sir, whoever happened to be the Governor of this State, and whatever happened to be his political party. I think that the Governor ought to be able to make decisions with reference to how money should be spent, for it is his final decision; but, by the same token, we should have something to say about it and he should bring to this Legislature his notions, his beliefs and his ideas as to what should be done, and we should have something to say about approving it. Under the conditions and circumstances of this bill, we are but sitting here and warming the large red chairs. I say to you, Senator, that this is a bad bill and should be defeated.

PRESIDENT:

Senator Bidwill.

SENATOR BIDWILL:

Senator Partee, we have borrowed money, as you know, from time to time from the Road Fund, which we have paid back, of course; and which has had the approval of the Legislature. However, what I am trying to do here, we're talking about these days of saving money, and under the present circumstances we have to go out and borrow money. Sure, it's just a temporary loan, which is always paid back, and must be paid back

to the bank. I think in these trying times when the collections in some areas fall off and the projected amounts that have been set forth are not available, I think this is a logical piece of legislation to give the Governor that power to efficiently run the State in the manner that he can, and which the people of the State expect him to. I think this is good legislation and I ask for roll call, Mr. President:

PRESIDENT:

Senator Cherry.

SENATOR CHERRY:

I think Senator Bidwill just hit the crux of this entire situation. Sure it has been done, but it always has been done with legislative approval, and that is all we are trying and attempting to retain here. Legislative approval. We can't have a shifting of money and borrowing of money from various funds, and Senator Bidwill said, if they don't repay it, they're in trouble. They are in serious trouble. We have no "juice men" to go to these agencies and say repay the money. I don't know how we would enforce the repayment of this money. There is no legal way under this bill to provide for that. And I think that if we succumb to this pressure by the Governor of our State, which I think is not a responsible way to react for our appropriations. We should not give up our right and our prerogative to review this. We should be the ones to determine where that money is coming from. We shouldn't give it to the Governor. We shouldn't negate our prerogatives that presently exist. And I think, if we pass this bill, it will be a sad day for the people of our State.

PRESIDENT:

Senator Berning.

SENATOR BERNING:

Mr. President and members of the body. It occurs to me that there is some decided, perhaps somewhat hidden, merit in this bill and I would like to call it to your attention. First of all, for the benefit of those who have indicated that this would be irresponsible, let me point out

that the funds the Governor might expend would be controlled by the appropriations we make, and that funds shifted from one to another might be indefinitely so shifted, would in a sense merely reiterate the legislative responsibility which you and I have to only appropriate for whatever purpose the amount we really want spent. That being the case, and we are living within our budget, there would never, ever be any doubt about the funds ultimately being available to transfer back from whatever fund they may have been borrowed from. I think this bill is an excellent step forward. If it is going to save taxpayers some money, that alone is justification enough. But, if it makes you and me assume a little more direct responsibility for our sometimes irresponsible actions, then it has a salutary affect that we ought to be guided by. I would like to see this bill passed.

PRESIDENT:

Is there further discussion? Senator Clarke.

SENATOR CLARKE:

Mr. President and members of the Senate, you know it is amazing how times change and arguments change. I remember, just a short couple of years ago, when State government was in, supposedly, serious financial strains, and the State Treasurer was talking about how we had this fund and that fund, and so on and so forth; and that State Treasurer went on to become a United States Senator. And he was criticizing because you had all of this money in an invisible surplus in this State. Now, I don't recall that when the new Constitution went into effect and was being voted upon, that the people on the other side of the aisle or the City of Chicago and their leaders decried a strong executive. This has been one of the things that we have strived for in this State, is to make this state government more efficient; and that's what the new Constitution is intended to do. And I don't think that, in our actions here and in the experience we have had this week and last week, that this amendatory veto is such a terrible thing at all. In fact, a lot of you may not know that the new Constitution has given our Governor the authority, without coming to the Legislature, except after the fact, to reorganize, to abolish

