

HOUSE OF REPRESENTATIVES

SEVENTY-SEVENTH GENERAL ASSEMBLY

ONE HUNDRED THIRTY-FIFTH LEGISLATIVE DAY

MAY 16, 1972

9:30 O'CLOCK A.M.

THE HONORABLE W. ROBERT BLAIR,

SPEAKER IN THE CHAIR



GENERAL ASSEMBLY

STATE OF ILLINOIS
HOUSE OF REPRESENTATIVES

A roll call for attendance was taken and indicated that all were present with the exception of the following:

Representative James Y. Carter - illness;

Representative William D. Cox - official business;

Representative J. Horace Gardner - death;

Representative Henry J. Klosak - illness;

Representative Michael H. McDermott - illness;

Representative Pete Pappas - illness;

Representative Edward J. Shaw - death.



Doorkeeper: "All who are not entitled to the House Chamber, will you please retire to the gallery."

Hon. W. Robert Blair: "The House will be in order. The invocation this morning will be by Dr. Johnson."

Dr. John Johnson: "We pray. Almighty and most gracious Father in Heaven, we implore Your benediction on all who are gathered here in legislative assembly here this morning. Grant to each one of them a renewed sense of Your presence and Your favor. Watch over them with Your protecting care and avert whatever might prove harmful to them. Enable them to be about the duties which they have assumed with a confidence that You would uphold and bless all men and all institutions which are dedicated to the public good. Protect all within our Nation who aspire to public service and stay with the hand of our righteous judgement all who would interfere with the due processes of our political life. Be pleased to hear us, O Lord, and to dwell within our midst today, because You have ordained Government as Your Servant to maintain order, decency and justice. Look now graciously upon Representative James Carter, Representative Peter Pappas, Representative Henry Klosak, Mrs. Hanna McMaster, the Mother of Representative McMaster, as well as upon Governor George Wallace, all of whom are hospitalized. According to Your will, O God, show them Your healing mercy, as they lift their eyes to You, the Source of all Health and the Source of all Strength. We are bold to ask this now in Your Name, because You have so richly blessed us in the past and be-



cause You invite us to bring our petitions before You, O Lord, our Strength and Our Redeemer. Amend."

Hon. W. Robert Blair: "Roll Call for attendance. The gentleman from Will, Mr. O'Brien."

George M. O'Brien: "Ah.. Mr. Speaker and Members of the House, from the District represented by Speaker Blair, Representative John Houlihan and Myself, our balcony is brightened by the presence by the Troy Consolidated Eighth Grade Graduating Class including with their number, Mrs. Matejech and Mr. Gentry. I would like for them all to rise so that we can recognize their being here."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Madigan."

Michael J. Madigan: "Mr. Speaker, will the record show that Representative McDermott is absent because of illness?"

Hon. W. Robert Blair: "The Journal will so indicate. The gentleman from Bureau, Mr. Barry."

Tobias Barry: "Mr. Speaker, will the record show that Representative Carter is also absent because of illness."

Hon. W. Robert Blair: "The record will so indicate. House Bills Third Reading. House Bill..... House Bill 4080."

Fredric B. Selcke: "House Bill 4080, a Bill for an Act to amend 'The School Code'. Third reading of the Bill."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Jaffe."

Aaron Jaffe: "Mr. Speaker and Ladies and Gentlemen, ah.. this Bill is a companion Bill to ah.. Mrs. Chapman's that we had up yesterday, 4191. The only difference in this Bill and Mrs. Chapman's Bill, is that this Bill makes the age



requirement uniform throughout the State. And, it includes the City of Chicago. And I solicit your favorable vote."

Hon. W. Robert Blair: "Any further discussion? The question is, 'shall this Bill pass?'. All those in favor will vote 'aye', and the opposed 'no'. The gentleman from ah.. Cook, Mr. Phil Collins."

Phillip W. Collins: "Ah.. Mr. Speaker, I apologize for my tardiness, but if I could make an inquiry of the Sponsor. Is this Bill amended to include the City of Chicago?"

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Jaffe."

Aaron Jaffe: "Yes, it was. This does include the City of Chicago."

Phillip W. Collins: "Well... Well maybe some of the eighteen year olds would be better than some of the appointees we've had. I'm confused on this Bill."

Hon. W. Robert Blair: "Have all voted who wished? The Clerk will take the record. For what purpose does the gentleman from Macon, Mr. Borchers, rise?"

Webber Borchers: "A point of personal privilege."

Hon. W. Robert Blair: "Well, why don't you wait until I announce the vote. I'm not going to recognize these points while I'm in the middle of a Roll Call. As soon as I finish that and before I go to the next business, I'll recognize you. Have all voted who wished? Okay.. On this question, there are 80 'Ayes', and 18 'Nays', and this Bill having failed to... The gentleman asks leave for postponed consideration. Leave? Alright.. placed on the order of postponed considera-



tion. Now, the gentleman from Macon, Mr. Borchers."

Webber Borchers: "Mr. Speaker and Fellow Members of the House, I hold in my hand a ah.. a article of the Chicago Tribune editorial by Michael Killion. It's in relation to ah.. the heading as 'Bullet Proof Bob's Glass House'. Alright.. ah.. perhaps I did vote the other day against ah.. spending the money. Some things and events have occurred and I've found that I'm mentioned in the last paragraph ah.. to-wit. They still have a fellow down there named Representative Webber Borchers. Last year, he introduced a Bill to allow Legislatures to carry guns. I like to tell you something, why I decided the truth is the best defense, if I need a defense. Last year, one year ago, to this Chamber, whether you all know it or not, I've just kept still and I am debating and debating in my mind to whether even mention it today. Now, with this editorial, what happened yesterday, ah.. with ah.. the things that can happen in the future, I decided to let you know exactly what happened to us. A year ago. And I apologize to some of my ah.. to some of the black Representatives here, cause I mean no offense against them. But, four blacks in a car came to Springfield with the involved purpose of killing me. After they found that the legislature was not in Session, they went to my home in Decatur. I ah happened to be in Champaign that day. And, as they pulled up to my house, four black in a car, my daughter with my five grand children and a neighbor woman and two police dogs in a station wagon pulled up in



front of the House at the same time. These gentlemen asked my daughter if she...if I was home, if Mr. Borchers was home. She says, 'I'm his daughter and he's not at home', upon which they proceeded to curse her, threatened her life, my grand children's lives, the smallest one was of four years of age, the oldest one was fourteen, scaring the hell out of them, frankly and disturbing them and frightening them to death. And, I quote their words, 'that they planned to put my grand children six foot under'. My grandson, who is fourteen, was smart enough to take their license number. The minute they left, the only thing that maybe saved my family the police who were who were wild to get out of the car and attack them. I and.. I wish to God my ah.. grand... my daughter had allowed them out. They ah.. They reported this immediately to the police and the license number. And the police Department in the City of Decatur secured their names. We know who they are, where they live on South State Street in Chicago and ah.. ah.., but we did nothing further, because all you do is attract lightning. But, I think that with what happened yesterday, this unreasonable attack upon the Speaker, incidentally, and what happened to ourselves, has changed my mind that maybe we would, we do need with the nuts running around this Country ah.. such protection. Now, I.. I don't ah.. like to ah.. really said what I just said but, I think, that since my name was mentioned and it is inferred that I too am being ridiculous in wanting to have a gun to have in my



All it was, this Bill, that I would like to have a gun in my car, driving to Decatur, here and back home, not here in the Chamber, not here in Springfield, I think that that would be ridiculous on our part. But, I do think that we, under certain conditions, like what is happening in this Country, should have a right to have a gun in our car. If we are attacked and we wished to defend ourselves, we can do so. That's all I wanted and on reflection, now, I wish that I had voted for and with the Speaker and the rest of the Members of the House, instead of thinking of the \$900,000,000 dollars in cost of renovation and all that sort of thing."

Hon. W. Robert Blair: "Wait... Wait a minute. Back up a few million."

Webber Borchers: "\$900,000."

Hon. W. Robert Blair: "Yes."

Webber Borchers: "I'm sorry, but you know how it is with ah.. Government. We think only in terms of millions. Nevertheless, I think that it's time that I tell you about this incident and may I have you all consider it could have happened to you."

Hon. W. Robert Blair: "1205."

Fredric B. Selcke: "House Bill 1205, An Act to amend the 'Northeastern Illinois Planning Act'. Third reading of the Bill."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Schlickman."



Eugene F. Schlickman: "Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, House Bill 1205, amends the 'Northeastern Illinois Planning Act'. If introduced, it would have done two things. Number one, assured non-federal funding of the Northeastern Illinois Planning Commission by establishing a formula for State and County financial support. Secondly, provide for some minor house-keeping changes. By Amendment to House Bill 1205, the new funding formula was deleted. The only thing remaining is the housekeeping changes. As amended, House Bill 1205 was reported out of the County and Townships Committee without a descending vote. I respectfully solicit your support."

Eugene F. Schlickman: "The gentleman from Cook, Mr. Richard Walsh."

Richard A. Walsh: "Will the gentleman yield for a question? Ah.. Gene, ah.. is the description in the digest ah.. accurate? I don't have the Bill and I don't know what the Amendment is. You say that the as amended just provides for housekeeping changes."

Eugene F. Schlickman: "Yes. Basically, the description in the digest, page 149, is correct."

Richard A. Walsh: "So ah.., as amended, this Bill would provide for the Commission to ah.. incur indebtedness ah.. Is there any limit as to the nature of this indebtedness that they can incur?"

Eugene F. Schlickman: "We're talking about short term indebtedness comparable to tax anticipation warrants. One of the



problems that Nipa has is that its funding or its financial support is provided on a voluntary basis by units of local government, by the State of Illinois and by the Federal Government. When voluntary contributions come in on an erratic basis, however the cost of the operation of Nipa, as you can appreciate as it's true with any Organization, is of ah.. a certain ah.. determined ah.. consistent nature. Specifically, one of the problems is that the Federal Grants that are made to Nipa under contract provide for a holdback by the Federal Government is anywhere from 10 to 50%. In otherwords, the project will not be completely paid for by the Federal Government until it has been completed, how ever Nipa's expenses are incurred. The primary limitation of.. on the borrowing, a short term borrowing ah.. comparable to tax anticipation warrants ah.. is the anticipated revenue ah.."

Richard Walsh: "Well Gene, specifically, is there any limit in the Bill to the indebtedness that the Commission can incur?"

Eugene F. Schlickman: "The only limitation, Representative, is the amount of anticipated revenue that is provided for Nipa through the voluntary contributions."

Richard A. Walsh: "Is is... Would it be the.. the budget for the preceding year or ah.? Who's going to make that estimate?"

Eugene F. Schlickman: "It would be based on past experience relative to contributions. I should mention that Nipa does



not and no one has ever recommended that it having taxing authority. We do not involve here the full faith and credit of the State. Anybody who would be lending to ah.. Nipa would have to rely on Nipa's past experience relative to contributions."

Richard A. Walsh: "Well ah.. Mr. Speaker, just briefly on the Bill. Ah.. I have nothing against Nipa and ah.. during my years in the General Assembly, generally supported Bills ah.. which have been introduced in behalf of the Northeastern Illinois Planning Commission. However, we all understand that a Commission such as Nipa, who incur indebtedness are bailed out by the State ah.. from time to time in the event that they exceed what we think might be reasonable limitations. Since they do not have taxing power, it does not appear to me that they should have any borrowing power, because you cannot tell from time to time just what their revenues are going to be. For that reason, Mr. Speaker, I'm going to vote 'no' on this Bill."

Hon. W. Robert Blair: "The gentleman from ah.. Cook, Mr. Shea."

Gerald W. Shea: "Will the... Will the passage of this Bill make legal the retirement or deferred compensation plan of Mr. Rockwells?"

Eugene F. Schlickman: "In response to that question, as I believe you ah.. know, Representative, yes.. yes it would."

Gerald W. Shea: "Has anybody, you know the deferred compensation plan that this man works under has been raised by a number of people. And, will this make it retroactive?"



Eugene F. Schlickman: "The deferred compensation or retirement program that you referred to was a plan that was provided for a number of years ago by the Commissioners of Nipa by contract with Mr. Oberman. He, since then, has retired. The Attorney General of the State has rendered an opinion saying that statutory authorization would be required for the release of that money to Mr. Oberman."

Gerald W. Shea: "An this... And this will ah.. be the statutory autohoziation?"

Eugene F. Schlickman: "That's right."

Gerald W. Shea: "Thank you."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Brenne."

Lynn G. Brenne: "Mr. Speaker, Ladies and Gentlemen, ah.. will the Sponsor yield for a question?"

Hon. W. Robert Blair: "He indicates he will."

Lynn G. Brenne: "Ah.. Genè ah.., what revenue sources will be eliminated by this Bill? As I read the synopsis, half of the budget will be provided by the State and half of it by the Counties. Is that correct?"

Eugene F. Schlickman: "Representative, as I indicated in my initial presentation, House Bill 1205, as it was originally introduced and developed by the Legislative Advisory Committee to the Northeastern Illinois Planning Commission created by the Legislature in '69, did two things. Number one, it responded to Federal criticism that the Planning Organization....."

Hon. W. Robert Blair: "Wait.. Wait.. Wait.. for a minute. See



if we can't get this noise leveled down. Now, on Third Reading, we have quite a few Bills ah.. to move today. Ah.. I'm sure that it would expedite matters if you would direct your attention and keep the noise leveled down. Proceed, Mr. Schlickman."

Eugene F. Schlickman: "House Bill 1205, as it was originally introduced did two things. Number one, it responded to Federal criticism that there was no commitment to regional planning in the Northeastern Illinois Area of the State of Illinois. And that a major criterion for this lack of commitment was assured non-federal funding of the Northeastern Illinois Planning Commission. Part I of House Bill 1205 as it was introduced established a formula for assured non-federal funding of Nipa. Specifically, it provided that annually Nipa's project was to present it to the State for its approval. Thereafter, one half of the basic operating cost of Nipa would be borne by the State. The other one half would be borne by the six Counties in the Region on a pro-rated basis according to their assessed evaluation. Part II of the Bill contains certain housekeeping matters. By Amendment offered in the Committee and adopted on the floor of the House Part I dealing with the new formula of funding was deleted. So that House Bill 1205, as we are now considering, is restricted only to certain housekeeping matters. Well ah.."

Lynn G. Brenne: "Well ah.., Representative, ah.. this brings out the point that I believe that I detect here that where-



as there was formally local funding on a voluntary basis by the municipalities in the area covered by Nipa. None of these municipalities will no longer be furnishing this funding. Now..."

Eugene F. Schlickman: "Representative, I indicated that the change in the funding of Nipa was deleted from House Bill 1205 so that the present voluntary funding of Nipa is retained. We're not making that change. That has been deleted by Amendment No. 1, to House Bill 1205. And if you'll refer to your digest dated May 11, 1972, and refers specifically to page 149, House Bill 1205, you will notice that the digest describes only the housekeeping changes."

Lynn G. Brenne: "Thank you very much."

Hon. W. Robert Blair: "Any further discussion? Would the gentleman care to close? The question is, 'shall...'"

Eugene F. Schlickman: "Mr. Speaker, in closing I would simply say this. That in 1969, the Legislature created the Legislative Advisory Committee to Nipa. That Committee consists of twelve legislative members. No public members. And, it is equally divided between the two Houses and between the two Parties. House Bill 1205, as amended, now under consideration, is a product of the first biennial activity of the Committee. As I indicated, it originally contained a revised funding provision. This has been deleted so that we are now restricted to three Housekeeping matters. The first of these is to provide that Nipa shall report annually rather than bi-annually. Number two, we give to the Commission



borrowing authority to take care of the gaps that result from the voluntary contributions. And, I should mention parenthetically, that Nipa presently is required to borrow and, on occasion is borrowing from the City of Chicago which has cooperated with the Commission in this regard. Number three, it would provide for a basis for retirement ah.. for the employees under the Municipal Retirement Fund. It is a good Bill. It has been unanimously recommended by the bipartisan advisory Committee. It would reported out of Counties and Townships without a dissenting vote. I respectfully, earnestly solicit your support of House Bill 1205 as amended."

Hon. W. Robert Blair: "Any further discussion? The question is, 'shall this Bill pass?'. All those in favor will vote 'aye', and the opposed 'no'. The gentleman from Lake, Mr. Matijevich."

John S. Matijevich: "Ah.. I.. I wonder if he'd yield? I didn't have a question until he gave his closing and in the closing he said that it was passed out unanimously by the Committee. In my digest, it said that there was a motion to discharge committee. Ah.. is that true or not?"

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Schlickman."

Eugene F. Schlickman: "Mr. Speaker and Ladies and Gentlemen of the House, in explanation of my vote, I said that it was recommended out without a dissenting vote. As far as the motion to discharge, that motion was filed either earlier this year in January or in November of 1971 when the Federal



Government was threatening the Northeastern Illinois Counties Area with a loss of a quarter of a billion dollars and we were advised that the passage of House Bill 1205 in its original form would have brought about a prevention of that loss of Federal Funding. And just last week, I had asked that that motion be withdrawn but it still appears on the calendar."

Hon. W. Robert Blair: "Have all voted who wished? The Clerk will take the record. Rayson.. 'aye'. On this question, there are 44 'Ayes', and 22 'Nays', and this Bill having failed to receive the Constitutional majority is hereby declared passed... lost. 1206."

Fredric B. Selcke: "House Bill 1206, an Act to amend Sections 5 and 6 of the 'Northeastern Illinois Planning Act'. Third reading of the Bill."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Schlickman."

Eugene F. Schlickman: "Mr. Speaker and Ladies and Gentlemen of the House, in 1957, the General Assembly created the Northeastern Illinois Planning Commission. The purpose for the Commission was to develop a comprehensive general plan for the Northeastern Illinois County's Area of Illinois. This general comprehensive plan was to be complemented by functional plans dealing with open space, waste water management, transportation, etc. The Commission at the offset as of today is advisory and nature and intended to be of assistance to local government. The Commission consists of nine-



teen members, eight of which are appointed by the Governor of the State, five of which are appointed by the Mayor of the City of Chicago, and six of which are appointed by each of the six Counties. What is absent of the composition of the Northeastern Illinois Planning Commission are representatives from the two existing regional service agencies, I.E. and the Metropolitan Sanitary District and the Chicago Transit Authority. Furthermore, the municipalities in the region outside the City of Chicago are without representation. By House Bill 1206, the Governor's eight appointments would be reduced to five, the appointments of the Mayor of Chicago would be retained at five. The County of Cook's representation would be increased from one to three. The five other Counties would each have one representation, one Representative. M.S.D. and C.T.A. for the first time would each be given a representative. And finally, five representatives would be given to an Assembly of Mayors outside the City of Chicago. And that result is to increase the size of Commission from nineteen to twenty five. The proposed changes will meet the Federal objective that Planning Commissions be oriented toward local government and further insure the broad-based participation. House Bill 1206, as in the case of 1205, is the product of the first biennial activity of the Legislative Advisory Committee to Nipa and as 1205 was reported out of the Counties and Townships Division of the Municipal Corporation of this House without a descending vote. I solicit your support."



Hon. W. Robert Blair: "Discussion? The gentleman from Lake,
Mr. Matijevich."

John S. Matijevich: "Ah.. Gene, would you yield to a question?
Ah.. Representative Schlickman, I can see where your attempting
to take some of the power of Nipa from Chicago and be broader
in the Membership of the Commission. But ah.., I sense that
ah..rather than being broad-based for all of the Counties
involved, you are only reducing the Membership of Chicago,
increasing that of Cook County, and yet, there is no guaran-
tee that those municipal authorities ah.. without Cook County
are represented. Inotherwords, what I'm getting at ah..
Cook County, it's not Chicago, Cook County ah.. still domin-
ates the Commission and this is a fixed County ah.. Planning
Commission. And, I fear that we in the outlying Counties
still aren't guaranteed the representation that I think we
deserve. After all, we are populous Counties too. And, I
see nothing, unless I'm wrong that guarantees that ah.. this
increases and gives enough adequate voice in the Commission."