departments or commissions, or to consolidate them. Then when we come back into session we can pass on whether we like it or not. And that was a recommendation five or six years ago of our Commission on State Government. And all we're suggesting here is that the network of funds that have been set up, and that I recall a Circuit Judge by the name of Elward always wanted to abolish, gives the Governor the flexibility in a limited period of time to meet those exigencies of State government when we are somewhat short and to use the funds most efficiently. And when you say do we have a check on what happens if the six months runs out and he doesn't repay it, of course we do. We appropriate the money and we can balance that out if they are not going to repay it by just not appropriating in those fields. And I would suggest that, if the shoe should change again and somebody in this room become Governor, I bet he would like to have that kind of power, and that ability to run this State efficiently. So I suggest you ought to think twice before you don't support this bill because I think it is good government and good legislation.

PRESIDENT:

Senator Lyons.

SENATOR LYONS:

Mr. President, I move the previous question.

PRESIDENT:

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

SENATOR BIDWILL:

Mr. President, I wish my memory would serve me, but just a few years ago I recall a similar circumstance where this Legislature, and this Senate, granted to the County of Cook this very authority. I forget whether it was the County Hospital was in trouble, or Judicial Fund was in trouble, but I remember, I don't recall the exact circumstances, but we did this very same thing to save the County of Cook who was in the very same circumstances that the State finds itself. I vote aye.

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,

PRESIDENT:

Senator Groen.

SENATOR GROEN:

Mr. President, members of this Senate, it has been my observation over a long period of years now that one of the real defects in State government has been the earmarking of funds for special purposes. Now, when we'd look at State government, we readily recognized that we have one source to which we may go for money and that's the people. Now I would ask this question of you, what difference does it make whether the taxpayer pays it for a hunting license or a fishing license? Whether he pays it through an income tax? Whether he pays it through a gas tax or whatever other source? It has been my contention that all taxes collected by the people for state services should go in the general fund. And then, as the Constitution dictates, the Chief Executive prepares the budget, then he submits it to us for our consideration. And we, being close to the people, are aware or at least should be aware if we aren't, of the needs of the people, and then it becomes our responsibility to allocate by appropriations from monies available to us, not just from one earmarked fund or another earmarked fund, but as the total picture appears to us, the total income of the State, as weighed against the total needs of the people of the State and then by appropriation we determine what money shall be spent for individual purposes. Now, if this bill would authorize the Governor to borrow from a fund for the purpose of exceeding expenditures in amounts which we authorize by appropriation, I would say this was a bad bill. But, in the general course of the operation of State government today, just ask yourself, isn't it ridiculous

to have a huge surplus in one fund and an almost deficit in another fund and not be able to carry on the function of State government and pay our bills without calling the Legislature into session to authorize a temporary transfer of funds. It ought to be at the prerogative of the Chief Executive to do this, and when we do come back we can pass upon that judgment, if we do desire. I don't see anything earthshaking about this bill. I don't see any reason to fear that the authority given in it is going to be abused. After all, the Chief Executive runs every four years, you know, and he has to face the people for re-election, and give an accounting of the trust which he has kept during his term of office as we do. I believe this is a good bill. I believe it will expedite State government. I believe it will solve the cash flow problem that has existed ever since I have been in this General Assembly, make more efficient the savings of the taxpayer, expedite State government, allow the Chief Executive to do a better job, and allow us to sit in better judgment, frankly, of his activity. I vote aye.

SECRETARY:

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

PRESIDENT:

Senator McCarthy.