Eugene F. Schlickman: "Mr. Speaker, Ladies and Gentlemen of
the House, in response to the question phrased by the Gentle-
man from Lake County. We do provide that of the Representa-
tives to be elected or Commissioners to be elected by this
Assembly of Mayors from outside the City of Chicago that
no more than two shall come from anyone County to assure
some degree of geographic distribution within the region."

John S. Matijevich: "Mr. Speaker, I only want to speak briefly
to this. Even with that explanation, Representative Schlick-



man, the fact that the County Membership has been increased, the fact that you place one representative from the Metropolitan Sanitary District, which is also in Cook County. And, two more could be from Cook County from this Assembly. I still believe that we in the outlying Counties really don't get our fair representation. Because of that, I'm going to oppose your Bill."

Hon. W. Robert Blair: "The gentleman from Lake, Mr. Murphy."

W. J. Murphy: "Mr. Speaker and Ladies and Gentlemen of the House, no disrespect to the Sponsor at all, but he did say that they're advisory nature and still advisory. Gene, that just isn't correct at all because they're the most dictatorial body you want to see. And, if you have any question about it, why they'll send you a notice now when their going to do a project in the area and you answer and object to it and you won't even get an answer to your letter. And, now as far as your Bill is concerned, your giving authority for an appointment to the C.T.A. that's an appointive body. Your giving two appointments to the County Board in Chicago and a large County, like Lake County or DuPage County, we are still getting just one appointment. And, we have a monster here that's so fantastic that you can't believe it. And, even if you had in there that they had to give me \$5,000 dollars for my campaign, I would still oppose your Bill. I think they're bad."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Kipley."

Edward L. Kipley: "Mr. Speaker and Ladies and Gentlemen of



the House, as a Member of the Advisory Committee, I very carefully studied the structure of Nipa. And as a former Mayor who has had his problems with Nipa, both pro and con, I think that I can speak with a little authority insofar as the representation and the feeling of the Mayors Associations in both Southern Cook County, Lake County, DuPage County and the whole Area. We have personally during the course of our restructuring or talking about the restructuring of this Committee have talked with the Mayors or the representatives in the various municipalities of all of the Counties that are represented. Now, Ladies and Gentlemen of the House, if we're not going to pass this Bill, we're going right back to what we had before. This is a drastic improvement insofar as the representation is concerned irrespective of Representative Murphy has said. I think that the... you have to take into consideration the fact that there are important Bodies in the City of Chicago and in Cook County which must be represented if we're going to get the kind of Federal Funds that we need. Now, this Commission Nipa, is not devoted entirely to one thing or another. It covers a wide spectrum of needs in the whole Area. And in order for us to get the representation and to get the kind of expertise that we need on this Commission, we've had to go to this kind of structuring. Now, much time has been spent, Ladies and Gentlemen, putting this together. It's a much improved Bill and I suggest that you give it considerable thought and give us a 'yes' vote, please."



Hon. W. Robert Blair: "The gentleman from Cook, Mr. Schlickman."

Eugene F. Schlickman: "Mr. Speaker and Ladies and Gentlemen of the House, in completing or concluding the debate ah.. on this Bill, should like to comment that the Northeastern Illinois Planning Commission was created by the Legislature in 1957, to develop a general comprehensive plan for the Northeastern Illinois Counties Area of the State of Illinois. Since then, the Federal Government has required that any applications for Federal Funding be submitted to the designated planning organizations for review and comment. And, that's what it is.. review and comment. Nipa has never asked for the authority to control development in the Area. It is advisory as was established by the Legislature in 1957 and is advisory under the A-95 Review Program of the Federal Government. Now, with regard to the changes that are proposed in House Bill 2106. Right now, the Governor of the State of Illinois has eight appointments. The Mayor of the City of Chicago has five and each of the Counties in the region has one. Lake County, as an example, has the statutory assurance of only one Commissioner on Nipa. By our changes, we attempt to turn this thing around. Make it more Government oriented and to reflect the factors within the region that have the effect on the planning process. Thereby, assuring that broad-based participation within the Northeastern Illinois Planning Commission. Again, I respectfully and earnestly solicit your support."



Hon. W. Robert Blair: "Further discussion? Any further discussion? Did.... Alright.. The question is, 'shall House Bill 1206 pass?'. All those in favor will vote 'aye', opposed 'no'. Have all voted who wished? Duff.. 'aye'. Have all voted who wished? The Clerk will take the record. On this question, there are 98 'Ayes', and 22 'Nays', and this Bill having received a Constitutional majority is hereby declared passed. 27... Take that out of the record. 4368."

Fredric B. Selcke: "House Bill 4368, an Act in relation to State Finance. Third reading of the Bill."

Hon. W. Robert Blair: "The gentleman from ah.. Cook, Mr. Meyer."

J. Theodore Meyer: "Thank you, Mr. Speaker. If I could have House Bills 4368 and 4369 read together, they are companion Bills."

Hon. W. Robert Blair: "Does the gentleman have leave? Does the gentleman have leave? Alright.. ah.. read the House Bill 4369."

Fredric B. Selcke: "4369, a bill for an Act to amend 'The Election Code'. Third reading of the Bill."

Hon. W. Robert Blair: "The gentleman from ah.. Cook, Mr. Meyer."

J. Theodore Meyer: "Ah.. Mr. Speaker, 4368 and 4369 are companion Bills that relate to the loyalty oath as we now have it. Ah.. House Bill 4409 is also a companion Bill. Ah.. but, I don't want is considered in this series. Mr. Speaker,



some time ago during the primary election, then Senator or Ex-Senator Eugene McCarthy, came into this State and refused to sign our candidates loyalty oath. The matter was referred to the State Electoral Board and at that time, the Electoral Board unanimously ruled that he did not have to sign the loyalty oath. Subsequent to that, the Supreme Court of the United States, April 18, 1972, affirmed the loyalty oath of the State of Massachusetts. It was upheld as a Constitutional Oath. Now, the problem we now have with our loyalty oath is that the Electoral Board has said that a candidate does not have to sign it. And, the only person that can appeal that decision is the candidate who refuses to sign it. And that, in this case, ah.. Eugene McCarthy. Now, if I could just take a moment of your time. The loyalty oath that I wish to substitute says 'That I solemnly swear or affirm to uphold the Constitution of the United States of America and of the State of Illinois. And, I will oppose the over... I will oppose the overthrow of Government of the United States and of this State by violence or any illegal or unconstitutional method'. Mr. Speaker, this is a better loyalty oath. It is a Constitutional Loyalty Oath. It is. If it is to be challenged again just as Powell and Rhendquist did not participate in the decision.. I am sure that they would vote in favor of that. This is not a repealer but a substitution of a Constitutional Loyalty Oath. Thank you, Mr. Speaker."

Hon. W. Robert Blair: "The gentleman from ah.. ah.. Cook, Mr.



Phil Collins."

Philip W. Collins: "Ah.. Will the Sponsor yield to a question, Mr. Speaker?"

Hon. W. Robert Blair: "He indicates he will."

Philip W. Collins: "Ah.. Representative Meyer, do I understand you to say that Senator McCarthy is in support of your Bill?"

J. Theodore Meyer: "No, sir. Senator McCarthy would be opposed to the Bill because this is a Constitutional Loyalty Oath."

Philip W. Collins: "Well then, it's probably a good Bill. Thank you."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Mann."

Robert E. Mann: "Ah.. Refresh my memory. Haven't some of the loyalty oaths ah.. ah.. been declared ah.. unconstitutional ah.. in the State?"

J. Theodore Meyer: "In this State? No, sir."

Robert E. Mann: "Or unnecessary?"

J. Theodore Meyer: "April 18th..."

Robert E. Mann: "The teachers. Wasn't it? The teacher's oath."

J. Theodore Meyer: "No..no.. Now wait. The latest Supreme Court decision on loyalty oath was Cole -vs- Richardson, decided April 18th of this year. And, the decision is that the loyalty oath is constitutional."

Robert E. Mann: "But, wasn't there some litigation involving teachers? Ah.. in which the teachers were not required to sign loyalty oaths."

J. Theodore Meyer: "Ah.. Now that.. that.. That's 4409. This Bill only relates to candidates for State Office and State



Employees. It doesn't relate to teachers. The third Bill in this series relates to other public employees."

Robert E. Mann: "Well, just one question. Why do you ah.... Why do you think we need it? Ah.. in other words..."

J. Theodore Meyer: "Well, McCarthy didn't have to sign it. The Electoral Board said he didn't have to sign it. Our loyalty oath as it is a nullity because it isn't enforced by the Electoral Board."

Robert E. Mann: "Well, how do you know that this will be?"

J. Theodore Meyer: "Yeah... How do you know it won't. You know, the Supreme Court said that this is a constitutional loyalty oath less than a month ago."

Hon. W. Robert Blair: "Alright... Further discussion? Would the gentleman care to close?"

J. Theodore Meyer: "I urge the support of this Bill, Mr. Speaker."

Hon. W. Robert Blair: "Alright... The question is, 'shall these two Bills pass?'. All those in favor will vote 'aye', the opposed 'no', and the Clerk will take two Roll Calls." Have all voted who wished? The Clerk will take the records. On this question, there are 126 'Ayes', and no 'Nays', and each of these Bills having received the Constitutional majority is hereby declared passed. For what purpose does the gentleman from ah.. Cook, Mr. Meyer, rise?"

J. Theodore Meyer: "Mr. Speaker, if you'd be generous enough to hear 4409. It's a companion Bill to the same subject."

Hon. W. Robert Blair: "Well ah.. I'll get to it in just a min-



ute. Ah.. Shapiro.. 'aye'. Now, I have here on the ah.. platform with me ah.. six participants in the Caribbean Politics and Media Group. They've been visiting in the United States under the auspices of the International Visitors Program of the United States Department of State. They are here today accompanied by Clascenna Harvey, Administrative Assistant in the Tourism Division of the Department of Business and Economic Development, and Mrs. Stephen Bartholf, Member of the Springfield Commission on International Visitors. I would like to introduce ah.. each of them from Guiana, ah.. Mr. Cecil A. Griffith, who is the News Editor of Radio Station G.B.S., ah.. Mr. Ulrics Mentus, the Editor of the Sunday Graphic, Mr. Cecil C. Ogle, who is the Assistant Secretary of the Peoples National Congress Political Party. From Jamaica, Mr. Ulric D. Simmonds, Executive Editor of the Daily Gleaner, Mr. Constantine T. Walters, Manager of News Jamaica Broadcasting Corporation. And from Trinidad, Mr. John Babb, Political Editor of Trinidad Guardian. And, they are escorted by Mr. Slaybecker. Is there a spokesman from the group that would like to say a few words? Good.. This is Mr. Griffith? Alright."

Cecil A. Griffith: "Mr. Speaker, Members of the House, on behalf of Members, if I might say, my delegation from the Caribbean. We would like to express our thanks to you and Members for allowing us to spend a short time to hear the debates of the Assembly. Since our arrival in the United States, I think that I would be speaking on behalf of the



Members from the Caribbean, ah.. if I say that it's, in the first place, we have been and we have been to three other places within the United States in which we felt very much at home. Because you are able to see farm lands, ah.. green grass, ah.. and we were able to meet with people who, once again, give us the... the impression that there are still people in the United States of America who are willing to speak to us and were not too very busy, ah.. in their daily chores. It's very very revealing ah.. for us to see in this.. in Springfield that there are several, especially in the Agricultural sector, several things which are related to the development... the economic development of all individual territories. And although, we come from Jamaica, Trinidad, Guiana, we have something in common because we are all tied into the Caribbean Trade Association which is economic. And, we hope that in future years, we will also be tied political-ly. Speaking for myself, who ah.. did some coverage of parliament back home, it's quite an iota to see how Members behave in the House as it were. Ah.. I think that this is... that this is where the British which we have adopted. The British, we have parliamentary procedure. It is different to the American way because in our House in parliament, and we have a one chamber parliament, Members are not allowed to smoke, to abuse their no facilities to telephone. You must wear your coat. And, it's good to see ah.. this freedom which exists in this legislature. Once again, on behalf of ah.. Members from the group from the Caribbean, thanks again



for allowing us to participate in your deliberations. Thank you."

Hon. W. Robert Blair: "Now, Mr. Meyer, what was that other Bill?"

J. Theodore Meyer: "4409, Mr. Speaker."

Hon. W. Robert Blair: "Alright.. 4409."

Fredric B. Selcke: "House Bill 4409, 'An Act to require an oath or affirmation of loyalty by public employees'. Third reading of the Bill."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Meyer."

J. Theodore Meyer: "Mr. Speak.. Mr. Speaker, this is a companion Bill to the.. to the subject that we were just in. This creates a loyalty oath for all other public employees other than State Employees. Mr. Speaker, if I may take a few moments of the time of this Chamber. The decision that I eluded to, Cole -vs- Richardson, the facts of this case were that an employee of a Boston State Hospital refused to sign the loyalty oath. And, from that, the case originated. On a 4/2 decision which upheld the constitutionality of the State.. the commonwealth of Massachusetts requiring that all public employees sign this loyalty oath. It was upheld and here are the provisions of the decision. The oath provision of the United States Constitution are not incon.. con.. are not con.. inconsistent with the first Amendment. That the provision uphold and defend, is constitutional and permissible. To oppose and overthrow is constitutional. The oath is not void for vagueness. And, here is the signi-



ficant point of this decision. There is no constitutionally protected right to overthrow this Government by force, violence or illegal methods. Again, Mr... Mr. Speaker, this oath would apply to teachers, street sweepers, all people who are... who are public employees, who are being paid by taxpayers money. It is constitutional and I urge its support."

Hon. W. Robert Blair: "Are there fur... The gentleman from Cook, Mr. Jaffe."

Aaron Jaffe: "Would the gentleman yield to a question?"

Hon. W. Robert Blair: "Yes... He indicates he will."

Aaron Jaffe: "Now, what happens in the event that one lies while giving this oath?"

J. Theodore Meyer: "Pardon me."

Aaron Jaffe: "What would happen under your Bill if someone would lie while giving the oath?"

J. Theodore Meyer: "It's an.. It's an oath and it's... It's perjury. You're ah.. subject to dismissal by the ah.. employer. In this case, the State or the School District."

Aaron Jaffe: "And you say that this would ah.. apply to street sweepers."

J. Theodore Meyer: "Everybody. Everybody who is paid by taxpayers money."

Hon. W. Robert Blair: "The gentleman for Cook, Mr. Berman."

Arthur L. Berman: "Ah.. would the Sponsor yield? How does this Bill differ from what you wanted to do with the two previous Bills?"



J. Theodore Meyer: "This Bill extends it to all public employees. The present State Loyalty Oath applies only to State Employees. This is all public employees. Anybody who is paid by taxpayers dollars."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Rayson."

Leland H. Rayson: "One more question to the gentleman. Do I understand since it then applies to all employees, is it the same loyalty oath, the same verbatim type of language that would be applicable to all?"

J. Theodore Meyer: "Pardon me."

Leland H. Rayson: "Is it the same language in this loyalty oath as in the other one?"

J. Theodore Meyer: "Yes, sir. The same oath for candidates, State Employees and all other public employees."

Leland H. Rayson: "And, in ah.. separate ah.. court decisions, these matter have been held up..."

J. Theodore Meyer: "Yes, sir. April 18th, 1972."

Hon. W. Robert Blair: "The gentleman from Lake, Mr. Matijevich."

John S. Matijevich: "Would ah.. the gentleman yield to one question?"

Hon. W. Robert Blair: "He indicates he will."

John S. Matijevich: "Ah.. Representative Meyer, I was off the floor when some of this was going on. Now, some people, because of their religious affiliation ah.. make no oath or affirmation. It's contrary to their religion beliefs. Now, under your Bill ah.. would this particular person be deprived of employment ah.. because of failing to take an



oath? In other words, as I understand it, the public employ-
ees don't have to make an oath now. Are we adding a burden
to someone because of their religious beliefs may be de-
prived of ah.. earning a living?"

J. Theodore Meyer: "The Bill says that 'I, John Doe, do
solemnly swear or affirm'. They don't have to take an...
They don't have to swear to it. But, they do have to affirm
to it."

John S. Matijevich: "Ah.. Representative Meyer, if they fail,
would they be guilty of perjury?"

J. Theodore Meyer: "pardon me. You mean if they refuse to
sign it."

John S. Matijevich: "Well, then it has no validity."

J. Theodore Meyer: "No... No..."

John S. Matijevich: "If somebody says that I refuse to sign
it...."

J. Theodore Meyer: "It's a condition preceding public employ-
ment."

John S. Matijevich: "Well, if they signed it against their
religious beliefs, ah.. what would that..."

J. Theodore Meyer: "Well.. then I suppose that they would go
to hell, if that's against their religious beliefs."

John S. Matijevich: "Well, you wouldn't want to see anybody
go to hell because of your Bill. Would ya?"

J. Theodore Meyer: "They'd meet a lot of friends up there.
I'm sure."

John S. Matijevich: "It's down there."



J. Theodore Meyer: "Down there."

Hon. W. Robert Blair: "Further discussion? Would the gentleman care to close?"

J. Theodore Meyer: "Ah.. Mr. Speaker, I... I'd like to ah.. just again quote from one line of the decision. 'There is no constitutionally protected right to overthrow a Government by force, violence or illegal or unconstitutional methods... means'. I urge support of this Bill, Mr. Speaker."

Hon. W. Robert Blair: "Are there furth.... Alright.. The question is, 'shall this Bill pass?'. All those in favor will vote 'aye', and the opposed 'no'. The ah.. gentleman from Cook, Mr. Mann."

Robert E. Mann: "Ah.. Mr. Speaker, I voted for the ah.. earlier Bills because, I myself, have no reservation about signing loyalty oaths. However, I think that the question that was raised by Representative Matijevich was not answered by Representative Meyer. Now, I agree with Representative Meyer, that no one has the constitutional right to overthrow the Government. However, we do have constitutional rights to practice ah.. free exercise of religion. And, I think that this Bill impinges upon that right. And, for that reason, I am going to vote 'no'."

Hon. W. Robert Blair: "The gentleman from DuPage, Mr. Hudson."

George Hudson: "Mr. Speaker, Ladies and Gentlemen of the House, I have voted 'yes' on this Bill because I don't think that anybody, if they have any reservation about the violent overthrow of our Country, of necessity is forced into taking



a public job. If they have reservations to this provisions, I think that they have a constitutional right and indeed the freedom to choose employment elsewhere. I see no conflict here and no abridgement of liberty in any real sense. And, I therefore, support this. And, I think it's an eminently good Bill. I think a free society has an obligation, has a right, indeed an obligation to protect itself against those who would destroy and the freedoms of all ah... beneath its protection. I'm proud to vote 'yes' on this Bill."

Hon. W. Robert Blair: "Have all vote who.... The gentleman from Lake, Mr. Matijevich."

John S. Matijevich: "Mr. Speaker, I would like to explain my vote. You know every environmentalist ought to be voting against this Bill. Because if there's any waste of paper, it's this Bill. And I'll tell you, we waste a lot of paper in State Government. Now, I voted for other Bills ah.. in relating to elected public officials, public officials responsibility. But really, you know, if someone had an inclination to overthrow the Government, they're surely not going to celebrate the fact. You know, the man who shot Governor Wallace yesterday, from my information, was wearing a Wallace Button. Now, all this is, is really a waste and we know it. It's an emotion and we know it. And, it really will accomplish nothing. So, therefore, I vote 'no'."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Bluthardt."