SENATOR McCARTHY:

Mr. President, in explaining my vote, and I am going to vote negative, I want to make an observation, Senator Bidwill. As I remember your explanation of the bill, you said something to this effect: That, in order for the Governor to carry this out, it would require the action of the State Treasurer and the Auditor of Public Accounts. The way I read the bill on page 2 on 24, 25, 26, it reads that when the Governor reaches this decision the Auditor of Public Accounts and State Treasurer shall do what he tells them to do. So, really, there is no divestiture of authority. All right, thank you Senator Bidwill, and if I can continue on for just a moment. There is something missing. There is something missing in this

bill, and that is we haven't given the Governor the power to raise the existing taxes by 10% so that objection could be made, if he wishes, to shift the transfer of the funds around for 10%. Wilbur Mills' argument on trade of federalism applies. I vote no.

SECRETARY:

Mitchler, Mohr, Neistein, Newhouse,

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Mr. President and Senators. I think this is an extremely important measure, and one that I would like to give a great deal more reflection than I am able to do today. I can't make up my mind on it, and a measure of this importance I would like to give a good deal more consideration. So I vote to...I am constrained to vote present at the moment.

SECRETARY:

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

PRESIDENT:

Senator Walker.

SENATOR WALKER:

Mr. President and members of the Senate. As I read this it is all contained in the first paragraph here: "To Maintain available balances in State funds sufficient to cover projected disbursements in order to reduce the need to incur State's short-term debt and to rid expenses thereon." It takes me back to a few years ago when one of our Governors found it more politically expedient, more feasible if you please, to resign his position and to accept a position as the Judge, and from what I have been reading in the papers here in this last week, ten days or a month, I am not sure that was a wise decision; and we met with his successor, Governor Shapiro, to work out a situation that this bill would make provisions for. At that time, and some of you are on the floor of the Senate here at the present time, sat in on those conferences down on the second floor, at that time we agreed that this was the Republican

leadership and the Democratic leadership under a Democrat Governor, and we sat down there and worked out a solution. We borrowed from EMFC funds and there was an agreement to hold up on capital expenditures. Now, history is repeating itself. We helped you, your Governor at that time. Now all we are asking you is to help us, as if and when the same thing happens at some future time. I think it is a good bill and I am happy to cast an affirmative vote, Mr. President. Thank you.

SECRETARY:

Weaver.

PRESIDENT:

Senator Bidwill.

SENATOR BIDWILL:

I move to postpone consideration.

PRESIDENT:

Motion to postpone consideration. All in favor signify by saying aye. Contrary minded. Motion prevails. 1263, Senator Partee. 1268, is Senator Groen on the floor? 1268, Senator Groen.

SENATOR GROEN:

Mr. President and members. As I stated when this bill was introduced and was moved to second reading with the consent of Senator Partee and the Committee on Rules without reference to that Committee, it was made necessary by reason of an inadvertency on the part of those who prepared the omnibus bill covering permanent commissions, such as the Pension Laws Commission. There was no appropriation made. We can't pay our bills. You know the work of this Commission over its long, and frankly, very, very illustrious history, and I would recommend a favorable roll call.

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:

On that question, the yeas are 50, the nays are none. The bill is declared passed. 1269, Senator Partee. Senator Partee, 1269.

SENATOR PARTEE:

Yes, Mr. President and members of the Senate. This is a bill that makes for a provision that the transcript of all debates will be made and filed with the Secretary of State, and I ask for a favorable roll call.

PRESIDENT:

Senator Horsley.

SENATOR HORSLEY:

Senator Partee, the way this bill is drawn, you use the word "and" in the first paragraph in Section I, "That they shall be recorded and transcribed." Now, if this were merely a matter of tape recording the proceedings and filing the tapes away, it might cost us \$10 or \$15 a day for that and then a requirement that transcribing them, people would have to pay for the transcription. But to say that they shall be recorded and transcribed is going to cost, in the long run, hundreds of thousands of dollars for what I think is unnecessary. You're duplicating the Journal of each House for one thing. The matter could be worked in if you would amend it somehow to incorporate it as a part of the Journal. The Journal costs a lot of money, and if it were merely a matter of recording these on tapes each day, and merely filing the tapes away like we do a computer so you can go get that day and transcribe whatever you want and pay for it, I can see some merit. But to say that we're going to record and transcribe, our court reporting bills here will be fantastic, because there is no statement here about roll calls, about the results, and you know and I know the millions of words of hot air that flow out of this

place every day will increase double and triple when people know that posterity is going to go read the printed record and see what Grandpa said. And I, for one, am not willing to vote to spend this large sum of money when you say "record and transcribe". Now if you had a simple bill that would say that the man on the switchboard down here will run the tape recorder and keep a recording that will be filed with the Secretary of State in the Archives, I could vote for it; but transcribing is a terrific burden on the taxpayers of this State.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

There are several things, Senator, my dear friend, that you've addressed yourself to with which I do not agree, but let me confine myself to just four things you said with which I do not agree. One is: the Constitution, first of all, requires it. This isn't any idea that was germinated in my head. If you would read the Constitution, Article IV, Section 7b, it says, "Each house shall keep a journal of its proceedings and", the conjunction and, "a transcript of its debates." Now that's the language of the Constitution. We didn't dream this up. This is the Constitution that you said we needed, this is the Constitution that we elected people to write, and this is it. This is what they say. The "and" is their language; not mine. Now further, the Constitution says that either house of any...no, they said that...where's that part about the joint rules? Oh, it's in the bill about the joint rules. The bill says that the General Assembly, by joint rules, shall prescribe such manner of recording and transcribing the debates in each house as will insure the keeping of complete and accurate transcripts of such debates. Now we did this because we thought it was the intelligent way of doing it. I would point out to you, however, that the House is already both transcribing and recording without this bill. We thought we ought to have a bill to make for an implementation of the constitutional mandate. I would say this to you, Senator, and perhaps I should have said this in

the original explanation, we had some concern about..., we had some concern about this matter and our concern came after we had read the Constitution. And, based on that, we....

PRESIDENT:

Just a moment, Senator ParTEE. Let's have some order...please.

SENATOR PARTEE:

...and based on our concern, Senator, we have asked the Attorney General for an opinion as to whether or not this should be transcribed on a day-to-day basis or whether or not we can simply have it recorded and then transcribe it only if and when it is requested by some one to be transcribed. We are awaiting that opinion. I would suggest that, if we pass this bill today and if the Attorney General's report is anything contrary to what the language of the Constitution seems to dictate, we can always make whatever necessary accommodations need be to be within the orbit of his opinion when the bill gets in the House. But, we felt that the language of the Constitution mandates this kind of bill. We further felt that it ought to be done first by statute and then by a joint rule so we could have the same kind of procedure in each house. But the fact of the matter is, in the House they are now doing both. We have the bill. We think the bill ought to be passed because it is mandated by the Constitution and if the Attorney General says that it does not have to be done on a day-to-day basis but can be done on a requested basis, then of course we can, by joint rule, prepare for that eventuality.

PRESIDENT:

Senator Sours.

SENATOR SOURS:

I have some notions on this, too, Mr. President and Senators. I'm not so sure the old gentlemen's convention actually meant that we should transcribe and print. I think, until we get some definition of "transcribing", we ought to defer action on this bill. By the time we transcribe and by the time we print, as Senator Horsley says, we're talking about millions. It's the old story: There's none so homely but loves

a looking glass. And when you get the gas of this chamber transcribed onto the written page, we're going to have some bills that'll knock your eyes out. This is something I feel we should defer. I don't think we ought to slavishly go into this. After all, this morning we violated the Illinois Constitution with that parochial aid bill which is an absolute prohibition. Everybody here knows it, so if we're going to be consistent let's defer action on this bill for a while.

PRESIDENT:

Senator Soper.