Edward E. Bluthardt: "Mr. Speaker and Members of the House, I wish to explain my vote very briefly. I certainly ah.. don't



believe that anyone has the right to overthrow the Government by force or illegal means. Yet, I don't know how else they could do it. Nevertheless, I'm not voting against this Bill because of that provision. I'm voting against this Bill because I think that this Government is going crazy. I think that we're going crazy with paper work. There's reams and reams of paper. I can imagine what's going to happen to every City and Village where each employee in the Street Department, Water Department, Fire Department, Police Department, everybody employed as a Clerk, as a part-time helper or any other means is going to have to fill out an oath that he is loyal to our Government and that he's not going to advocate the overthrow of our Government. I think that it is ridiculous. I think that we're getting away from reality when we impose this type of obligation on every employee. Therefore, I'm voting against the Bill."

Hon. W. Robert Blair: "Have all voted who wished? The Clerk will take the record. On this question, there are 119 'Ayes', and 26 'Nays', and this Bill having recieved the Constitutional majority is hereby declared passed. House Bill 4353."

Jack O'Brien: "House Bill 4353, a bill for An Act to amend the 'Workman's Occupational Diseases Act'. Third reading of the Bill."

Rep. Arthur A. Telcser: "The gentleman from Bureau, Representative Barry."

Tobias Barry: "I would take this Bill with 4354."

Rep. Arthur A. Telcser: "Are there any objections? Hearing."



none, will the Clerk please read House Bill 4354?"

Jack O'Brien: "House Bill 4354, a bill for an Act to amend 'Workmen's Compensation Act'. Third reading of the Bill."

Rep. Arthur A. Telcser: "The gentleman from Bureau, Representative Barry."

Tobias Barry: "Mr. Speaker and Ladies and Gentlemen of the House, these two Bills amend the 'Workmen's Compensation and Occupational Diseases Act' in the same manner as the Governor's amendatory veto. And, I do it for the reason that there will be no question about the effective date or no question about the value or lack of value of the amendatory veto process. It doesn't change the ah.. exacter version as we adopted, suggested by the Governor which generally was a 20 percent increase in Workmen's Compensation. But, it does clarify a couple of constitutional questions regarding the effective dates of that... of those changes. And, I recommend the approval of the Bills."

Rep. Arthur A. Telcser: "Is there any discussion? The question is, 'shall House Bill 4353 and 54 pass?'. All those in favor will signify by voting 'aye', the opposed by voting 'no', and the Clerk will take two Roll Calls. Have all voted who wished? Take the record. Schneider.. 'aye'. On these questions, there are 133 'Ayes', and 8 'Nays', and these Bills having received the Constitutional majority are hereby declared passed. House Bill 4162."

Jack O'Brien: "House Bill 4162, a bill for an Act to amend the 'National Guardman's Compensation Act'. Third reading



of the Bill."

Rep. Arthur A. Telcser: "The gentleman from Cook, Representative Regner."

David J. Regner: "Mr. Speaker, Ladies and Gentlemen of the House, this Bill amends the 'Illinois National Guardman's and Naval Militiaman's Compensation Act' and it substitutes a court of claims for the Attorney General as the place for filing ah.. of the claims and it's effective immediately. The court of claims has had the responsibility in the past after the transfer to the Attorney General. And, both the Office of the Attorney General and the ah.. State of Illinois Court of Claims are in agreement with this Bill. And, I would urge a favorable vote."

Rep. Arthur A. Telcser: "Is there any discussion? The gentleman from Cook, Representative Richard Walsh."

Richard A. Walsh: "Will the gentleman yield?"

Rep. Arthur A. Telcser: "He indicates he will."

Richard A. Walsh: "Dave, have we enacted any legislation which continues the court of claims in existence under the new Constitution?"

David J. Regner: "I don't know of any, Dick."

Richard A. Walsh: "Ah.. ah.. do we have some... ah.. ah.. I.. I know that the new Constitution requires the legislature to take some action as to whether or not the court of claims would remain in existence. Alright.. Thank you."

Rep. Arthur A. Telcser: "Is there further discussion? The question is, 'shall House Bill 4162 pass?'. All those in



favor signify by voting 'aye', and the opposed by voting 'no'. Have all voted who wished? Take the record. On this question, there are 141 'Ayes', and no 'Nays', and this Bill having received the Constitutional majority is hereby declared passed. House Bill 4128."

Jack O'Brien: "House Bill 4128, a bill for an Act to create the 'Litter Control Act'. Third reading of the Bill."

Rep. Arthur A. Telcser: "Ah.. the gentleman from Cook, Representative Fleck."

Charles J. Fleck: "Mr. Speaker, Ladies and Gentlemen of the House, this Bill, under the hard work and the efforts of the recycling Committee, the Committee of Environment, Members, Representative Campbell and Jaffe have submitted as a better control Act after much work. What it does is simply present a comprehensive package regarding the ah.. litter that we have and package it up and set forth regulations on how it should be controlled. Simply what it does is provide penalties for the accumulation of litter on private property when a person is not the lawful tenant or owner of the property. It provides that a person who litters from a motor vehicle that it would be a moving violation on their driving record. It provides penalties for littering the waterways, the drainage ditches which is a problem Downstate. And, it also provides that 'The School Code' be amended to permit driving training courses to include provisions of the 'Litter Act' be taught in those courses. And, also provides that in the Drivers License Examination Test that appropri-



ate provisions of this Bill would be questions on that examination. I solicit your support."

Rep. Arthur A. Telcser: "Is there any discussion? The gentleman from Vermilion, Representative Craig."

Robert Craig: "Mr. Speaker and Members of the House, I feel that the littering problem is maybe a problem. But, to tie this throwing litter on a highway to your automobile license, I think is a rather rough way to go about it. It seems like every time that anybody wants to correct something, they want to tie it to the drivers license. And I don't think, it's like a few years back, we raised the fine from \$50.00 to \$100.00 for dumping trash on the highways. And, I said then, it's not the penalty that's going to make any difference, it's ... or the fine, because the man who dumps these cans or bottles in a sack full or in bushel baskets on these highways, he's going to do that and you're not going to catch him. But if some us is riding down the highway and we accidentally throw a little piece of paper out of the window and we're meeting a cop, he can put that down as a moving violation. And, we only have three of them before your license is suspended. Now, I personally can not see this method of attacking this problem. And, I appreciate if you'd vote against this kind of measure."

Rep. Arthur A. Telcser: "The gentleman from Cook, Representative Rayson."

Leland H. Rayson: "Ah.. would the gentleman yield to two questions?"



Rep. Arthur A. Telcser: "He indicates he will."

Leland H. Rayson: "First, Representative Fleck, with reference to a vehicle or a boat that's non-moving, ah.. does this Act apply? Only for moving vehicles or ah.. does another Section of the 'Litter Act' apply?"

Charles J. Fleck: "Well, Representative Rayson, it deals with the operation of a motor vehicle and it's... in my experience, the operation of a motor vehicle is when a person is in control of it and as when the ignition is on. So, if a person is sitting with an idling engine, he would be operating his motor vehicle."

Leland H. Rayson: "And if he's parked only and throw something out?"

Charles J. Fleck: "That would not come under it."

Leland H. Rayson: "Alright.. with reference to gasing up a boat at the pier and you have..."

Charles J. Fleck: "Wait.. If I might interrupt you there and point out that there was an Amendment which ah.. excluded littering from water vessels due to the fact that this is covered by the 'Boat Registration Act'.

Leland H. Rayson: "In the area of spillage of gas?"

Charles J. Fleck: "From... from vessels. From water vessels. Now, this does not exclude littering or throwing personal property and debris into waterways from the ground, docks or piers, but from the vessel itself or the spillage of gasoline is covered by the 'Boat Registration Act'."

Leland H. Rayson: "Thank you."



Rep. Arthur A. Telcser: "The gentleman from DuPage, Representative Hudson."

George Hudson: "Will the Sponsor yield for a question?"

Rep. Arthur A. Telcser: "He indicates he will."

George Hudson: "Charlie, I note here in the digest. It says, that it amends the 'Environmental Protection Act' to authorize Pollution Control Board to develop a State Ecology Symbol or Logo suitable for affixing the State-owned motor vehicles and etc. What..."

Charles J. Fleck: "Ah.. Representative Hudson, ah.. by Amendment, the ah.. Pollution Control Board was taken out of the Artist Business and that ah.. was excluded from the Bill on Amendment. So, at this time, there is nothing, no responsibility placed on the Pollution Control Board to develop or design any State Ecology Symbol. What they are going to do, from what I understand, talk with Michael Schneiderman and some of the other people over there at the Institute. They're going to run a contest for the High School children in this State and the best design would be adopted by the Pollution Control Board."

George Hudson: "Thank you, sir."

Rep. Arthur A. Telcser: "The gentleman from Peoria, Representative Tuerk."

Fred J. Tuerk: "Would the Sponsor yield to a question?"

Rep. Arthur A. Telcser: "He indicates he will."

Fred J. Tuerk: "The synopsis, Charlie, ah.. has one clause in it that I wish you'd elaborate just briefly. It says here,



'or for failure'. It's in relation to penalties, 'or for failure to provide the litter receptacles in certain cases' What does that mean?"

Charles J. Fleck: "Well, the Bill provides that in your areas of public assemblage, and those areas of public assemblage would be like McDonald Hamburger stands, various outdoor places of gathering, shopping centers, arenas, arcades. This would be areas of public assemblage and the Pollution Control would adopt regulations requiring the proper size and number of receptacles, depending on the impact and the density of the people that are using those facilities."

Fred J. Tuerk: "Well, let's assume for a moment we have a park situation where there aren't receptacles in a park. But, does this Act provide that there has to be a number of receptacles every so many feet or ah.. who is to determine the number of receptacles per square foot?"

Charles J. Fleck: "The ah.. Secretary of Transportation in the wayside areas and the areas along the highways and in areas where motor vehicles and roads would be. When you get to the parks, it's the Director of Conservation who would prescribe the types of litter receptacles and their placements."

Fred J. Tuerk: "Well, would the receptacles have to be a certain size, dimension, etc., etc.?"

Charles J. Fleck: "It.. it wouldn't have to be certain dimensions. It would just be large enough and suitable enough so that it could carry and contain the litter that that particular area would generate. There's nothing where the



people are going to get tied down to a 4 X 8, and there is trouble if they don't have a 4 X 8, but a 4 X 8 and a half."

Rep. Arthur A. Telcser: "The gentleman from Cook, Representative Duff."

Brian B. Duff: "Mr. Speaker, I would like to speak in favor of this Bill."

Rep. Arthur A. Telcser: "Proceed, sir."

Brian B. Duff: "I feel ha.. and we all know ah.. the problem of ecology in this Country. We're all aware of the constant conversation about the increase in population. Here's a Bill that the Environment Committee and the Sub-Committee worked on hard. Ah.. it's a concept that ah.. that I think should be very strongly encouraged in this Country. We hear the talk about the cost of cleaning our highways. We hear talk about the problem of educating our children. For the best answer to pop... to litter control, ah.. all of these things have been included into this Bill. I think that it is an excellent effort. I think that it's the kind of thing that the Sponsor should be commended for. And all of us, who are interested in a clean world, should support."

Rep. Arthur A. Telcser: "The gentleman from Cook, Representative Yourell."

Harry Yourell: "Would the gentleman answer... respond to a question?"

Rep. Arthur A. Telcser: "He indicates he will."

Harry Yourell: "Representative Fleck, in your Bill ah.. does it provide for ah.. policing of drive-in restaurants where a



car hop places the ah.. tray on a car and the wind, for example, will blow the articles of paper and so forth off the tray into the parking lot? And, I understood you to say that the motor had to running in order for this violation to take place. How are the police going to enforce this on private property? And, what would be the situation where ah.. local level of Government... units of Government have already adopted ordinances covering this very same thing?"

Charles J. Fleck: "Well, to answer you first question. To be perfectly honest in theory, that would be a littering situation, but I don't think that that piece of paper would have much impact at the time, because you know the owners of the drive-in restaurant do clean around the drive-in areas. At least, they should be. So, theoretically, that would be littering. You and I know that it is littering, but, I don't think that anyone would be charged with littering. Now, in answer to your second question, the ah.. Bill provides that if a local municipality has a specific problem which they want to direct themselves to by ordinance that the only prohibition they have is that that ordinance must be at least as stringent as the Bill... as the State Bill here which we have. Now, this Bill is fairly general and the only real kicker that has a lot of value and is, the moving violation aspect, and this is directed primarily at people who are down the highway from these various drive-in restaurants and start throwing out bags of garbage. Recently, there was a test made to this... to determine the amount of bags and litter



from a drive-in restaurant that is Downstate. And, they found that most of the littering and bags from this restaurant appeared approximately a mile and a half to three miles away from the restaurant indicating that the people would go in and buy their food and eat it in the car and throw it out. A couple of blocks away, there was very little litter, but it was the people who were driving and eating and throwing out of the automobile while it was actually moving down the highway."

Rep. Arthur A. Telcser: "The gentleman from St. Clair, Representative Lehman."

Edward Lehman: "Thank you, Mr. Speaker. I move to the previous question."

Rep. Arthur A. Telcser: "Previous question has been moved."

All those in favor signify by saying 'aye', the opposed 'no', and the gentlemen's motion prevails. And, Representative Fleck is recognized to close the debate."

Charles J. Fleck: "Mr. Speaker and Ladies and Gentlemen of the House, I'm having a difficult time trying to understand all of the flak concerning this Bill. The purpose of this legislation is to put the burden on the consumer where I think that it properly belongs. I don't think that the answer to the problem of recycling and littering is going to be one where you punish businesses by putting high deposits on bottles, and thereby indirectly, punish the consumer, who has to pay for these bottles. You don't do it by putting prohibitions on the types of materials they can use making



only returnables and not disposables, because it has been shown that people will dispose the returnables. And, I don't think that you're going to do it without threatening the consumer that he might have a violation on his drivers license if he doesn't straighten up his act by keeping the roads and the waterways of this State clear. I want to point out that the removal of litter is also a rather expensive proposition. Two years ago, the State of Illinois, and this is a very conservative estimation, spent in the area of \$11,000,000 dollars. This has to do with County Highway Departments, State Highway Departments and the Department of Conservation. They did not remove all of the litter. They did not clear all of the waterways of the abandoned automobiles, the ice boxes, refrigerators and stoves that are lying around, but they did the best they could. And, still \$11,000,000 dollars was expended. I think that this a very good Bill. And, as I said, it puts the hardship on the... on the pigs and not the people. And, I solicit your affirmative support."

Rep. Arthur A. Telcser: "The question is, 'shall House Bill 4128 pass?'. All those in favor signify by voting 'aye', and the opposed by voting 'no'. The gentleman from Macon, Representative Borchers to explain his vote."

Webber Borchers: "I want to point out the one.. the one trouble with this Bill that could be very expensive. If you noticed, Representative Fleck said in relation to the cost of the State of Illinois. Well, this is true. I accept that. I



do not think that this Bill will necessarily stop people from driving down the road from throwing litter out along the highway. I think that you'll still have the same cost. But, it does one serious thing. For example, with us on our own land, there's never a year that goes by that we do not have an abandoned automobile. Now, it forces us... Now, we take care of them. We get rid of them. But, on lots in town and property for ah.. for ah.. ah.. in the Cities and adjacent to the Cities, it will force land owners who are perfectly innocent to go to the same tremendous expense that has just been stated by ah.. Representative Fleck. That, they will be forced out of their pocket to ah.. to ah.. to clean up regularly areas that are continually littered and dumped on by.. by individuals who could care less and whose names you do not know. It will be a tremendous cost upon the people that own land and property adjacent to Cities and in the Cities themselves. And, I don't think that we should put this kind of burden upon them."

Rep. Arthur A. Telcser: "The gentleman from Bureau, Representative Barry, to explain his vote."

Tobias Barry: "Mr. Speaker and Ladies and Gentlemen of the House, I had a question that perhaps the Sponsor can answer me. I wonder whether or not there were any restrictions in the Bill for advertising ah..? Ah.. I wonder, for example, whether each one of these contenders might say ah.. on all four sides, Charlie Fleck for Representative? If there are any such restriction built into the Bill, and of course,



that could be used by any administration in power from time to time, Charlie."

Rep. Arthur A. Telcser: "Representative Fleck, in explaining his vote will answer your question."

Charles J. Fleck: "As I said earlier, Toby, there is no... there are no restrictions, but the Institute of Environmental Quality is running.. is going to run a contest where the High School children are going to submit designs for an Ecology Symbols. And, I would imagine, that this would go on the various receptacles."

Rep. Arthur A. Telcser: "Have all voted who wished? The gentleman from Lake, Representative Matijevich, to explain his vote."

John S. Matijevich: "Mr. Speaker and Members of the House, having had some experience with law enforcement and knowing that we have on the books right now laws relating to litter, I think that many of you realize that it is practically impossible to enforce these laws. Now, we're putting a further burden with regards to the drivers license. And, I think that we ought to take away someones driving privileges if they can't drive or they're not responsible drivers.Ah.. first of all, we, in the years back, tried to punish the kids who might imbibe in few drinks and take their driving privileges away from them. And now, someone might flick an ash out of the car and, you know, sometimes it's very deceiving when you're behind a car to determine what that arm is doing when it's out the window. And now, we're re-



lating that to possible loss of driving privileges. I can foresee that someone holding hands in a car that we are going to relate that to driving privileges also. I think that we ought to separate these things. And furthermore, I know that this law isn't going to be enforced. It sounds good. It's going to get you a flag for the Environmental Vote, you know ah.. so, you're going to look good as a Environmentalist. But, frankly again, I think it's just a waste of paper. Ah.. The Department... I think ah.. through administrative channels can right now, when they send out literature ah.. remind people that they ought to keep the highways clean. Ah.. most of this littering is done not from a moving vehicle, but when someone might stop and have a few beers off the highway and throw cans off the highway. So, I don't think that we're doing anything but really trying to make ourselves look political. And, I don't think that that's necessarily proper in this case. And, I vote 'no'."

Rep. Arthur A. Telcser: "The gentleman from Cook, Representative Palmer, to explain his vote."

Romie J. Palmer: "Mr. Speaker and Members, I think ah.. much more is involved here than just throwing a scrap of paper or something else out of an automobile. There may be some duplication of law insofar as the Environmental Protection Act is concerned. There may be some duplication in the law insofar as the municipalities are concerned. I do not quarrel with the objectives. I think that the objectives in this Act are good. I think that the penalties and I have no



quarrel with the penalties. But, I do have some concern about it's over-reach inssofar as other Governmental Units are concerned. For that reason, I vote 'present'."

Rep. Arthur A. Telcser: "Have all voted who wished? Record Representative Palmer as voting 'present'. Have all voted who wished? Take the record. On this question, there are 117 'Ayes', 20 'Nays', and this Bill having received the Constitutional majority is hereby declared passed. House Bill 4079."

Jack O'Brien: "House Bill 4079, a bill for an Act to amend 'The School Code'. Third reading of the Bill."

Rep. Arthur A. Telcser: "The gentleman from Cook, Representative Moore."

Don A. Moore: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 4079, Mr. Speaker, amends Section 10-21.3 of 'The School Code', which, in effect, provides children must be assigned to schools and taken to new attendance centers created in such a manner as would take into consideration the full educational development of each child's learning potential regardless of race, color, nationality of the child. This is in conformity with Article 10, Section I, of our new Illinois State Constitution. A problem has arisen in my District and many other Districts in the State of Illinois on the States' Superintendent of Public Instruction's Guidelines whereby he states that 'A public schools whose proportion of Whites, Blacks, Spanish speaking, American Indians, Oriental pupils or Administrative Faculty and Staff



Personnel fails to reflect within 15 percent the proportion of such pupil and personnel within the district as a whole that the grade levels maintain. Now, this has created a tremendous problem, Mr. Speaker. It is in effect annihilating the.. the neighborhood school system that we have. Ah.. this mathematical ratio, in my opinion, is gone. The White people in my District as well as the Black people in my District are opposed to having the children bussed just for the sake of bussing. And, what my Bill does, and I would just like to read one part of the new language, 'Pupils shall be assigned to the several schools in such a manner that will take into consideration the full educational development of each pupil commensurate with the pupil's learning potential regardless of color, race or nationality of the pupils. In affect, Mr. Speaker, what this Bill does, it does not prevent bussing. It gives the School Boards, the elected School Officials the opportunity to do whatever they can to develop and to increase the educational affluency of children regardless of what area they live, what school they live. If they have to bus to achieve this, to achieve the highest potential of any student regardless of race, color or creed, they can bus. But to bus just for the sake of bussing, in my opinion is wrong. The people in my District feel that it's wrong, the Black and White alike. They want the neighborhood school system. First thing somebody does when they go out and buy a home, they look at the school system. Where's the School? How far away is it? The parents are concerned



inssofar as the safety of their children travelling long distances, the cost of this additional bussing just for the sake of bussing, the time that the kids are away from home, in some cases as long as a hour when they could be home in five or ten minutes. Ah.. I believe that this is a good Bill. It does not in any way affect the long-standing authorities that we have, not only in this State in our Courts, but in the Federal Courts inssofar as segregation or integration is concerned if a School District is gerrymandering a District around so as to keep the Blacks in a Black School, they're wrong. They can be stopped. They can be stopped in the Courts. They can be stopped by the State Superintendent of Public Instruction Office. This has happened in the State of Illinois in many of our School Districts. So, I think that, although ten years ago when the Armstrong Act was originally passed, there was a problem in the State of Illinois. But, since that time, with the various Court decisions, with the legislation that this General Assembly has passed which is Law now, we no longer have that problem. I believe that this is a good Bill, Mr. Speaker. As I said, all this Bill says is that you can bus for quality education, but you don't have to bus just for the sake of bussing, shuffling kids around from one school to another. Often times, the emotional problem that comes out with the mixing of children ah.. has a greater deterrent on the childs' learning ability than it does good. Ah.. our education system in this State should be color blind. It should be our



goal to achieve the maximum potential of every school child, because we are mandated by the Constitution. And, Mr. Speaker, I feel that this is a very excellent Bill and I would solicit favorable consideration by this House."

Rep. Arthur A. Telcser: "The gentleman from Cook, Representative Rayson."

Leland H. Rayson: "Well, Mr. Speaker and Members of the House, I rise to oppose this Bill. Now, I feel as the Representative in the #9 District feels that bussing is a problem and certainly in the Ninth District as it is in so many Districts and it's such a vexing problem all over. But, we have ah.. Court cases and ah.. Constitutional strength to suggest that we don't write them a mellifluous Bill suggesting something wonderful but at the same time emasculate the Armstrong Act in Illinois which has been one of the important things to try to get quality education for pupils wherever they might be. Now, I might say that everyone should be for the consideration expressed in this Bill. That the assignment of pupils should be for the full educational development of each child, commensurate with each child's potential regardless of race, creed or color. This sounds good, but, the gentleman, the Sponsor removed from the Bill the other considerations, the prevention of segregation and the elimination of separation of children in public schools because of color, race or nationality of the child. Now, he apparently does not like what Dr. Bakalis is trying to do and that is that he's trying to live up to Supreme Court Cases and pursue



quality education for all people. And, that's a monumental task. And, I submit to you, Mr. Speaker, that when we have sort of a sickness pervading in this field, the best way is to not shoot the doctor. I suggest that by removal of this language, we're eroding the Armstrong Act, the Constitution and really playing into the hands of people who express their fears and concerns. If not, their latent tendency is to say that bussing is not good because it ah.. creates home problems with regard to race. So, I'm submitting to you that this Bill, as it stands, by taking the heart out of the Armstrong Act and emasculating suggests that we we're to pass this Law and forbid assignments of pupils on the basis of race, this would deprive school authorities of the one too absolutely essential to the fulfillment of their Constitutional obligation to eliminate existing dual... school systems. So, I say to each and everyone of you, it's nice ride the bussing issue, but, I think as Representatives here in this State, we should be responsible. And, it's up to us to lead and it's up to us to follow the Law."

Rep. Arthur A. Telcser: "The gentleman from Cook, Representative Scariano."

Anthony Scariano: "Mr. Speaker, I wonder if the Sponsor would yield for a couple of question?"

Rep. Arthur A. Telcser: "He indicates he will."

Anthony Scariano: "Ah.. Don, how as a Lawyer do you propose by a simple statutory Amendment to repeal the 14th Amendment of the Constitution of the United States?"



Don A. Moore: "I don't intend to do that ah., Tony. If you'd look at the language that is left in the Bill, on Page 1, Lines 29,30 and 31. And I add after the new language is put in that ah.. the consideration for co-educational development of each pupil commensurate with the pupil's learning potential regardless of color, race or nationality of the pupil. And then, the present Law remains the same. But, no pupil shall be excluded from or segregated in any school on account of his color, race or nationality."

Anthony Scariano: "Well, Mr. Speaker, I want to address myself to this Bill, because...."

Rep. A thur A. Telcser: "Proceed, sir."

Anthony Scariano: "Because it's clearly unconstitutional. The Majority Leader the other day got on radio and was talking about Judicial Activism, Judicial Absolutism and Judicial Elitism. If you want to send another Bill from this Legislature to the Supreme Court of the State of Illinois or to the Supreme Court of the United States, then this one will be quickly declared unconstitutional because it repeals the 14th Amendment of the United States and it repeals the Equal Protection Clause of the State Constitution. Now, by simply amending the Armstrong Act or repealing it, you do not get around these Constitutional questions. The Schwann Case in April of last year upheld that bussing was perfectly constitutional in order to achieve racial integration, that that was the only way to obtain it. Now, this Bill clearly forbids bussing but goes to a separate but equal situation.



This is Blesse -vs- Ferguson all over again. And, it is separate but equal. If you'd read this Bill, it says simply, 'All other things being equal, you can not segregate or you can not integrate nor can you prevent segregation or separation on the basis of color or race alone'. This is a hoax on the people of the State of Illinois. It's telling them that their going to forbid that the legislature is going to forget bussing. This Legislature can not do it under the Constitution of the United States or under the Constitution of the State of Illinois. I submit to you that if you read this Bill, you don't even have to read it carefully, and you might ask, and that's another question that I'd like to ask, just exactly what is the language 'full educational development of each child commensurate with each child's potential', mean? I think that we are entitled to an explanation of that. Nobody in the Education Committee seem to know what that Clause meant. But, I say to you, that this Bill repeals the Armstrong Act which was held Constitutional in the Potomma's Case and bussing was held to be Constitutional in the Potomma's Case of the Supreme Court of the State of Illinois. And, I say to you, that you're repealing the Armstrong Act and you're going back to separate but equal facilities which were always separate but never equal."

Rep. Arthur A. Telcser: "The gentleman from Macon, Representative Borchers."

Webber Borchers: "Mr. Speaker and Fellow Members of the House, I ah.. rise in support of this Bill. I deny that this Bill



in any way cause a dual system in our schools. And I have to look at things to a certain degree from my own experience in my own community. When I went to kindergarten, we had Black and White boys and girls all together. Now, that's quite some years ago. My children went to the same school as I did and they were integrated. My grand children are now going to that school and they are integrated. In our community we have had no doubts about the fact that we have been integrated for years on end. But, in certain areas, in the suburb areas of my community, there are all White Schools in all White Suburbs and we've began to bus seven, eight, ten miles, twice a day, ah.. children for the sole purposes of ah.. of ah.. of integration. Well, it wasn't successful in our community. Ah.. the simple fact is that it's an expensive proposition. And, as far as the constitutionality of this is concerned, I think ah.. ah.. that Representative Moore has abling explained it. I do not feel, although I am not a Lawyer, I do not practice Law, I do not feel that the rights of individuals are being infringed in the slightest. I think that every person should have and it's our duty to see that every school has the best of teachers and the best of buildings and this is our duty. This can be done. But, to bus, as they have done in some parts of our Country twice a day, children twenty to twenty five miles of kindergarten age, is just complete nonsense. I do not believe that we should be afraid of integration. We've never ah.. had this problem in our community. I do think that we should be



afraid of having individuals children in all... in inclement weather bussed or standing and waiting for a bus for ah.. thirty minutes at a time, morning or night, not being in their neighborhood, losing their right for the neighborhood companionship of the boy and girl gangs and play groups. I think that this is wrong. I think that it's better they should be with the neighborhood school. And, we should do our best to make the neighborhood school the best of all in our Country."

Rep. Arthur A. Telcser: "The gentleman from ah.. Cook, Representative Davis."

Corneal A. Davis: "Mr. Speaker, will the gentleman... will the gentleman yield for a question?"

Rep. Arthur A. Telcser: "He indicates he will."

Corneal A. Davis: "Ah.. I'd like to know whether or not the Superintendent of Public Instruction, his Office has endorsed it... this Bill?"

Don A. Moore: "The ah.. Superintendent of Public Instruction opposed the Bill in Committee, Representative Davis."

Corneal A. Davis: "Thank you."

Don A. Moore: "I then worked with Members of his Staff and my colleagues from the other side of the Dis... the aisle to attempt to work out an Amendment which in effect restored the language that was stricken out and put into the Bill the point that the sole consideration shall not be bussing. This, then, was agreeable to the Superintendent's Office. Two hours later ah.. the Amendment that was not agreeable to



the Superintendent's Office. And so, I went through the Amendment. I did attempt, however, to ah.. go ahead and work with the Superintendent's Office in coming up with a Bill that would straighten out a very serious problem."

Corneal A. Davis: "Mr. Speaker and Ladies and Gentlemen of the House, I simply, by repeating what the distinguished gentleman has said. I believe that this Bill repeals the Armstrong Act. I don't know how many of you was here when Charlie Armstrong was here, passed away a young man, during his Membership in this House, an untimely death because he was an able young man. And, I know how he struggled. I know the opposition he met when he first introduced this Act. And, I'm remindful of the fact that he would not have able to pass this Act. If it hadn't been for the help of many Members of this House, regardless to their race, color, creed. I've always said that the House of Representatives have represented the liberal voices of the people of Illinois and it was demonstrated when Charlie Armstrong ah.. received the majority of votes in here to pass this Act. I maintain that this Bill will repeal the Armstrong Act. Now, this is no time for inflammatory remarks because I think that we've had a lot of them. And, I think that in the language of Mr. Lincoln, this is the time to bind the Nations wounds if such can be done. I bring to you now, and I think that it is good that we should do this every once in a while. Read some of our Constitution. I bring to you now and I'm going to read it the 14th Amendment to the Constitution of



of the United States of America. 'All persons born and naturalized in the United States and subject to the jurisdiction, thereof, are Citizens of the United States and of the State wherein they reside. No State shall make or enforce any Law which shall abridge the privileges or the immunities of the Citizens of the United States nor shall any State deprive any person of life, liberty of property without due process of Law nor deny to any person within its jurisdiction the equal protection, the equal', now hear me now, 'the equal protection of the Laws'. Now, let me tell you something about how the 14th Amendment was brought about. The 13th, 14th and 15th Amendment was a fitting tribute to victorious Union Army. I've said it here many times. And, who composed that Victorian Army? Men of every race, every creed and of every nationality. More than 250,000 of them was black, if you please. More than 250,000 of them camped with General Grant at Vicksburg and rode with Sherman to the Sea. We talk about one Nation indivisible. This Nation would have been very divided. It would not have been indivisible if the Union Army had not prevailed. It would have been one Nation divided. And, as Mr. Lincoln said, 'A House divided against itself can not stand'. That's what it would have been. Now, what are you doing here now? You're trying to destroy the freedom that the Constitution of the United States guaranteed to every man and every woman. We wouldn't have these problems if some men in their evil desire and it was nothing but evilness. And, you know that



the devil has permissive powers. He has permission to spread evilness among people, evilness in Nations. You saw it down there when this man shot Wallace. As much as I was opposed to his philosophy, I wanted the pleasure of beating Wallace to the ballot box. That's where I wanted the pleasure of beating him, not with a bullet from an assassin's gun. Beating him to the ballot box. That's the way I wanted it. I don't want to see this Nation divided because I know how hard, I know how many men paid with their very lives for this tribute we enjoy, one Nation indivisible with liberty and justice for all, one Nation under God. Is it one Nation under God? Or, is it one Nation under the devil? Now, you can't put your hand on the Bible and say that you believe in one Nation under God, then destroy the very Constitution. That makes it indivisible. Mr. Speaker, I plead, let's defeat this Bill. Send it where it ought to be. Uphold the works and name of the former Member who sat right back there, Charles Armstrong, who labored long, sometimes he worked all night with this Law to get it on the statute book. He labored long. Let's not only protect this Member, but let's protect the 14th Amendment to the Constitution of the United States and the way to protect it is to vote 'no' on this Bill. Thank you, Mr. Speaker."

Rep. Arthur A. Telcser: "The gentleman from St. Clair, Representative Flinn."

Monroe L. Flinn: "Mr. Speaker, I move the previous question."

Rep. Arthur A. Telcser: "The gentleman has move the previous



question. All those in favor signify by saying 'aye', the opposed 'no', the gentleman's motion prevails. The gentleman from Cook, Representative Moore to close the debate."

Don A. Moore: "Thank you very much, Mr. Speaker. Mr. Speaker, just to make one to two things perfectly clear, House Bill 4079 does not repeal the Armstrong Act. I was here also when Charlie Armstrong proposed this Bill and if my recollection serves me right, I voted with Charlie Armstrong at that time. There were School Boards in this State that.. who were gerrymandering Districts, to keep the Blacks within a certain school area and to keep the Whites within a certain school area. Charlie Armstrong had one or two things in mind, Mr. Speaker. One was to prevent this and the other was to give every... every pupil, regardless of race, color or creed, the best possible education in that the State could afford to give or the people in that District could afford to give. What my Bill does not is to supplement that second part of what Armstrong wanted. As far as the 14th Amendment, this still doesn't deprive any Citizen of anything. He's still covered under the Equal Protection of the Laws Clause, because that particular Section of the Armstrong Act remains in House Bill 4079 today. And, again I want to read it. 'But, no pupil shall be excluded from or segregated in any such school on account of his color, race or nationality'. This is not what I consider a bussing Bill, Mr. Speaker. This is a quality education Bill, a Bill that will attempt through the efforts of our local school systems to have each



child gain the greatest potential of his capacity of learning, so he can be a better Citizen. If the ah.. pupil or the parents want their child to be bussed into another school, they still have the right under this Bill. I would just like in closing, Mr. Speaker, to read a couple of excerpts from a recent editorial by Dr. Charles G. Hirsch, Jr., President of Malcolm X College, and I'm quoting, 'Whether a good education resolves in a segregated or an integrated setting is irrelevant in light of the knowledge that a decent education is the very basis of a successful life in America', personally he continues, 'I am neither for or against bussing. To get on either side of the controversy makes it easier to evade the real issue. It is the Nation's responsibility to provide an equal opportunity for all its Citizens, to develop to the utmost all their potential as human beings, to live rewarding lives in every way possible and to contribute significantly to the improved well being of their fellow man'. Mr. Speaker, I would respectfully request a favorable Roll Call on this matter."

Rep. Arthur A. Telcser: "The question is, 'shall House Bill 4079 pass?'. All those in favor will signify by voting 'aye', and the opposed by voting 'no'. The gentleman from Macon, Representative Borchers, to explain his vote."

Webber Borchers: "In regards to the Equal Protection of the Law in the Constitution, I would like to just point out that White children in a suburb have also an equal right to be protected by the Law to attend the neighborhood schools. It



It works both ways. Now, I want to talk about History. I want to tell you the truth. Actually, the last two years of the Civil War, there were approximately ten black regiments in the Union Army. Some of them consisted of under one thousand men. The total number of men involved was under 10,000. Now, the 200,000.. and the 250,000 is, of course, incorrect. If there were 200,000, they were made up of teamsters, people that the Union Army picked up to drive the wagons and act as stevedores and ah.. quartermaster aides The Army of General Grant at Vicksburg and the March of the South consisted of ah.. approximately 50,000 men. That's all. They did have Negro drivers that went with them and were employed to go with them. They were not in the true sense soldiers, whatsoever, though many of them wore blue coats because they were given as cast-off clothing. Many of the refugee families of these Blacks went along with the Union Army. Some of the for.. for.. of the foraging troops of the Union Army had Black men go with their ah.. foraging groups and pick up pigs, cows and horses, etc., to bring back to the Army. They also used it for transportation and the burning down of the Confederate supplies and alike. But, I want to make it clear, no 250,000, only about less than 10 regiments, not over 10,000 combat troops. I also want to make it clear....."

Rep. Arthur A. Telcser: "Representative Simmons, for what purpose do you rise, sir?"

Arthur E. Simmons: "A point of order, Mr. Speaker."



Rep. Arthur A. Telcser: "State your point, sir."

Arthur E. Simmons: "I.. I don't believe that the remarks here pertain to the Bill under debate."

Rep. Arthur A. Telcser: "Ah.. I think that your point is well taken, sir. Would you confine yourself to the Bill, Representative Borchers?"

Webber Borchers: " Ah.. I think that the point is probably well taken and I've already put the point that I wanted to make across in straightening out the group on History. Thank you."

Rep. Arthur A. Telcser: "Representative Davis, would you state your point, please?"

Corneal A. Davis: "The gentleman who preceded me said that the Black men were teamsters and I guess stevedores did all the work. Well, he never heard evidently the Battle of Millikens Bend. Did you ever hear of the Battle of Millikens Bend? Where they agreed, both sides agreed that there would be no prisoners taken. That they would hang any White man found fighting with Black Troops to the highest tree and they would hang any Black man fighting ah.. against the South. I'm going to tell you that the few White men that engaged in that Battle, and it was only a few, were leaders. But, all of the men who fought were Black, if you please. They had just come out of slavery. They hadn't been trained. Every...."

Rep. Arthur A. Telcser: "Representative Kipley, for what purpose do you rise, sir?"



Edward L. Kipley: "Mr. Speaker, I think that the remarks of this gentleman are equally ungermane to the subject and it should be stopped."

Rep. Arthur A. Telcser: "He's riding on a point of personal privilege, sir. Would you please conclude your point, Representative Davis?"

Corneal A. Davis: "I just wanted to tell him about that one Battle. Time will not permit me to tell him about the other Battles. But, he knows that the Union Army was losing. You know that. If he will tell the truth of any History that was ever written, the Union Army was losing. And, I say that 250,000 Black men fought to die and Abraham Lincoln said it in his second Inaugural. Do you know what he said? For every, listen to me now...."

Rep. Arthur A. Telcser: "Representative Davis, could you please conclude your point, sir?"

Corneal A. Davis: "Alright... 'For every', this was when he was absolutely convinced that he needed Black men to win this War for him, the Civil War. He said, 'For every drop of blood that has been spilled with a lash, I'll spill another one with a sword'. And, that's exactly what was done. And, that's exactly how this Union Army won the War."

Rep. Arthur A. Telcser: "The gentleman from Cook, Representative Brenne, to explain his vote."