SENATOR SOPER:

Mr. President and members of the Senate. I think there's pending some legislation in the House that we passed in the Senate which would put this up to, this very thought and this very concept...would put it up to the people in the next General Election as far as an amendment to the Constitution is concerned. I thought that, when we discussed this, we decided by the vote that it would be a tremendous amount of money that would be wasted and I know that when we talk about 10,000, 20,000, 100,000, if you started to transcribe and you started to write all these speeches, and everybody that gets up when they're on that tape... they're going to make a lot of speeches and it's going to cost us in the millions of dollars, not hundreds of thousands; so let's get on the House's back and let them get that bill out of the House and maybe the people will decide that they'd rather spend their money for education and maybe health and the health necessities of our State than listen to a lot of gas from some of our legislators.

PRESIDENT:

Senator Knuepfer.

SENATOR KNUEPFER:

I can only remind you gentlemen that the Constitution is in effect now, and some hypothetical amendment that may or may not go through these bodies and may or not..., or may or may not be passed by the people, simply does do violence to the present Constitution which is in effect.

I support this bill; I support the principle. There may be some hot air in these chambers but that hot comes from one or more members of the Senate. It reminds me of that, "We have met the enemy and they is us." Maybe when we are transcribed we will be more temperate, we will be more judicious in what we say. I think it's a good principle. I think the public is entitled to verbatim transcripts. I don't deny the power of the press to sit here and make whatever comments they want; but, when it's all boiled down, the proof you have of the pudding will be the verbatim transcript, the verbatim recording of what is done in this body and I support this principle.

PRESIDENT:

Senator Laughlin.

SENATOR LAUGHLIN:

Mr. President, members of the Senate. I, too, support this principle and I do believe that we should record debates. Now, I'm a little concerned about when we debate and when we don't because we pick up an awful lot of guff and hot air when we're not really debating, so I suppose we'll have to figure out a way so that we can say when it comes to debate, we record. I can see a mechanical problem involved in this thing and I don't think this requires us to keep track of all the humdrum monotony and routine business of this body. But, when we get down to the question of a debate on the issues, whether it be on amendment or on final passage, I think, for the purpose of any court actions that may occur, that when you want to determine legislative intent, there's no better way of doing it than from a transcription and a record of the debates that took place. And so I, too, support this in principle.

PRESIDENT:

Senator Knuppel.

SENATOR KNUPPEL:

Well I'm one of those "old men" that was in the Constitutional Convention and I would inform this body that there could be no doubt about the intent of that body. Many of them were unsophisticated, and I think

many of them had never even visited the chambers of the General Assembly; but this is what they wanted. Whether they were right or wrong is another thing and whether they knew what it would cost or not is another thing. I opposed this provision at the Constitutional Convention. I still oppose it, but I can't stand here in the face of what a majority of those people voted and say that we should not obey the law. It's our responsibility as legislators and elected servants of the people to do the same thing that we're mandated to do by that body. I sincerely hope that the other body across the hall will adopt the same language we did on Senator Soper's bill and that we can vote on this and the people will strike this provision from the Constitution. But I don't see how we can stand here in the face of time and history and violate what our mandate is and not comply. I regret that it's in there, but I think we should.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Mr. President and members of the Senate, I move the previous question.

PRESIDENT:

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

SENATOR PARTEE:

Well, just in closing, I'd like to say to Senator Laughlin that I wasn't completely embracive of all of the questions that we asked the Attorney General. But one of them touched on the question that you raised. The question is: What is debate? In other words, we wanted to know whether the transcription and recordation began at the beginning of the session, whether it applied to Third Reading bills or Second Reading bills or Committees. We wanted to get that and we have asked for that because we wanted to be sure about it. I might point out, though, that, in the House, they are so sure about what transcription means that one of the questions that they have certified to the Attorney General is whether they are at liberty to destroy the tapes once the transcription -- that

is, the recordation in type written form -- has been accomplished. So, I would ask for your favorable vote on this bill.

PRESIDENT:

The Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

Mr. President, members of the Senate. This is going to be very costly to the taxpayers, but always believing in the Constitution and being more or less... following it all my life while I've been in official life, also in private life, I think that, under the conditions, I will have to involuntarily vote aye.