Lynn G. Brenne: "Thank you, Mr. Speaker. I'm clearly not the equal of the forensic specialists who have preceded me. But, I would like to support this particular Bill. In its



application within my District, as my senior associate has indicated, just as well as it does in the Ninth District, the Co-sponsor of this Bill and every other District in the State. This Bill does not repeal the Armstrong Act, it does not repeal the 14th Amendment. It obviously can't. It does, however, redirect the attention of our Educational Institution in the State of Illinois to its primary objective. And, that is, to prepare all children, Black or White, so that they can be successful in this multiracial world. It is not necessary in order to achieve this to harass or adopt sadistic bussing and other physical inconveniences in order to achieve an arithmetic distribution which has no meaning at all. The proper way to achieve better education for those who lag or are deficient or need more is to improve the teaching level and the facilities in the schools that are available in all neighborhoods. In this particular case, in our particular community, what the.. the.... ah.. ah.. objectives of the ah.. ah.. local School Board have been in order to comply with the guidelines, has been to move 80 percent of the Black children out of a neighborhood school and scatter them among ten other schools. Much more easily could they increase the level of instruction in that school and help the children far better than hiding and splintering the Black children among ten other schools. Obviously, when you do that, you do not address the problem, you do not help the children that need the help the most. For these reason, I am supporting this Bill. And, I urge



everyone to put a 'green light' on the board."

Rep. Arthur A. Telcser: "The gentleman from Ogle, Representative Brinkmeier, to explain his vote."

Robert E. Brinkmeier: "Mr. Speaker, Members of the House, I'd like to call your attention to Page 1, Lines 27 and 28, of ah.. this particular Bill. Ah.. you'll note there that it states that pupils will be assigned schools according to the pupil's learning potential. And, I suggest to you that a child coming from a low income family is invariably going to be culturally, economically deprived and will seldom qualify for this so called 'full educational development'. I'd suggest to you that this Bill ah.. will actually bring about a greater disparity than the equal educational opportunities that we now have in the State of Illinois. And, I would certainly urge you to vote 'no'."

Rep. Arthur A. Telcser: "The gentleman from Cook, Representative Yourell."

Harry Yourell: "Mr. Speaker, Ladies and Gentlemen, I do not desire to go into the many issues that have been introduced with this particular Bill, but, I would like to point out, if you read the language, just what we're doing. Read that we're striking out prevention of segregation and the elimination of separation of children in public schools because of. That is what we're striking out of the Bill. We're striking it out in Sections, in several Sections of the Bill, and, in its place, I'd like to point out just the language of what we're putting in. We're going to take into considera-



tion, 'The full educational development of each child's... commensurate with each child's potential, regardless of'. Now, when you start talking about potential, you're talking about opportunity. You're saying when are we going to measure this potential. Are we going to measure it at birth or measure it at preschool training? You are not. You're saying that somewhere along the line, you're going to measure a child's development and you're going to say that the children who go to this inferior school, will be assigned to this inferior school for ever more. That's what you're saying in that affect. You're saying that they are to start off because they have disadvantages. You're going to hang this millstone around their neck and forever keep them inferior schools because of consistent with a policy of assigning students according to their individual ability, you're going to then say children who had better opportunities, then ought to be assigned to better schools. We are right back where we started. You're talking about a doctrine of separate but equal. There has never been such a doctrine and there never will be. This Bill, indeed Ladies and Gentlemen, if you read it on its face, is a step backwards. And, I would urge you to give it grave consideration. Thank you."

Rep. Arthur A. Telcser: "The gentleman from Cook, Representative Hyde."

Henry J. Hyde: "Ah.. very briefly, I ah.. respectfully disagree with the last gentleman who spoke. I think that this Bill, if you'll just read it, emphasizes the educational nature



of education. I think that race should have never gotten into education. I don't think that the School should be sociological laboratories where 15 percent of one race should be in this school and 22 and a half percent of one race should be in another school. I think that the schools ought to concern themselves how to read, write and add up a column of figures and a few other things, instead of trying to force children to get on a bus and leave their neighborhood and their parents in their community to artificially impose ah.. some sort of segregation. It isn't the business of the school to enforce segregation. Don't put the children in the trenches where the grown-ups refuse or are unwilling to go. Now, this Bill says 'Education should be the emphasis in the school', and it ought to be unless integration happened ah.. as it will happen once education becomes available and a good education for every child going to the public schools."

Hon. W. Robert Blair: "The ah.. gentleman from Cook, Mr. Rayson."

Leland H. Rayson: "Mr. Speaker and Members of the House, with constraint, but hearing words about the Ninth District, the neighborhood school and bussing, I must explain my vote. Notwithstanding the remarks of the last gentleman, I feel that ah.. what should be is not what is. And we've had enough of Blesse -vs- Ferguson. We've had Brown -vs- Board of Education in subsequent decisions. We have a courageous Superintendent of Public Instruction who's trying to follow the Law in this State and recognizing that bussing is one of the many alternate tools that he's trying to resolve the



problem of getting the best education for all the pupils in the State. And, we can't destroy it by removing bussing entirely and preserve the sanctimonious stature of the neighborhood school. What about the ghetto school that's overcrowded and the neighboring school that's undercrowded? There are many reasons as to why we have to assign pupils. We're in a mobile society. You know, ah.. vestige of ah.. remainder in our society seemingly as the neighborhood school. The little grocery store man has been cast asunder. All other elements of society suggests that we're very mobile, we're very urban, we got to recognize the best way to attain quality education to keep the options open. Of course, it is easy for me in my District to say that I'm against forced bussing. I don't know what forced bussing is, but if it means to move a few little blackheads around, if it means this and it upsets a lot of people and if this seemingly serves a good public education purpose, then I'm for it. And I'm reminded of the words of Edmund Burke because I see too many 'green lights' there. He once said two hundred years ago about the role of the Legislator. His role is to exercise his valued judgement to his constituency. He further said that we betray our role by bowing to the will of our constituency and I think that this is a good example. Perhaps, the will is trying to say 'no bussing'. Even though we bus about a million kids in this State, it's just the element when a few black kids get bussed that we have a hang up. And, I say that we should exercise our good judge-



ment, our dispassionate judgement and allow the options to open and preserve our Constitution."

Hon. W. Robert Blair: "The gentleman from Lake, Mr. Matijevidh."

John S. Matijevidh: "Mr. Speaker and Members of the House, in explaining my vote. I ah.. think that it is most difficult for many who don't realize that ah.. because of ones color or because of one nationality, that color or nationality may be a handicap to developing ones fullest potential. I think sometimes we fail to look at the other person. We always try to look at things as we see them. I vote 'no' because of that and also I think that there are Constitutional difficulties with this Bill. You'll note that there is allowing of assignment in the school regardless of race, color or nationality. Nothing is said about ones religious creed. Ah.. for example, the Spanish Nationality, they are one nationality, but yet, ah.. most Spaniards are predominantly Catholic. So, a School District could assign all of those nationalities in a classroom or class because of their religious creed. I think that the failure to include that ah.. shows that there are some Constitutional difficulties with this Bill. And, therefore, I would urge you to vote 'no'."

Hon. W. Robert Blair: "Have all voted who wished? The gentleman from Stark, Mr. Nowlan."

James D. Nowlan: "Mr. Speaker and Members, this has been a particularly difficult issue for me because the language proposed itself is responsible and it would have to be interpreted in light of Brown -vs- Board of Education which



specifically struck down Blesse -vs- Ferguson and stated that 'Full educational development could not be achieved in separate but equal status'. And yet, language has proposed to be stricken from this Section of 'The School Code', the language which is not a positive requirement, but which is aimed at preventing segregation. Something that is probably prevented in language in Court decisions and in Superior Statute. But, because of the fact that it strikes as well as adds, and if it were only to add full educational development language, I could support it'. But, because it does strike that other language, I must, even though political dictate would suggest a 'yes' vote, must cast a 'no' vote."

Hon. W. Robert Blair: "Have all voted who wished? The Clerk will take the record. On this question... On this question, there are 92 'Ayes', and 44 'Nays'. For what purpose does the gentleman from ah.. Cook, Mr. Davis...?"

Corneal A. Davis: "Wanted to respectfully ask the Speaker if he would verify the Roll Call, please?"

Hon. W. Robert Blair: "Alright.. A request has been made to ah.. verify the Roll Call. The Clerk will proceed to do that."

Fredric B. Selcke: "Alsup.. Anderson.. Barry.. Bartulis.. Blades.. Bluthardt.. Borchers.. Boyle.. Bradley.. Brenne.. Brummet.. Burditt.. Calvo.. Campbell.. Capparelli.. Clabaugh.. Phil Collins.. L. Cunningham.. R. Cunningham.. W. Cunningham.. Day.. Dounes.. Dyer.. Fennessey.. Fleck.. Flinn.. Friedland.. Gibbs.. Glass.. Hall.. Harpstrite.. Henss.. Hirschfeld.. Gene Hoffman.. Ron Hoffman.. Houde.. Hunsicker.. Hyde.. Jacobs.. Jones.. Kahoun.. Keller.. Kipley.. Kleine..



Kosinski.. Krause.. Laurino.. Lauterbach.. Lehman.. Lindberg..
 Ed Madigan.. M. Madigan.. McAvoy.. McCormick.. Meyer.. Kenney
 Miller.. Peter Miller.. Moore.. Murphy.. Neff.. North.. D.
 O'Brien.. O'Hallaren.. Palmer.. Philip.. Randolph.. Regner..
 Ropa.. Schisler.. Schlickman.. Schoeberlein.. Sevcik.. Shapiro..
 Simmons.. Timothy Simms.. Soderstrom.. Springer.. Stedelin..
 Terzich.. Jack Thompson.. Tipsword.. Tuerk.. Wadell.. Wall..
 R. Walsh.. W. Walsh.. Walters.. Washburn.. Williams..
 J. J. Wolf.. Yourell.. Mr. Speaker."

Hon. W. Robert Blair: "For what purpose does the gentleman
 from ah.. Macoupin, Mr. Boyle, rise?"

Ken Boyle: "How am I recorded, Mr. Speaker?"

Hon. W. Robert Blair: "How's the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting 'aye'."

Ken Boyle: "Make that 'present'."

Hon. W. Robert Blair: "Change the gentleman from 'aye', to
 'present'."

Hon. W. Robert Blair: "The gentleman from ah.. Calhoun, Mr.
 Corbett."

Jerry Corbett: "I would like to be recorded as voting 'present'."

Hon. W. Robert Blair: "Record...."

Fredric B. Selcke: "The gentleman is recorded as not voting."

Hon. W. Robert Blair: "Record the gentleman as 'present'.

The gentleman from Sangamon, Mr. Londrigan."

James T. Londrigan: "How am I recorded?"

Fredric B. Selcke: "The gentleman is recorded as not voting."

James T. Londrigan: "Please record me as 'present'."



Hon. W. Robert Blair: "Record the gentleman has 'present'.

Now, ah.. the gentleman from Cook, Mr. Davis."

Corneal A. Davis: "Ah.. Mr. Speaker; ah.. Representative O'Brien."

Hon. W. Robert Blair: "I don't... I don't... Dan O'Brien? How is Dan O'Brien recorded?"

Fredric B. Selcke: "Ah.. the gentleman was recorded as voting 'yes'."

Hon. W. Robert Blair: "Well, he's not in his seat and I don't see him on the floor. So, take him off the record."

Corneal A. Davis: "Representative Laurino?"

Hon. W. Robert Blair: "How's the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting 'aye'."

Hon. W. Robert Blair: "Well, he's not in his seat. Take him off the record."

Corneal A. Davis: "Representative Regner?"

Fredric B. Selcke: "Regner."

Hon. W. Robert Blair: "How's the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting 'aye'."

Hon. W. Robert Blair: "He's here."

Corneal A. Davis: "Representative Calvo?"

Hon. W. Robert Blair: "How's the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting 'aye'."

Hon. W. Robert Blair: "Ah.. Well, he's not in his seat. Take him off the record."

Corneal A. Davis: "Repre... Representative Krause?"

Hon. W. Robert Blair: "How's the gentleman recorded?"



Fredric B. Selcke: "The gentleman is recorded as voting 'aye'."

Hon. W. Robert Blair: "Well, he's not in his seat. Take him off the record."

Corneal A. Davis: "Representative Keller?"

Hon. W. Robert Blair: "Yeah... He's back there. Yeah.."

Corneal A. Davis: "Representative Gibbs?"

Hon. W. Robert Blair: "How's the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting 'aye'."

Hon. W. Robert Blair: "No.. He's not in his seat. Take him off the record."

Corneal A. Davis: "Representative Ed Lehman?"

Hon. W. Robert Blair: "How's the gentleman recorded?"

Fredric B. Selcke: "The ah.. gentleman is recorded as voting 'aye'."

Hon. W. Robert Blair: "He's not in his seat. Take him off the record."

Corneal A. Davis: "Representative O'Hallaren?"

Hon. W. Robert Blair: "He's in his seat."

Corneal A. Davis: "Representative Schisler?"

Hon. W. Robert Blair: "He's back there."

Corneal A. Davis: "Representative Sevcik?"

Hon. W. Robert Blair: "He's there."

Corneal A. Davis: "Representative Wall?"

Hon. W. Robert Blair: "He's there."

Corneal A. Davis: "Oh yeah... Representative Flinn?"

Hon. W. Robert Blair: "Flinn's here."

Corneal A. Davis: "I guess that's all of them then."



Hon. W. Robert Blair: "The gentleman from Cook, Mr. Phil Collins."

Philip W. Collins: "Ah.. Mr. Speaker, ah.. how am I recorded?"

Hon. W. Robert Blair: "How's the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting 'aye'."

Philip W. Collins: "Thank you."

Corneal A. Davis: "Representative Brenne?"

Hon. W. Robert Blair: "The gentleman from Adams, Mr. McClain."

Elmo McClain: "How am I recorded, Mr. Speaker?"

Hon. W. Robert Blair: "How's the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as not voting."

Elmo McClain: "I'd like to vote 'no'."

Hon. W. Robert Blair: "Record the gentleman, 'no'."

Corneal A. Davis: "Did I call Representative Laurino?"

Hon. W. Robert Blair: "Yes."

Corneal A. Davis: "Alright."

Hon. W. Robert Blair: "We took him off."

Corneal A. Davis: "Representative Schisler? I don't see him."

Hon. W. Robert Blair: "Yeah.. He's back there."

Corneal A. Davis: "Alrighty.. That's all... that's all I've..."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Duff."

Brian B. Duff: "Mr. Speaker, how am I recorded?"

Hon. W. Robert Blair: "Not voting. Right?"

Brian B. Duff: "Vote me 'no'."

Hon. W. Robert Blair: "Record the gentleman 'no'. On this question, there are 85 'Ayes', and 46 'Nays', 3 'Present'.

Lehman's back on the floor. Put him back on. The gentleman



from ah.. Cook, Mr. Moore."

Don A. Moore: "Mr. Speaker, would you please poll the absentees?"

Hon. W. Robert Blair: "The gentleman from ah.. Cook, Mr. Davis,
for what purpose do you rise?"

Corneal A. Davis: "I raise the point of order that you'd
announce the vote and the verification comes too late."

Hon. W. Robert Blair: "Well, normally...."

Corneal A. Davis: "Absentees... No, it was the absentees that
comes too late."

Hon. W. Robert Blair: "Normally, ah.. ah.. the request for
polling the absentees ah.. precedes the request for verifi-
cation. Ah..,however, there is nothing in the rules that
ah.. requires that. And ah.. furthermore, ah.. while I
had announced the roll, the 'Yeas' and 'Nays', I had not
announced the passage, because I recognized you on your
verification after I had announced what the vote was. While..
While it is a bit unusual, I think that we ought to extend
the gentleman the courtesy of ah.. of having the absentees
ah.. polled which he's requested. Now, poll the absentees."

Fredric B. Selcke: "Arrigo.."

Hon. W. Robert Blair: "The gentleman from ah.. Cook, Mr.
Arrigo."

Victor Arrigo: "I was not absent. I was very much present.
Now, I want to be recorded as voting 'no'."

Hon. W. Robert Blair: "Record the gentleman 'no'."

Fredric B. Selcke: "Brandt.. Capuzi.. Jimmy Carter.. Choate..
Cox.. Craig.. DiPrima.. Garmisa.. Granata.. Hamilton.. Hanahan..



Hart.. Holloway.. Hudson.. Janczak.. "

Hon. W. Robert Blair: "The gentleman from DuPage, Mr. Hudson."

George Hudson: "Mr. Speaker, will you vote me 'aye'?"

Hon. W. Robert Blair: "Record the gentleman, 'aye'."

Fredric B. Selcke: "Juckett.. "

Hon. W. Robert Blair: "The gentleman from ah.. Cook, Mr.

Juckett."

Robert S. Juckett: "Mr. Speaker, please record me as voting
'aye'."

Hon. W. Robert Blair: "Record the gentleman as 'aye'."

Fredric B. Selcke: "Karmazyn.. Klosak.. Lechowicz.. "

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Lechowicz."

Thaddeus S. Lechowicz: "Mr. Speaker, due to the Constitutional
question which is posed by Representative Scariano, I vote
'present'."

Hon. W. Robert Blair: "Record, 'present'."

Fredric B. Selcke: "Lenard.. Leon.."

Hon. W. Robert Blair: "Leon.. 'present'."

Fredric B. Selcke: "Maragos.. Markert.. McDermott.. McDevitt."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. McDevitt."

Bernard McDevitt: "Please record me 'aye'."

Hon. W. Robert Blair: "Record the gentleman 'aye'."

Fredric B. Selcke: "McGah.. McMaster.. McPartlin.. George
O'Brien.."

Hon. W. Robert Blair: "The gentleman from Will, Mr. O'Brien."

George M. O'Brien: "How am I recorded, Mr. Speaker?"

Hon. W. Robert Blair: "How's the gentleman recorded?"



Fredric B. Selcke: "The gentleman is recorded as not voting."

George M. O'Brien: "Record me 'no', Mr. Speaker."

Hon. W. Robert Blair: "Record the gentleman 'no'."

Fredric B. Selcke: "Pappas.. Rose.. Shaw.. Shea.. Smith..

Frank Wolf.."

Hon. W. Robert Blair: "Alright.. The vote now is 88 'Ayes',

47 'Nays', 5 'Present'. The gentleman from ah.. Cook,

Mr. Moore."

Don A. Moore: "Ah.. Mr. Speaker, I would like to ask for postponed consideration."

Hon. W. Robert Blair: "Alright.. Does the gentleman have leave?"

Voices: "Leave."

Hon. W. Robert Blair: "Postpone. Place it on the order of postponed consideration."

Fredric B. Selcke: "The presents are Boyle, Corbett, Lechowicz, Leon, Londrigan."

Hon. W. Robert Blair: "The gentleman from ah.. Cook, Mr. Brenne, for what purpose do you rise?"

Lynn G. Brenne: "Ah.. Mr. Speaker, I would like to call the attention of the Assembly to a Class of 35 Political Science students who are accompanied by their teacher, John Morton from Homewood Flossmoor High School in Rich Township. Their in the Speakers' Gallery."

Hon. W. Robert Blair: "2653."

Fredric B. Selcke: "House Bill 2653, a Bill for an Act to amend the 'Illinois health facilities and services planning Act. Third reading of the Bill."



Hon. W. Robert Blair: "The gentleman from Cook, Mr. Epton."