SECRETARY:

Coulson, Course, Davidson, Donnewald, Dougherty, Egan, Fawell, Gilbert,

PRESIDENT:

Senator Gilbert.

SENATOR GILBERT:

In voting aye on this, I would only hope that we can find that the recording does not have to be transcribed unless requested. I think that it is not necessary. I hope that that is what they will find, but I do vote aye.

SECRETARY:

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,

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I intend to vote aye on this bill and desire to be so recorded; but, in explaining my vote, I would like to just ask this question. This is a bill which, if to have immediate effect, requires 35 votes. Is that correct? To have immediate effect?

PRESIDENT:

To have immediate effect, it would take 35 votes. That is correct.

SENATOR PARTEE:

I'm voting aye.

SECRETARY:

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

PRESIDENT:

Senator Partee? In connection with your earlier question, we just examined the language of the bill. It does not take effect until next July.

SENATOR PARTEE:

That's correct and I assume we'll have to do it in the House. I just noticed there is not an emergency clause and it'll have to be done in the House. I'm sure they will. They're already doing it.

PRESIDENT:

Nihill, aye. McBroom, no. How is Senator Mitchler recorded? You are not. Senator Mitchler.

SENATOR MITCHLER:

Yes. Could I ask the sponsor a question? I was off the floor. I apologize for that. I notice, is there any appropriation in connection with this or how would the expense to transcribe the proceedings be covered?

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

This authorizes a joint rule to accomplish what the Constitution

mandates. After that has been done the funding will have to come from its normal and usual sources.

PRESIDENT:

Senator Mitchler.

SENATOR MITCHLER:

Would this be additional...it must be an additional appropriation and, if so, how much would this be for the transcribing as described in this bill?

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Well, this was already contemplated and anticipated, Senator, and I think that our budget or the appropriation for the operation of the Senate and the House would include whatever has to be done to accomplish this.

PRESIDENT:

Senator Mitchler.

SENATOR MITCHLER:

What is that figure that was arrived at to incorporate in the budget for this?

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

Of course we didn't have any cost experience in it, but I think the figure that's included in the budget for each house is \$100,000. That's already a part of the appropriation that's been passed.

PRESIDENT:

Senator Mitchler.

SENATOR MITCHLER:

Mitchler votes no.

PRESIDENT:

On that question, the yeas are 39, the nays are 5. The bill is declared passed. Before we adjourn, there are two additional concurrences in

executive amendments to House Bills that we are ready to act upon apparently. 438, Senator Horsley.

SENATOR HORSLEY:

Mr. President, members of the House. Senator Partee raised some questions about 438. Our staff got together with his staff and I think he's satisfied now with the statements made, so I would move that we approve the action of the Governor.

PRESIDENT:

Senator Saperstein, on this bill? Is there any further discussion? Secretary will call the roll.

SECRETARY:

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

PRESIDENT:

Lyons, aye. Mitchler, aye. Coulson, aye. Fawell, aye. Egan, aye. Newhouse, aye. Chew, aye. On that question, the yeas are 48, the nays are none. The Senate concurs in the changes. 2006, Senator Sours.

SENATOR SOURS:

Mr. President, Senators. There has been passed out on your desks the amendment to this bill. It is non-substantive; it is simply a change of name from; by striking "law enforcement" and inserting in lieu thereof "mental health". And, then, on page 3, by striking lines 10 and 11 of the bill which strikes, "of mental health with the consent of the Director or in the Department of Public Safety". This is a pure mechanical amendment. I'd like to state also that the bill, as amended, or as proposed to be amended, makes only non-substantive changes. This has been approved by the House..., by the House sponsor.

PRESIDENT:

Is there any discussion? The secretary, incidentally, does not have your motion in writing yet, Senator Sours. Is there any 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:

For what purpose does Senator Horsley...?