Bernard E. Epton: "Mr. Speaker and Ladies and Gentlemen of the House, in every Session of the Legislature, we fortunate in having some good Bills to give us a real valid reason for being here. This particular Bill is familiar with most of the Members of the House. It's been up for discussion on two previous occasions. House Bill 2653 is entitled, 'The Illinois Health Facilities and Services Planning Act'. Over the past several months, all you ever see is copies of correspondence and editorials in favor of this Bill. As you know at one time, there was considerable opposition generated by the Illinois Medical Society. You may recall that Tim Selleck, who died in an unfortunate airplane crash, was one of those individuals who felt that this Bill should pass. But, at that time, he requested in behalf of the Illinois Medical Society, that certain Amendments be enacted. Those people who were in favor of the Bill were reluctant to support any changes. And, it took many many months of concerted effort to finally arrive at a compromise situation which, I believe, pleases nobody except the public. I think that the public can be gratified by the fact that the Speaker of the House, that the Majority Leader and the Minority Leader as well, spent so many hours in banging heads and finally getting a compromise which was not particularly palatable to other the allies or the opponents, but did result in a agreement to support this Bill. I will not take the time of this House to explain all of the features of the Bill. It



has been called to your attention by letter, by all discussion time and again. The fact is that for the first time in the State of Illinois, this gives to a State Board and Regional Boards the right to say that duplicate facilities will not be built in any community where the need does not exist. In order to pursue the addition of further facilities or further services, they must get approval from these Regional Boards. It is a great stride forward in health planning. It is a great stride forward in controlling the increasing costs of Hospital Care to all of our consumers. And, I earnestly solicit an overwhelming vote in favor of this Bill. Thank you."

Hon. W. Robert Blair: "The gentleman from McHenry, Mr. Hanahan."
 Thomas J. Hanahan: "Mr. Speaker and Members of the House, this Bill failed last June and I haven't seen anything come out of it that makes it any better today than it was in June when it failed and was put on postponed consideration. This Bill will make Hospital Care in the long run, more costly. The proponents of the Bill keep saying about, you know, uniformity and they're going to ah.. help establish better Hospital Care or Health Care by restricting the free enterprise system. It always comes as a surprise to me that those who bandy around the State saying that they're for free enterprise, don't want it when it's in their own little pet areas. Hospital Care should remain in the free enterprise system no less than any other type of endeavor. After all, when you're paying your Hospital Bill, they don't ah.., you know, they don't



take into consideration that State Law restricted any other Hospital from being built in the area. If.. If this Bill passes, I could foresee little kingdoms growing up around the State preventing Hospital Care to be provided for Citizens of Illinois because some bureaucrat decided that he did not want a Hospital to compete with his. I don't like the idea that Hospital Care will be controlled by a few people. I think that the needs of an area should determine whether or not a Hospital Care Facility is built or not. This Bill has been before the General Assembly in past Sessions. It has never been a good Bill and never is passed. I don't see any reason as to why today, after a monthly debate, a Bill of this nature should pass so easily. Right, today. Hospital Care is an important thing for our Citizens. I believe that if the area or a community wants to put up a Hospital, they should not have to go hat in hand to some bureaucrat to determine whether or not they even want to build a Hospital or expand a Hospital, remodel a Hospital, or whether or not they have X-ray facilities, or ah.. cobalt facilities or even Heart facilities.. open-heart surgery facilities. And, if this Bill passes, this is what it's going to prevent."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Meyer."

J. Theodore Meyer: "A question to the Sponsor, Mr. Speaker."

Hon. W. Robert Blair: "Yes, he indicates he will."

J. Theodore Meyer: "Representative Epton, if I.. I and a group of other investors were to put up an extended care medical



facility financed 100 percent by private funds to be located where we want them to be located, would we have to get permission from the State of Illinois or the authority?"

Bernard E. Epton: "Yes, you'd have to get permission from the authorities. Perhaps, I didn't explain the Bill so well previously because Representative Hanahan raised the same point. The power is not vested in one individual. The power now is created... remains in the community. A Regional Board, dominated by consumers, they're the ones that will issue the permit. The consumers on the Board will determine whether or not the private enterprise can be proceed."

J. Theodore Meyer: "Briefly, if I may speak to the Bill, Mr. Speaker?"

Hon. W. Robert Blair: "Proceed."

J. Theodore Meyer: "We, in the General Assembly, are pretty familiar with licensing. A lot of times groups and individuals come down here seeking licensee to exclude. Mr. Speaker, this Bill relates to development. And, I don't see how in the world we can have too many facilities to provide for the medically indigent, the elderly and even those who can pay for it in the State of Illinois. This is a restrictive Bill. It would prevent, prevent mind you. This is a bad Bill."

Hon. W. Robert Blair: "The gentleman from ah.. Cook, Mr. William Walsh."

William D. Walsh: "Well, Mr. Speaker and Ladies and Gentlemen of the House, I disagree absolutely with the last speaker.



This is a good Bill. It's a good Bill because Hospital construction, Hospital improvement and Hospital supplies are so high today. And, the cost of these things are passed on to the patients. Now, Mr. Speaker, if they were truly private enterprise, if Hospitals were in business to provide service on a competitive basis, I think that this would be a bad Bill. But, that's not the situation at all. The State Licenses Hospitals. The State determines who shall be the help in Hospitals. The State, for the most part, grants Hospitals an exemption for the Personal Property Tax, except for the very few proprietary Hospitals. And, so Mr. Speaker, the State is vitally involved. When we consider that in Springfield, for example, if St. John's were to get a \$500,000 dollar cobalt machine and Memorial and their Board decided that they wanted one too to keep up, why this is ridiculous. And, the only people that are going to pay for it are the poor patients. I read recently in the newspaper where a one-day stay in a Hospital, for an unfortunate patient, cost him \$7,000 dollars. This is the direction that we're going in, Mr. Speaker. And, unless we take steps to control the expansion of Hospitals, we're going to have ever-increasing rates. This is a good Bill and we should support it."

Hon. W. Robert Blair: "The ah.. gentleman from Cook, Mr. Barnes."

Eugene M. Barnes: "Mr. Speaker and Members of the House, I rise to... to support this Bill for the simply reason that I, personally, me and my colleagues on the South Side of



Chicago have been recently involved with comprehensive health planning groups that have had tremendous problems that have been raised in various local newspapers concerning Hospitals moving from one location to another without any input from any of the local people that is concerned and is derived in the care from these various facilities. In my Area alone, there was a Hospital that moved some twenty five miles, and yet, professed to serving in the Area that they moved from. This movement was made without any consultation of any of the local people that were concerned there or any of the consumers that had been supporting this facility. I think that if we would have had legislation of this type on the books at that time, that that movement may not have come about. And, the critical problem that faced many people on the South Side of Chicago now, would not have been made even more critical with a movement of a facility of that type. I think that this is an excellent Bill. I believe that we should support this concept. And, I plead with each and every Member to support this with an 'aye' vote."

Hon. W. Robert Blair: "The gentleman from Adams, Mr. McClain."

Elmo McClain: "Mr. Speaker and Ladies and Gentlemen of the House, over on my left are seven semi-finalists Essay Contests, semi-finalists from Adams Electric Co-op from Camp Point in Adams County and Brown County and also McDonald County. And, two of these will win one week trip to Washington, D.C., sponsored by the Illinois Electrical Association and their sponsored here by Mr. Dean Sarrows. Their from Representa-



tives Markert, Schisler, Corbett and Rose, everyones District, and I would like for them to stand so they can be recognized."

Hon. W. Robert Blair: "The gentleman from ah.. Cook, Mr. Duff."

Brian B. Duff: "Mr. Speaker, I move the previous question."

Hon. W. Robert Blair: "All those in favor of the gentleman's motion say 'aye', opposed 'no', the 'ayes' have it. The gentleman from ah.. Cook, Mr. Epton, to close."

Bernard E. Epton: "Mr. Speaker, Ladies and Gentlemen, I appreciate and patience that you've all given in listening to this argument, not once, but three times. One thing that I failed to indicate which, perhaps, may persuade my friend on the other side of the aisle, is the fact that there is a change in this Bill from the last time that it failed to pass. And, that change is exactly what some of the other Speakers have indicated. The power to determine whether or not this facility will be allowed remains in the community. It's determined by the consumers themselves. It's not in the hands of any czar. The veto power is not given to any one individual. And, I think that with that change, there is no reason why anyone cannot vote favorably for this Bill. Thank you."

Hon. W. Robert Blair: "The question is, 'shall House Bill 2653 pass?'. All those in favor will vote 'aye', the opposed 'no'. Have all voted who wished? The Clerk will take the record. On this question, there are 126 'Ayes', and 12 'Nays', and this Bill having received the Constitutional majority is hereby declared passed. 4425."



Fredric B. Selcke: "House Bill 4425, a Bill for an Act to amend 'The Pension Code'. Third reading of the Bill."

Hon. W. Robert Blair: "The gentleman from Randolph, Mr. Springer."

Norbert G. Springer: "Mr. Speaker and Ladies and Gentlemen of the House, House Bill 4425, as amended provides for service credit for the unused sick leave. I'd appreciate any support."

Hon. W. Robert Blair: "Any further discussion? The question is... The gentleman from Cook, Mr. Katz."

Harold A. Katz: "Ah.. has the ah.. Pension Laws Commission ah.. approved the Bill?"

Norbert G. Springer: "Has approved it, Mr. Katz."

Harold A. Katz: "Thank you."

Hon. W. Robert Blair: "The gentleman from DuPage, Mr. Hoffman."

Gene L. Hoffman: "Mr. Speaker, will the Sponsor yield for a question? I noticed that in the Digest it says, 'Limits what may be included in salary', and then, defines it. Is this reducing what is now presently included ah.. to determine salary?"

Norbert G. Springer: "Mr. Hoffman, that was stricken from the Bill with Amendment No. 1. It took out Sections 16-121, 16-133, 16-140, which satisfied the opposition of the Illinois Federation."

Gene L. Hoffman: "Thank you very much. I didn't notice in the Digest that it indicated any Amendment. Thank you."

Hon. W. Robert Blair: "Would the gentleman care to close? Would



the gentleman care to close? The gentleman from Randolph."
 Norbert G. Springer: "As amended, this Bill was approved by the Illinois Federation of Teachers. Is also approved by the Illinois Public Pension Laws Commission. And, again, I appreciate all support."

Hon. W. Robert Blair: "The question is, 'shall House Bill 4425 pass?'. All those in favor will vote 'aye', and the opposed 'no'. The Clerk will take the record. On this question, there are 125 'Ayes', and 3 'Nays', and this Bill having received the Constitutional majority is hereby declared passed.
 4156."

Jack O'Brien: "House Bill 4156, a Bill for an Act to amend 'The School Code'. Third reading of the Bill."

Hon. W. Robert Blair: "The gentleman from Lake, Mr. Pierce."

Daniel M. Pierce: "Mr. Speaker, may I ask leave to have House Bill 4156 and 4366 heard together. They were heard together in the Education Committee. They are companion Bills but due to inadvertence, they weren't put in exactly the same day. But, they are both on Third reading. They were heard together in Education Committee and separate Roll Calls, but may I consider them together, 4156 and 4366?"

Hon. W. Robert Blair: "Alright, does the gentleman have leave? Alright, read 4366."

Jack O'Brien: "House Bill 4366, a Bill for an Act to amend 'The School Code'. Third reading of the Bill."

Hon. W. Robert Blair: "The ah.. yes, the gentleman from Lake, Mr. Pierce."



Daniel M. Pierce: "Ah.. Mr. Speaker and Ladies and Gentlemen of the House. Ah.. these two Bills are important Special Education Bills that really complete the Special Education Program inaugurated by this General Assembly back in 1965, when many of us were in our first term. In that year, we passed the mandatory Special Education Act which became effective in 1969. And, I think that when we look back on our years in the Legislature, that will be one of the most important accomplishments along with the Junior College Act passed that year, in ah.. our years in Legislature, those of us who were first elected in the enlarged election. Now, what House Bill 4156 does and 4366, it tells the School Districts, in the difficult cases of children who are severely handicapped, multiply handicapped or have low incidence handicaps, either you educate them, either you educate them as you are required to do by the Special Education Act or let them go to a handicapped non-public school and let the State pay the tuition over \$600.00. Now, House Bill 4366, says that where's there extraordinary Special Education Services required, the State will be reimbursed to School Districts for everything between \$600.00 and \$2,000 dollars per child, provided the O.S.P.I. approves. What House Bill 4156 says, if the Public Schools don't want to do it, if they choose not to do it, even though we have a mandate, then they must approve tuition and transportation for this child at a qualified non-public Special Education Facility. Again, we're only talking about the most extremely handicapped, about the



very low incidence handicapped, where there aren't enough in the District or ah.. some of your multiple handicaps. Because most handicapped children will be handled, of course, in the public school under the mandatory program. What these two Bills provide is that if the case is so difficult, so difficult that the public school can't handle it, then, the public school will pay the first \$600.00 tuition at the private handicapped school and the State will pay the balance as they are doing now under permissive legislation. But if the State... if the School District wants to.. wants to provide special services for this child under 4366, the State will reimburse the Public School District between \$600.00, everything over \$600.00 and up to \$2,000.00. Now, these reimbursements will not take place in fiscal 1973. So, there is no budget implementation for fiscal 1973, and therefore, no appropriation. In fiscal '74 and in future years, it is estimated that the two Bills together will cost the State approximately two and a half million dollars a year in reimbursement expenses and we have filed a fiscal note on that effect estimating each one at a million and a half to be on the high side. These Bills are supported by the Advisory Council on handicapped children set up by statute to advise the O.S.P.I. They're... they're approved and supported by the Illinois Association for the Mentally Retarded the Illinois Association for Exceptional Children and by many public school special education people, including the Lake County and the Waukegan Special Education Directors. I would please answer questions and I hope that



you will support both House Bill 4156 and House Bill 4366."
Hon. W. Robert Blair: "The ah.. gentleman from ah.. Cook, Mr. Phil Collins."

Philip W. Collins: "Ah.. Mr. Speaker, will the Sponsor yield to a question?"

Hon. W. Robert Blair: "Ah.. he indicates he will."

Philip W. Collins: "Ah.. Representative Pierce, I think that you state that the additional cost would be two and a half million dollars. Isn't it ah.. true that added cost because of transportation on ah.. 2,500 additional children? And, additional State Aid would actually ah.. increase the cost to more than four million dollars?"

Daniel M. Pierce: "Ah.. those aren't my figures. Ah.."

Philip W. Collins: "Well, are they..."

Daniel M. Pierce: "Well, let me answer this. I put a fiscal note on each Bill for a million and a half apiece, but no expense for fiscal 1973, because reimbursements ah.. will take place in the Fall of 1973 or the '72 and '73 school year. My best estimate for both Bills together was two and a half million. You may be right. Maybe we'll be as high as four million. I want to say this. We've mandated the education of all these children. And, if the public schools can do it in their own schools, they will save money. And, that's why 4366 is.. is the companion to 4156. I hope that they do it all in the public schools. But, even there, transportation is provided for the handicapped child. We imburse 80 percent by the State even in the public schools.



Even though it's less than a mile and a half, ah.. handicapped children are entitled to transportation to the schools, if ah.. their handicap requires it."

Philip W. Collins: "Well, Mr. Speaker and Ladies and Gentlemen of the House, I do have before me a fiscal note that indicated as Representative Pierce states that ah.. House Bill 4156 would ah.. ah.. result in an additional cost to the State of two and a half million dollars. In addition to that, there would be an additional cost of one millions dollars for the transportation of these students and an additional State Aid of \$875,000 dollars ah.. for a total of \$4,375,000 dollars of additional cost."

Daniel M. Pierce: "I'm not qualified to dispute that. It's between maybe my figure and your figures. It's something that we've mandated for the School Districts to do, provide an education for every handicapped child. And, as I say, there is no fiscal '73 implication. And, I won't dispute you on it, Representative Collins because I don't whether your figures of my figures will turn out to be the most accurate."

Hon. W. Robert Blair: "The gentleman from Adams, Mr. McClain."

Elmo McClain: "Will the Sponsor yield to a question, please? Or a couple? Dan, ah.. what I worry about here and I think that a lot of school people do is usurping the right of the school. Now, if, for example, the parent wants their child to go to Waterloo, where they don't have it at home, and the cost is \$600.00 a month, it goes to the school and the



head of Special Education says 'no'. What happens then?"

Daniel M. Pierce: "If the local School District feels that they're providing the program for the child, they could refuse, they could refuse reimbursement or so can the Superintendent of Public Instruction for the tuition. Then the parents recourse, I suppose, would be ah.. an appeals procedure that exists now to determine whether the local School District does provide that service. But, remember, unless the local School District approves the payment, there's not going to be a payment without some kind of deal by the parent. So, the money is still under the control of the Public School System. In some instances, the Public Schools say, that we agree with you because of the severe handicap. We're not providing the service and we will approve it. If they don't approve it, then the parent must go through the repeal procedure as it was set up, I think, last year in the O.S.P.I. by Legislation."

Elmo McClain: "Alright... Another question. What is... How is... How is Mental Health and Children and Family Services entering into this now where they're sending children away now? Just so I understand the whole gamut."

Daniel M. Pierce: "On Day Schools, I don't think that they're doing much. On Residential Schools, the Department of Mental Health does have funds which are used for the ah.. care and custody, the room and board of a child. These funds are used only for the education of the child. Mental Health has a ah.. custody or a room and board function in the funds."



O.S.P.I. would only have the ah.. educational tuition and ah.. responsibilities. I ah.. don't think ah.. that Children and Family Services are doing anything in the field other than approving, licensing Day Care Centers ah.. which they ah.. do in many instances."

Elmo McClain: "One more question. I'm going to vote for it but I still have reservations. Ah.. for example, it cost \$7,200 a year to send a child to Waterloo. Now, in my School District, we have twelve, which is about \$85,000 a year. I come from a small School, well, not a small, but a School District with 60,000 people. Now, how in the world are you telling me that if in my School District, it's going to cost \$85,000 dollars, how's it going to cost two and a half million dollars for the whole State of Illinois?"

Daniel M. Pierce: "Ah.. Representative McClain, we've limited... we've limited the reimbursements to \$2,000 dollars per school year, \$600.00 coming from the local School District which is far less than their cost per student for Special Education, probably also, General Education with the State then paying the balance of maximum of \$1,400 dollars. Now, ah.. \$2,000 dollars is the limited with only \$1,400 from the State. That's the high limit. The balance, if the parents choose that School, they'll have to pay."

Elmo McClain: "Alright.. That's what I wanted to find out."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Simmons."

Arthur E. Simmons: "Well, Mr. Speaker, our new Constitution requires that Amendments be on our desk. I don't find an



Amendment of this Bill.. on my desk. It's a floor Amendment adopted on the 11th."

Hon. W. Robert Blair: "Alright.. the Clerk advises that those have been distributed and they'll have one of them brought to you. 'The gentleman from Ogle, Mr. Brinkmeier."

Robert E. Brinkmeier: "Would the Sponsor yield to a question, please. Ah.. Dan, I'm going to support this Bill, but I do have one question on Line 21 of Page 1. I notice that prior to that it mandates that the School Districts shall pay the cost up to a \$2,000 dollar margin. One Line 21 of Page 1, it states that if a Summer School Program is involved, then, the School District may also pay the ah.. the cost along with transportation. I understand that to be strictly permissive during the summer months. It's mandatory during the rest of the year. Is that correct?"

Daniel M. Pierce: "Ah.. that is correct. We have not mandated the Summer Program. That is strictly permissive on the ah.. local School Districts because ah.. General Education is permissive. We've only mandated in this Bill, was actually mandated under the ah.. House Bill 1407 that we passed back in 1965, mandatory Special Education. We have not mandated Summer School because that is not mandated for non-handicapped children either."

Robert E. Brinkmeier: "Thank you."

Hon. W. Robert Blair: "The gentleman from Peoria ah.. Mr. Day."

Robert G. Day: "Will the Sponsor yield for a question? In determining the.. the amount of the tuition, does the Bill



provide that the tuition be based on the cost of the Special Educational Program? Or is it limited.... or does it simply mean ah.. the cost of tuition for the entire School District?"

Daniel M. Pierce: "House Bill 4366 is the one that deals with the reimbursement of the public school, does limit it to the ah.. ah.. cost ah.. per child ah.. that exceeds \$600.00 dollars for ah.. for that ah.. child. The ah.. private school tuition is based on the tuition of that school. The school must be approved by O.S.P.I. and it's \$2,000 dollars or tuition, which ever is less. Ah.. I hope that that answers your question. I'm not sure that I completely understood your question."

Robert G. Day: "Well, the cost per child for a Special Education Program is much higher than for a General Program. And, is the amount of the tuition to be ah.. paid or to the receiving District determined by the cost per child for a Special Education Program or ah.."

Daniel M. Pierce: "Yes, for the Special Education Program."

Hon. W. Robert Blair: "The ah.. gentleman from Perry, Mr. Cunningham."

William J. Cunningham: "Mr. Speaker, I would now move the previous question."

Hon. W. Robert Blair: "All those in favor of the gentleman's motion say 'aye', opposed 'no', the 'ayes' have it and the previous question has been moved. The gentleman from Lake, Mr. Pierce, to close."

Daniel M. Pierce: "Ah.. Mr. Speaker, these Bills are the logi-



cal conclusion of the Special Education Program which we initiated back in 1965. We told the School Districts. We told them that you must provide a Special Education for all handicapped children. We weren't so good at providing them the money and the wherewithal to do it. Now, these Bills do ah.. that. House Bill 4366 says that if you have an extraordinary Special Education Service that you must provide in your School District, you pay the first \$600.00 and the State will pay the balance up to a maximum of \$2,000.00 per child. House Bill 4156 says that if you can't do it in your public school system and the child, because of the nature of his handicap, goes to a qualified non-public Special Education School Facility, than you pay the first \$600.00 and the State will pay tuition of the balance of the tuition up to a maximum of \$1,400 dollars. So, we're giving them a little wherewithal here to do what we mandated them to do back in 1965. In my opinion, this will apply only to the most severely handicapped children, to those of multiple handicaps or to some children with low incidence handicaps where a School District with Special Education or Joint Agreement District wouldn't have a classroom or program for that child. The Bill is... The Bill is... The Bills are backed by the ah.. Associations in this field. They were approved in the House Education Committee. I, therefore, respectfully urge that we approve both House Bill 4156 and House Bill 4366."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Simmons."



Arthur E. Simmons: "Well, Mr. Speaker, I still do not have a copy of the Amendment. We're about ready to vote."

Hon. W. Robert Blair: "The gentleman from Lake, Mr. Pierce, to close."

Daniel M. Pierce: "I remember on Second reading... I'm just trying to help out Representative Simmons of whom I have the greatest respect for. We debated the Amendment, Art. You seemed to have it at that time. Remember you asked me if the Amendment did what I thought it should do?"

Arthur E. Simmons: "I.. I didn't have it because it was a floor Amendment. We never get floor Amendments distributed to our desk."

Daniel M. Pierce: "The Amendment on 4156 makes it clear that the reimbursement is only to be \$1,400 dollars from the State, not \$2,000 dollars. The total is to be \$2,000.00, \$600.00 from the School District and \$1,400.00 from the State. The Amendment to 4366 is an Amendment tightening it up and making sure that only those children that the local School District can't provide for ah.. because of the handicapped are reimbursed ah.. are reimbursed at the ah.. private school. I might have those two Bills reversed."

Hon. W. Robert Blair: "Alright.. The question is, 'shall these two Bills pass?'. All those in favor will vote 'aye', and the opposed 'no' and the Clerk will take two Roll Calls. Have all voted who wished? The Clerk will take the records. Moore.. 'aye'. On this question, there are 147 'Ayes', and no 'Nays', and each of these Bills having received the Con-



stitutional majority is hereby declared passed. Laurino.. 'aye'. VonBoeckman.. 'aye'. 4285."

Jack O'Brien: "House Bill 4285, a Bill for an Act to amend an Act relating to Compensation of County Officials. Third reading of the Bill."

Hon. W. Robert Blair: "The gentleman from St. Clair, Mr. Krause."

James G. Krause: "Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, House Bill 4285 is the County Officers Compensation Bill and it ah.. applies to the Downstate Counties. It sets a maximum salary, but it leaves a minimum salary the same as it has been in the past. And, I would appreciate your vote."

Hon. W. Robert Blair: "The gentleman from McHenry, Mr. Hanahan."

Thomas J. Hanahan: "Mr. Speaker, would the gentleman yield to a question?"

Hon. W. Robert Blair: "He indicates he will."

Thomas J. Hanahan: "What County Officers are we talking about, Representative Krause? What is the maximum salary that we're determining to be allowed?"

James G. Krause: "All.. all of the elected County Officers, not the County Boards, the other elected County Officers."

Thomas J. Hanahan: "Well, for example, with the Recorder of Deeds, what would be the maximum salary be in a County such as Madison County or St. Clair County and, let's say a County of McHenry."

James G. Krause: "Well, give me the population, Tom."



Thomas J. Hanahan: "Well, the County of McHenry is 110,000 population. What would the Recorder of Deeds salary be?"

James G. Krause: "The maximum would be \$23. The minimum would be \$12,500."

Thomas J. Hanahan: "What is it now presently, sir?"

James G. Krause: "Ah.. the maximum now is \$16,500 and the minimum is still \$12,500."

Thomas J. Hanahan: "Well, Mr. Speaker and Members of the House, as everyone is quite aware, this is a salary increase Bill for other elected Officials. I wonder if the Press and the rest of the State will be as aware of salary increase Bills going through the House as they seem to be...."

Hon. W. Robert Blair: "Alright.. one moment. The gentleman from ah.. St. Clair, Mr. Krause, what was your point?"

James G. Krause: "Take it out of the record."

Hon. W. Robert Blair: "Take it out of the record. 4529."

Jack O'Brien: "House Bill 4529, a Bill for an Act to convey land in Morgan County. Third reading of the Bill."

Hon. W. Robert Blair: "The gentleman from Morgan, Mr. Rose."

Thomas C. Rose: "Mr. Speaker and Ladies and Gentlemen, this Bill simply authorizes the State of Illinois to transfer land in Jacksonville to the City of Jacksonville for fire sub-station purposes for the price of \$11,000 dollars which is the appraised evaluation. Appreciate your support."

Hon. W. Robert Blair: "Further discussion? The question is, 'shall these two Bills pass?'. All those... 'this Bill pass?' All those in favor will vote 'aye' and the opposed 'no'."



Have all voted who wished? The Clerk will take the record. On this question, there are 145 'Ayes', no 'Nays', and this Bill having received the Constitutional majority is hereby declared passed. The gentleman from Cook, Mr. Hyde."

Henry J. Hyde: "I now move, Mr. Speaker, that the House recess for the purposes of a Republican Conference. We will recess for approximately 30 minutes and return to the floor at 1:30."

Hon. W. Robert Blair: "The gentleman from Union, Mr. Choate."

Clyde L. Choate: "Well, Mr. Speaker, I would ask the Democratic Members to come to Room 5... Room M5 for the purpose of a Democratic Conference at which time, we will return back to the floor as soon as possible. Come to Room M5 as soon as possible."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Hyde."

Henry J. Hyde: "I.. I forgot to tell where we were going to confer... Room 212."

Hon. W. Robert Blair: "Alright.. Republicans in 212.. Democrats in M5. We'll be back on the floor at 1:30."

RECESS at 12:50 O'CLOCK P.M.



RETURN at 1:30 O'CLOCK P.M.

Hon. W. Robert Blair: "House Bills Third Reading. 4314."

Fredric B. Selcke: "4314, a Bill for an Act to amend 'The Election Code'. Third reading of the Bill."

Hon. W. Robert Blair: "The gentleman from ah.. Cook, Mr. Phil Collins."

Philip W. Collins: "Ah.. Mr. Speaker and Ladies and Gentlemen of the House, I think that it's quite appropriate that House Bill 4314 would be called today when we're visited by so many ladies who are interested in the ah.. Equal Rights Amendment. This ah.., as well all know, ah.. 'The Election Code' prohibits any use of titles on the ah.. ballot for a candidate with the exception of a married woman being allowed to use the title of Mrs. or MRS. The Bill would merely pay some attention to the ladies of the liberation movement and allow them to use the title of Mrs. or allow any lady to use the title Ms. on the ah.. ballot. This ah.... This Bill is Co-sponsored ah.. by ah.. by ah.. by me, by Mrs. Chapman, Mrs. Dyer and Miss Karmazyn and I solicit your support."

Hon. W. Robert Blair: "The ah.. gentleman from Cook, Mr. Hyde."

Henry J. Hyde: "Well, it seem to me, Mr. Speaker, that this Bill is very much out of step with the ah.. way things are going these days. Why should a member of the opposite sex be permitted to distinguish herself on the ballot from anyone else. If we're for equality, if we're for non-discrimination, then a man ought to be able to put Ms. in front of his name as well as a woman. I think that this is an invidious



distinction and ought to be resoundingly defeated."

Hon. W. Robert Blair: "Further discussion? The gentleman from Cook, Mr. Phil Collins, to close."

Philip W. Collins: "Ah.. Mr. Speaker, I would just close by saying that if the Majority Leader desires to put Ms. before his name, I think that he has every right and should do so. Well, for my own part, I think that I'll refrain. Thank you."

Hon. W. Robert Blair: "Alright.. The question is, 'shall this Bill pass?'. All those in favor will vote 'aye', and the opposed 'no'. Have all voted who wished? The gentleman from Macon, Mr. Borchers."

Webber Borchers: "Mr. Speaker and Fellow Members of the House, there's only one reason that we should vote for this Bill that I can see. I enjoyed the comments. But, all of us including myself get a lot letters signed Alice Brown or Mary Doe or whatever it may be and you don't whether to answer them Mrs. Brown or Miss Brown. You just have no knowledge. And, this would solve a part of a dilemma for us in the Legislature and the Senate. All we have to do is just put the M. or CLS or whatever it is and.. and that will take care of that. We won't have to guess any more or look up in a directory to see who's who. Ah.. that's my only reason for voting for it, to save me some trouble. Ah.. I think that you should consider the same point. What do we men care any way?"

Hon. W. Robert Blair: "Have all voted who wished? The Clerk will take the record. On this question, there 61 'Ayes',



and 34 'Nays', and this Bill having failed to receive the Constitutional majority is hereby declared passed. 4486. Lost. 4486."

Fredric B. Selcke: "House Bill 4486, a Bill for an Act to amend 'The Election Code'. Third reading of the Bill."

Hon. W. Robert Blair: "The gentleman from ah.. Cook, Mr. Phil Collins."

Philip W. Collins: "Ah.. Mr. Speaker, Ladies and Gentlemen of the House, House Bill 4486 amends 'The Election Code' with respect to selection of Judges of Election. It permits the Chairman of the County Central Committees to submit lists and supplemental lists to the Election Authority from which ah.. that selection of Judges must be made. It leaves the final ah.. authority for the selection of Judges of Election in the hands of the Chairman of the respective parties. Ah.. there... the Election Authorities naturally retain the right whether an Election Judge is a qualified voter. Other than that, the ah.. qualifications are decided by the County Central Committees ah... of each party. The Bill, as originally drawn, did not take into consideration the time lapse, that may ah.. that may require ah.. nomination by the Election Authorities if the ah.. parties did not ah.. nominate in time. And the Amendment to the Bill did say that if the nomination was not made by the County Chairman within ten days after the ah.. notification of the ah.. of the vacancy or the ah.. ah.. completion of the supplemental list, than the Authority would make the nomination. Ah.. this is a



good Bill. I ah.. think that it's good for both parties. It keeps the Judges of Election ah.. representing the parties that they are suppose to represent. And, I would earnestly solicit your support."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Shea."

Gerald W. Shea: "Ah.. Phil, I don't understand where it changes the Law from what it presently is."

Philip W. Collins: "The.. the change that is made now is that if supplemental lists are exhausted, than the Election Authority is not free to ah.. nominate other individuals as judges. It must ah.. ah.. turn to the County Central Committees of each party as asks for additional supplemental lists. It ah.. keeps the control of the nomination of the Judges in the ah.. ah.... within the ah.. party. However, it does state that if the party does not exercise its prerogative, then within ten days the ah.. power ah.. reversed to the Election Authority to make the nomination as they now have it."

Gerald W. Shea: "As I understand it now, each party submits to the Election Authority the names of its Judges."

Philip W. Collins: "Yes, and then, we'll submit a supp... a supplemental list."

Gerald W. Shea: "And then, submit a supplemental list. Alright, if the supplemental list is exhausted, then the Election Body fills the precincts itself with trained personnel."

Philip W. Collins: "What personnel?"

Gerald W. Shea: "With trained, you know trained like in school."

Philip W. Collins: "I know. I said personnel but I don't think



that they have to be trained."

Gerald W. Shea: "Well, well, we pay them a little more if they take a course. Don't we?"

Philip W. Collins: "Yes.. yes, we do."

Gerald W. Shea: "Oh... Alright then, there is some justification in that training. Ah.. now, as I understand it, what you're saying is that once the original list is exhausted and once the supplemental list is exhausted that the political people or the ah.. the Election Commissioners would have to do to the political parties and say, 'supply me some additional names'. And, if the party didn't do that within ten days, then they could go ahead and fill them with trained personnel. Is that..."

Philip W. Collins: "That's correct."

Gerald W. Shea: "Well, what is the cut-off date before the Election?"

Philip W. Collins: "The ah.. cut-off date on the ah.. ah.. submitting of additional lists is November 1st."

Gerald W. Shea: "Well, you know, if on the first, you haven't submitted your supplemental list or you find that you need more people, than you have to go to the political parties on the 1st. And, they say, 'well fine. We'll do something for you', and along comes November the 7th and they haven't done anything for you and you can't tell them before the expiration of ten days. Where do we get the Judges?"

Philip W. Collins: "You get them from the nomination by the Election Authority. Ah.."



Gerald W. Shea: "No, but if I understand what you say. Let's assume that we have some vacancies on October the 30th and we've exhausted the supplemental list. At that point... At that point, the Election Authority would go to the respective political party and say, 'give me some names'."

Philip W. Collins: "That list has to be submitted before November 1st."

Gerald W. Shea: "Well, I'm talking about October the 30th."

Philip W. Collins: "Alright, you've got one day to get a list submitted. And, if you don't, the appointment is made by the Election Authorities."

Gerald W. Shea: "Well, you say ten days and there... How do you solve that hiatus?"

Philip W. Collins: "That is.. That is after the Election Authority has notified the County Central Committee that a list is exhausted. If they don't act within ten days, than the appointment may be made by the Election Authority. The.. the earlier part of the Bill does say that ah.. supplemental list may be submitted ah.. at any time prior to November the 1st. However, if you have exhausted a list some time prior to that and the party has been notified that their list is exhausted and ah.. new one is needed, if they don't act within ten days, than the Election Authority will fill the vacancy."

Gerald W. Shea: "I.. I just don't see where you're changing the present Law. My understanding is, you know..."

Philip W. Collins: "The present Law only stipulates the.. the



submission of one supplemental list. This would give the parties the opportunity to submit additional supplemental lists."

Gerald W. Shea: "I think that it would also put the Election Authority in a position where that.. they could get jockeyed around pretty well by the political parties with what's going on."

Philip W. Collins: "I.. I don't know what you mean by jockeyed around. I think that it is more important that the political parties do not get jockeyed around by the Election Authority."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Ray Welsh."

Raymond J. Welsh: "A question of the Sponsor?"

Hon. W. Robert Blair: "Yes, he indicated he'll yield."

Raymond J. Welsh: "Phil, is there any change on ah.. Election Day assuming that a Judge is ill and can not make it? Does your Bill change...."

Philip W. Collins: "No, that doesn't...."

Raymond J. Welsh: "That... that particular requirement?"

Philip W. Collins: "There is no change in there at all."

Hon. W. Robert Blair: "Further discussion? Would the gentleman care to close?"

Philip W. Collins: "Ah.. ah.. Mr. Speaker, in closing, I think that this is a party... a Bill that works in the best interest of both political parties. And, I ah.. would urge the support of all Members."

Hon. W. Robert Blair: "Alright, the question is, 'shall this Bill pass?'. All those in favor will vote 'aye', and the



opposed 'no'. Have all voted who wished? The Clerk will take the record. On this question, there are 74 'Ayes', and 23 'Nays', and this Bill having failed to receive a Constitutional majority is hereby declared lost. 4418."

Fredric B. Selcke: "House Bill 4418, a Bill for an Act to amend 'The School Code'. Third reading of the Bill."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Burditt."

George M. Burditt: "Mr. Speaker and Ladies and Gentlemen of the House, ah.. this Bill merely adds to 'The School Code' the requirement that the School Bonds be either signed by the Township School Treasurer or the School Treasurer himself. The purpose of the Bill being to rectify an error ah.. which Chapman and Cutler suggested that must be rectified before Bonds can be ah.. properly passed. The Bill also permits the payment of interest. There wasn't any specific authorization for that which again, Chapman and Cutler said is required. To the best of my knowledge, there is no opposition to the Bill. I'd appreciate your support."

Hon. W. Robert Blair: "Further discussion? The question is, 'shall this Bill pass?'. All those in favor will vote 'aye', and the opposed 'no'. Have all voted who wished? The Clerk will take the record. McDevitt.. 'aye'. On this question, there 131 'Ayes', and no 'Nays', and this Bill having received the Constitutional majority is hereby declared passed. 4419."

Fredric B. Selcke: "House Bill 4419, An Act to amend 'The Insurance Code'. Third reading of the Bill."



Hon. W. Robert Blair: "The gentleman from Cook, Mr. Burditt."

George M. Burditt: "Mr. Speaker and Ladies and Gentlemen of the House, this Bill amends 'The Insurance Code' and would increase the amount of group life insurance which can be purchased. At the present time, the limits are two and a half times the employees salary or \$20,000 dollars whichever is lesser. Ah.. 26 States don't have any limitation whatsoever in group life insurance. All this Bill does is go part way toward the goal which other States have reached. It ah.. authorizes group insurance up to ah.. three and a half times the income or a \$100,000 dollars whichever is lesser. It was a Bill that was supported very actively in Committee. It ah.. was ah.. approved by the Committee, of course, and it gives two companies in Illinois the authority to do with Illinois Insurance Companies what they can not do. They have to go outside the State to do it. It, will hopefully, bring more business to Illinois Companies and will certainly give Firms in Illinois who want to provide life insurance to their employees and executives, the power to do so on a meaningful basis. I'd appreciate your support of the Bill."

Hon. W. Robert Blair: "Discussion? The question is, 'shall this Bill pass?'. All those in favor will vote 'aye', and the opposed 'no'. Have all voted who wished? The Clerk will take the record. On this question, there 131 'Ayes', and No 'Nays', and this Bill having received the Constitutional majority is hereby declared passed. 4196."



Fredric B. Selcke: "House Bill 4196, An Act to amend Sections 7-7, andsoforth, 'The Election Code'. Third reading of the Bill."

Hon. W. Robert Blair: "The gentleman from Cook, or ah.. DuPage, Mr. Philip."

James Philip: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 4196, as amended, amends 'The Election Code'. It only deals with the election of the precinct committeemen in Downstate. As you're probably aware, under the present statute, precinct committeemen in Downstate are elected. In Cook County, they are appointed. The statute says, 'any County under 500,000'. All this Bill does is change it to 2,000,000. It would continue the practice of electing Downstate precinct committeemen as we do today. I ask for your favorable consideration."