SENATOR HORSLEY:

Mr. President, I realize I've cast my vote, but I have had a matter come up here that has raised doubt and I want to clear it up. I have just checked a memorandum. Is Senator Sours on the floor?

PRESIDENT:

Is Senator Sours on the floor? He apparently just stepped off to get the motion typed up apparently.

SENATOR HORSLEY:

Maybe somebody else can answer this. But I read a memorandum...

PRESIDENT:

Senator Sours is now on the floor.

SENATOR HORSLEY:

Senator Clarke may know the answer to this. But, in this memorandum, there is something about changing the enforcement to Mental Health from the Department of Law Enforcement. I want to know about that before I... this vote is recorded.

PRESIDENT:

Senator Sours.

SENATOR HORSLEY:

No, maybe we are talking about two different things and I want to be sure. No. 1: If a person is picked up with a dangerous substance, is he subject to prosecution by the Department of Law Enforcement or the Department of Mental Health? That's what I want to know.

PRESIDENT:

Senator Sours.

SENATOR SOURS:

I was hoping we could get this done quickly, but I am going to read the very basis for the motion to concur. The reasons for the Governor's veto, he listed under his accompanying veto: Due to changing patterns of abuse and treatment and introduction of dangerous new drugs, civil commitment could become a more efficacious method of treatment. Civil commitment - that excludes Joliet, Pontiac and all the others. Item 2. Availability of civil commitment is more compatible with the theory of treating drug use as a disease rather than a crime. Next, in keeping with the above and following the suggestions of the Director of Law Enforcement and Dr. Jerome H. Jaffee, the Governor recommended further amendments to the Act to establish a carefully circumscribed system for civil commitment with improved safeguards for the civil rights of persons. Now, within the last week, Mr. President and Senators, I have a matter in our law office involving this very same subject. My two clients are rough old veterans, 18 years old. I don't think the man shaves yet. I think we have gone a long way too far in treating drug abuse as a crime anymore than we treat the town drunk as a criminal. Now, the only thing that the Governor recommended, and you are looking at one who doesn't always agree with him, is that we should look upon this more as a civil commitment than a criminal indictment or criminal information and criminal confinement after being found guilty. Now, so far as Mental Health doing this, I see nothing wrong with that. In cases of pushers, and those who profit financially from it, that is a different situation and is not included in the bill.

PRESIDING OFFICER: (Bruce)

Senator Horsley.

SENATOR HORSLEY:

I have reread the memorandum, Senator Sours, and I think it bears out what you have said that the criminal aspects will still be in the Department of Law Enforcement, but the drug addiction portion will be in Mental Health. And I think, that being true, I think it is probably okay and I am going to vote aye. I did vote aye and I want my vote to stay aye.

PRESIDING OFFICER:

On that question, the yeas are 43, the nays are 0. The bill is declared passed. Is there any further business to come before the Senate? Resolutions. Senator Saperstein.

SENATOR SAPERSTEIN:

Mr. President and Gentlemen. Senators, I would like to ask leave to discharge the Committee on Labor and Commerce from further consideration of House Bill 2209, which is the pregnancy bill. This bill had been before the committee and was passed out with a motion DO PASS. It was recommitted because of consideration of possible amendments. I have asked the approval of the leaders on both sides of the aisle and they agree. Therefore, I move the discharge.

PRESIDING OFFICER:

Senator Coulson.

SENATOR COULSON:

I have just been informed that our mileage checks will be here tomorrow for those of you who are living from day to day -- tomorrow or the day after, I believe, but they are going to be here this week. There has been a change in the auditing procedure. No caucus tomorrow for the Republicans.

PRESIDING OFFICER:

Is there any objection to the discharge of Senate Bill 2209. Leave is granted. Senator Donnewald.

SENATOR DONNEWALD:

Mr. President and members. No. 1, Democratic caucus at 9:30 tomorrow morning. No. 2, a meeting of the Rules Committee at Senator Partee's desk immediately after the session, and No. 3, Senate Bill 1292, Senator Lyons's bill, has been assigned to the Committee on Revenue and will be heard, I understand, tomorrow morning at 8:30.

PRESIDING OFFICER:

Senator Neistein.

SENATOR NEISTEIN:

To the members of the Judiciary Committee, there will be no meeting of the Senate Judiciary Committee today. There will be no meeting of the Senate Judiciary Committee Thursday. The next meeting is scheduled for Monday, October 25th and we'll hold meetings as the sponsors will request them and, for this week, we have had no requests. We're batting 100%.

PRESIDING OFFICER:

Senator Course.

SENATOR COURSE:

Senate Bill 1292 will be heard tomorrow morning at 8:30.

PRESIDING OFFICER:

Senator Dougherty.

SENATOR DOUGHERTY:

Mr. President and members of the Senate. There is a meeting of the Committee on Local Government scheduled for 2:00 tomorrow afternoon on the floor of the Senate. Inadvertently, it was left off the calendar for today, but there will be a meeting of the Senate Committee on Local Government tomorrow afternoon in this Chamber at 2:00.

PRESIDING OFFICER:

The secretary informs me that we need the reports from the clerks before we can put it on the calendar and that is the reason they are not so shown. Resolutions.

SECRETARY:

Senate Resolution No. 231, introduced by Senator Partee and all Senators. WHEREAS, our esteemed colleague...

PRESIDING OFFICER:

I think this Resolution may require the attention of the body.

SECRETARY:

WHEREAS, our esteemed colleague, the Honorable Esther Saperstein, will celebrate her birthday on Friday, October 22, 1971, and WHEREAS, Senator Saperstein has represented the people of Chicago, Illinois, in the General Assembly by serving with great distinction in both the House and the Senate, and WHEREAS, she has devoted herself unselfishly to the causes of education and mental health, is a board member of the Mental Health Society of greater Chicago, a board member of Chicago School for Retarded Children, a member of the Advisory Board of the Citizen's School Committee, serves on the Women's Scholarship Committee of Roosevelt University and the Woman's Board of Mundelein College. Therefore, be it resolved by the Senate of the 77th General Assembly of the State of Illinois that this body warmly congratulate its beloved colleague, Senator Esther Saperstein, on the celebration of her birthday on October 22, 1971, that we extend our sincere best wishes for good health and long life and that a suitable copy of this preamble and resolution be presented to the Honorable Esther Saperstein.

PRESIDENT:

Senator Partee.

SENATOR PARTEE:

I would hope that all members of the Senate would join on this resolution for our esteemed female colleague and I would point out to her that the day of October 22 has some significance in my household in that our elder daughter was born on October 22 and I only hope and pray that she give as much of her life and as much devotion to the cause of humanity as does this lady who shares her birthday. Happy birthday, Senator Saperstein, for the 22nd. APPLAUSE.

PRESIDENT:

All male members of the Senate will be shown as sponsors of that resolution.

SENATOR SAPERSTEIN:

Mr. President and my dear colleagues, I want to thank you for this. You know I can now appreciate and I did at that time when we congratulated Senator Bidwill and, when he tried to speak, how his voice and his eyes filled up because of the honor you gave him at that time, and I consider this a great honor, too, and thank you for remembering. APPLAUSE.

PRESIDENT:

Are there further resolutions? Any announcements? Senator Cherry.

SENATOR CHERRY:

Executive Committee will meet in these Chambers immediately after adjournment.

PRESIDENT:

I am advised we have some messages from the House. We'll just journalize the messages from the House, if there is no objection. Senator Laughlin moves that the Senate stand adjourned until 10 o'clock tomorrow morning. Senator Partee? 10 o'clock tomorrow morning. All in favor signify by saying aye. Contrary minded. The Senate stands adjourned.