Hon. W. Robert Blair: "Further discussion? The question is, 'shall this Bill pass?'. All those in favor will vote 'aye', and the opposed 'no'. Have all voted who wished? The Clerk will take the record. On this question, there are 127 'Ayes', and no 'Nays', and this Bill having received the Constitutional majority is hereby declared passed. 4370."

Fredric B. Selcke: "House Bill 4370, a Bill for an Act to amend 'The Insurance Code'. Third reading of the Bill."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Carroll."

Howard W. Carroll: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4370, deals with the area of notifying an insurer when his policy is going to be cancelled



and renewed. We passed, what is know as House Bill 1959, last year which the Governor has signed into Law. It provided for such notice to be certified or registered mail. We have found that our concept is one of notice. And, that the United States Post Office has three forms to guarantee this independent form of mailing that are filed independently of the Insurance Company itself. So, that we would still have this proof of mailing at a lesser cost to the Insurance Company, which they claim they would to pass it on to the insured. It would still give us the same effect that we originally wanted. And, that is to be an independent prove of the notice being mailed to the insured as to his reasons that he was cancelled and his ability to have a hearing if he feels that he has adequate defense. I would ask for a favorable vote."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Glass."

Bradley M. Glass: "Will the Sponsor yield for a question?"

Hon. W. Robert Blair: "He indicates he will."

Bradley M. Glass: "Howie, ah.. under the present Law, is there any insurance that the insured will receive the notice?"

James Philip: "Brad, what we intended to do in changing this compared to prior Law, before House Bill 1959. All that they had to do was to have their Mail Clerk testify that if he had gotten the letter on his desk, he would have put it in the post Office. So, we said that they had to be certified or registered. We didn't require return receipt. They had to put an Amendment on in the Senate knocking out the return



receipt because of the cost factor. What this does to these various forms ah.. are listings that the Post Office makes to prove that a piece of mail was mailed to the address shown, not only on the letter, but on this form. Again, we would have no way of proving that the man received it, but only, what address it was mailed to. And, a clear proof that it was, in fact, mailed at the Post Office and not to some Clerk saying that it might have been."

Bradley M. Glass: "So, it doesn't change the present Law, as I understand, under which the only requirement is proof of mailing rather than receipt."

James Philip: "Yeah.. This is still a proof of mailing."

Bradley M. Glass: "I thank you."

Hon. W. Robert Blair: "Further discussion? Would the gentleman care to close? The question is, 'shall House Bill 4370 pass?'. All those in favor will vote 'aye', and the opposed 'no'. Have all voted who wished? The Clerk will take the record. On this question, there are 129 'Ayes', and 2 'Nays', and this Bill having received the Constitutional majority is hereby declared passed. Laurino.. 'aye'. 2791."

Fredric B. Selcke: "House Bill 2791, a Bill for an Act to amend 'The Insurance Code'. Third reading of the Bill."

Hon. W. Robert Blair: "The gentleman from ah.. Lake, Mr. Conolly."

John H. Conolly: "Mr. Speaker, I think that it would speed up the operation of the House, if we could include 2791 through 2801, 2804 and 2805 as a package."



Hon. W. Robert Blair: "Alright.. Is there objection? The gentleman from Cook, Mr. Palmer."

Romie J. Palmer: "Mr. Speaker, I think that some of these pre-emption Bills or at least all of them should be considered separately."

Hon. W. Robert Blair: "Well, are there... are there any of them ah.. or do you just have one or two that we could take out to consider separately? Or, do you want...."

John H. Conolly: "There's still one on postponed consideration."

Romie J. Palmer: "Mr. Speaker, I think that we should consider each one of them separately."

Hon. W. Robert Blair: "Alright... An objection having been heard, we'll proceed on 2791. The gentleman from Lake, Mr. Conolly."

John H. Conolly: "Mr. Speaker, this is a series of Bills, is one of a series of Bills now that is the second half of the pre-emption package of Bills that were introduced during the last Session of Legislature. The other Bills are now on Third reading in the Senate. About another fifteen or twenty Bills are on Third reading in the Senate. These were debated in all of the Committees and debated on this floor of the House. And, so we can definitely very brief. This proposed Amendment provides that the powers and functions exercised by the State under this Act shall remain exclusive powers and functions of the State. Home rule units, as in the case at the present time, may not exercise jurisdiction with regard to these State powers and functions unless other-



wise provided in the Act. This Amendment is intended to protect the public from confusion, inefficiency and added expense that would arise both to it and the regulated institution that the powers and functions now exercised by the State under this Act were suddenly subjected different viewpoints, rules and regulations and ordinances of home rule units in Illinois. These Bills do not take away any powers from the home rule unit. They only have the status quo of the regulatory powers that the States now have. And, I would urge your adoption of these 'Bills.'

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Shea."

Gerald W. Shea: "Mr. Speaker, could you inquire or might I inquire of you with regards to this Bill that it talks about all of the things under 'The Insurance Code' being prohibited or being kept as States powers. Now, this would then prohibit any taxation by local municipal authorities. And, I'd like to find out if it's going to require three-fifths vote to pass this Bill."

Hon. W. Robert Blair: "Yes."

Gerald W. Shea: "Yes, it will take three-fifths?"

Hon. W. Robert Blair: "No.. No.. Just a moment...."

Gerald W. Shea: "I mean that this Bill by legislative action will take away authority granted by the new Constitution and we would be setting ourselves back to not where we were before the Constitution was passed, but way, way back beyond that and it would prohibit any taxation of insurance or of any insurance regulated industries or anything regulated



under this by any home rule unit. And, therefore, it is my feeling that it would need three-fifths vote."

John H. Conolly: "The other Bills that passed this House did..

Mr. Speaker.... Mr. Speaker.... the ruling..."

Hon. W. Robert Blair: "The gentleman from ah.. Lake, Mr. Conolly."

John H. Conolly: "The ruling that you gave or by the passage of the other Bills in this Section which affected banks, saving and loans and other financial institutions ah.. passed this House with an 89 vote. It was a Constitutional majority and it was acceptable at that time and I assume that it would be acceptable at this time."

Hon. W. Robert Blair: "Yes, it is the Chair's understanding that this ah.. power is.. is ah... or function is one that is being exercised or performed by the State at this time. Therefore, we are not taking anything away from a local unit of Government and, for that reason, only 89 votes are required for the passage of this Bill. The gentleman from Cook, Mr. Shea."

Gerald W. Shea: "Mr. Speaker, I would like to respectfully disagree with the Speaker.. Although, the State is exercising powers in this area, there are other areas wherein local units of Government are now exercising power, such as the licensing of insurance businesses or agents within local units of Government. And, therefore, you are taking a power away from units of local Government and, I think, that it requires a three-fifths vote. And, ah.. I would respectfully



tell Mr. Conolly that one of the fatal defects of the Bills that are sitting across the Rotunda at this time is that they passed this House with only 89 votes. And, there was no three-fifths votes on them. In that your Parliamentarian or yourself, I know that you are very familiar with the new Constitution, you are denying certain powers to home rule units. And, once you deny those powers and take it away from them, the Constitution clearly says that you need a 60 percent vote."

Hon. W. Robert Blair: "The gentleman from Lake, Mr. Conolly."

John H. Conolly: "Mr. Speaker, I compare with your ah.. your ruling and I have made my opening statement and urge the adoption of this Bill and the other Bills to follow."

Hon. W. Robert Blair: "Is there further discussion? The gentleman from Cook, Mr. Shea."

Gerald W. Shea: "Mr. Speaker and Members of the House, this series of Bills will set this Legislative Body back and set local Government back to a point way beyond where they were before the passage of the 1970 Constitution. Time and time again, we heard that the voting for and the passage of the 1970 Constitution would free units of local Government from having to come hat in hand to this Body everytime they wanted to do something. Well gentlemen, these Bills are going to take us back, back, back, back to the point that when any municipality of this State wants to do anything, they're going to have to come down here and beg this Body and the Governor to sign a Bill to do it. Now, I don't think that



any of the municipalities that we represent want to be back in the position, no, not where they were before the passage of this Constitution, but back before many, many of the advances were made during the last twenty or thirty years of this great Body. These Bills are some of the most aggressive Bills that I've ever seen and I would appreciate the Members of this House to keep faith with the people that when they passed the Constitution and granted units of local Government some semblance of home rule that they would keep faith with them and defeat this legislation."

Hon. W. Robert Blair: "Any further discussion? Would the gentleman care to close?"

John H. Conolly: "Mr. Speaker, in closing, these Bills; I'd appreciate the same support that you gave the other series and House Bill 3636, which many people ah.. supported as drafted. They neither give away or take away any powers of the State or any home rule unit. Instead, it attempts to maintain the status quo so that the desirable change can be planned for and arrived in an orderly, careful considered fashion. I appreciate the support you gave these Bills last Session and would urge the adoption of this Bill and the Bills to follow."

Hon. W. Robert Blair: "The question is, 'shall this Bill pass?'. All those in favor will vote 'aye', and the opposed 'no'. The gentleman from Cook, Mr. Duff."

Brian B. Duff: "Mr. Speaker, I rise to explain my vote. Ah.. the gentleman who spoke in opposition to this Bill mentioned



the fact that it takes away taxing powers. I believe that a little closer reading of the Bill will indicate that is written and directed towards ah.. the new Consitution, Article VII, Local Government, Section VI, Powers of Home Rule Units, Paragraph H and I. Paragraph H specifically says, 'that other than a taxing power'. Paragraph G, which he referred to earlier, refers to a three-fifths power. There is no... nothing being taken away from the municipalities here ah.. that the State has not had as a power already. We're talking here about a Bill which is designed specifically to maintain the status quo. When the Constitutional Convention met and the subject of Home Rule was proposed, many of us agreed that Home Rule needed new powers. And, indeed, they did. Nevertheless, the drafters of the Constitution were thoroughly aware of the fact that they did need some exclusive abilities of the State to function. I vote 'aye'."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Shea."

Gerald W. Shea: "Well, Mr. Speaker, Ladies and Gentlemen of the House, I know that Mr. Duff is an Attorney and I know that Mr. Conolly has had the support of many of the Agencies in this State, wanting to limit the powers. But, these Bills absolutely take away from units of local Government they had before the passage of the new Constitution. And, I think, and I'm sure that neither one of them would want to mislead anybody. But, I'd like you to read the Bills closely and just say... or the Bills just say that, 'they provide that the powers and functions, under 'The Insurance



Code', shall be exercised only by the State of Illinois'. And, they're taking away power that Home Rule Units and other Units of Government had before the enacting of the new Constitution."

Hon. W. Robert Blair: "The gentleman from Kane, Mr. Waddell."

R. Bruce Waddell: "Mr. Speaker, Ladies and Gentlemen of the House, for those of you who are Downstate and for those of you who do not want utter confusion in your District between those towns, you'll find that separate regulating and separate licensing, such as an insurance man or the other groups that you have heard from, you know that in case they have to buy a license in each town in order to operate, this is going to get mighty expensive. And, this is one of the reasons that you've heard from those people. They want the powers left right here with the State of Illinois. They don't want to have to compete between one another in those towns, but they do want freedom to be able to dispense and to provide those services so that they do not have to have duplicate licenses to buy from one or the other. I think that this is a good Bill. I ah.. encourage your support."

Hon. W. Robert Blair: "Have all voted who wished? The gentleman from ah.. Cook, Mr. Lechowicz."

Thaddeus S. Lechowicz: "Mr. Speaker and Ladies and Gentlemen of the House in deference to the previous speaker, if licensing regulations were removed by House Bill 3636 and many other functions were also and many other agencies as well were in ah.. direct control of this State. This is a differ-



ent series of Bills and I would recommend a 'no' vote."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Duff, for what purpose do you rise?"

Brian B. Duff: "I rise to a point of personal privilege, Mr. Speaker. My name was used in debate."

Hon. W. Robert Blair: "Proceed."

Brian B. Duff: "It is indeed true that I am an Attorney. It is also indeed true that I have insurance clients. And, this Bill refers to insurance. It is also true that I have no brokers license, no agent license and no conflict or connection with the Insurance Industry other than experience some year ago. It is further true that to suggest otherwise would be more directed to the key, which is to misrepresent, I suggest or would think, the point of this Bill. We are talking here about the problem of competence of regulation. We are talking about the proliferation of multiple licensing and many other powers related in this particular Bill to the Insurance Industry. Many of you can recognize the fact that if a person would want to have a reasonably good, let's say insurance sales activity and would want to be licensed, and they might, let's say live in Cook County and have to sell insurance in Arlington Heights, Evanston, Skokie ah.. the City of Chicago and a number of other Communities like that, for example, without this those municipalities would and many would like to, all be able on their own premise license in a variety of ways for a variety of fees anybody who would do business in that field over more than one Community. This,



in itself, seems to me is clear would be very very definitely in restraint of trade."

Hon. W. Robert Blair: "The gentleman from Lake, Mr. Matijevidh."

John S. Matijevidh: "Ah.. Mr. Speaker, I know that the time is past due, but, I would like to have Representative Conolly ask one question, if he would, please. I know that it's irregular at this time. But, I voted for House Bill 3636 and I was under impression that that took care of State regulation and State pre-emption. And, I've never been... I've never really realized that both last year and now why we need this other series of Bills if House Bill 3636 took care of that pre-emption."

Hon. W. Robert Blair: "Okay."

John S. Matijevidh: "Now, John, why do we need this Series if House Bill 3636, which has passed this House can do it in one Bill and provide, and I voted for that Bill, provide for State pre-emption of, for example, insurance companies, etc.?"

Hon. W. Robert Blair: "The gentleman from Lake, Mr. Conolly, explaining his vote."

John H. Conolly: "In explaining my vote, I would say that House Bill 3636 concerns itself to the individuals who are regulated, not through the State Agencies who did the regulating. So, it would regulate the insurance broker but not the Insurance Industry itself and other fields such as Pharmacy and the Hospital Act and ah.. the Voluntary Health Services and ah.. Consumer Loans, Consumer Finance, etc. All these Bills affect



the State Agency not going by the individual itself."

Hon. W. Robert Blair: "The Clerk will take the record. William Cunningham.. 'aye'. On this question, there are 91 'Ayes', and 41 'Nays'. The gentleman from Cook, Mr. Shea."

Gerald W. Shea: "I wonder if anybody would like to poll the absentees before I ask for a verification? Because I would like to have the Roll Call verified, please."

Hon. W. Robert Blair: "Alright.. the Clerk will proceed to verify the affirmative. For what purpose does the gentleman from Lake, Mr. Conolly rise?"

John H. Conolly: "I would poll the absentees if this verification would conclude the verifi...."

Hon. W. Robert Blair: "Well, the procedure is much better if you poll the absentees first and then verify."

John H. Conolly: "I agree."

Hon. W. Robert Blair: "Do you desire to do that?"

John H. Conolly: "If you please."

Hon. W. Robert Blair: "Alright.. Poll the absentees."

Fredric B. Selcke: "Bluthardt.. "

Hon. W. Robert Blair: "Bluthardt.. 'present'"

Fredric B. Selcke: "George, get down here now. Let's get this straight. Boyle.. Calvo.. Carrigan.. Capparelli.. Jimmy Carter.. Chapman.. Otis Collins.. Corbett.. Cox.. Craig.. Fennessey.. Flinn.. Gibbs.. Hamilton.. Hanahan.. Hart.. Ron Hoffman.. Holloway.. Jacobs.. Jaffe.. Janczak.. Kennedy.. Klosak.. Krause.. Londrigan.. Ed Madigan.. Mati-jevich.."



John S. Matijevich: "Present... Present... Present..."

Hon. W. Robert Blair: "Present."

Fredric B. Selcke: "McClain.. McDermott.. Merlo.. Murphy..

North.. Pappas.. Redmond.. Scariano.."

Anthony Scariano: "Scariano.. 'aye'."

Fredric B. Selcke: "Stedelin.. Stone.. Terzich.. Tipsword..

Frank Wolf.. B. B. Wolfe.."

Hon. W. Robert Blair: "Alright.. ah.. verify. Does the gentleman renew his request to... You don't renew it."

Gerald W. Shea: "I would like a verification."

Hon. W. Robert Blair: "Alright.. The gentleman renews his request for a verification."

Fredric B. Selcke: "Anderson.. Bartulis.. Blades.. Borchers..

Bradley.. Brenne.. Brinkmeier.. Brummet.. Burditt.. Campbell..

Capuzi.. Clabaugh.. P. W. Collins..."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Shea."

Gerald W. Shea: "Mr. Speaker, there's so much activity on the floor, I find it hard to verify. So, I'm just wondering if we might slow down and either have the Members rise or show that they are present."

Hon. W. Robert Blair: "Alright.. Would the Members be in their seats and would the Clerk proceed in deliberate fashion to ah.. verify the affirmative vote."

Fredric B. Selcke: "Corbett.. Cox.. P. W. Collins.. Conolly..

L. Cunningham.. R. Cunningham.. W. Cunningham.. Day.. Douglas..

Duff.. Dyer.. Epton.. Fleck.. Friedland.. Glass.. Graham..

Granata.. Hall.. Harpstrite.. Henss.. Hirschfeld.. Gene



Hoffman.. Houde.. Hudson.. Hunsicker.. Hyde.. Jones.. Juckett..
 Kahoun.. Karmazyn.. Katz.. Keller.. Kipley.. Kleine.. Lauter-
 bach.. Lehman.. Lindberg.. Ed Madigan.. Mann.. McAvoy..
 McCormick.. McDevitt.. McMaster.. Meyer.. Kenny Miller..
 Peter Miller.. Moore.. Neff.. Nowlan.. G. O'Brien.. Palmer..
 Philip.. Pierce.. Randolph.. Rayson.. Regner.. Rose..
 Scariano.. Schisler.. Schlickman.. Schneider.. Schoeberlein..
 Sevcik.. Shapiro.. Simmons.. Timothy Simms.. Soderstrom..
 Springer.. Telcser.. Jack Thompson.. Tuerk.. VonBoeckman..
 Waddell.. Wall.. R. Walsh.. W. Walsh.. Walters.. Washburn..
 Genoa Washington.. Williams.. J. J. Wolf.. Zlatnik.. and
 Mr. Speaker."

Hon. W. Robert Blair: "The ah.. gentleman from Cook, Mr. Shea."

Gerald W. Shea: "Bradley?"

Hon. W. Robert Blair: "He's here."

Gerald W. Shea: "Brinkmeier?"

Hon. W. Robert Blair: "He's here."

Gerald W. Shea: "Brummet?"

Hon. W. Robert Blair: "He's... How...."

Fredric B. Selcke: "The gentleman is recorded as voting 'aye'."

Hon. W. Robert Blair: "I don't see him in his seat. Take him
 off the Roll call."

Gerald W. Shea: "Anderson?"

Hon. W. Robert Blair: "He's there."

Gerald W. Shea: "Burditt?"

Hon. W. Robert Blair: "How's the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting 'aye'."



Hon. W. Robert Blair: "He's not in his seat. But, he'll be here. Take him off the Roll til he gets here."

Gerald W. Shea: "Telcser?"

Hon. W. Robert Blair: "Telcser went to get Burditt."

Gerald W. Shea: "Does that mean we'll take him off and put him back on?"

Hon. W. Robert Blair: "Well, if you want to. Take both of them off the... record."

Gerald W. Shea: "Campbell?"

Hon. W. Robert Blair: "Campbell's here."

Gerald W. Shea: "Corbett?"

Hon. W. Robert Blair: "Who?"

Gerald W. Shea: "Corbett."

Hon. W. Robert Blair: "He's not voting."

Gerald W. Shea: "Cox?"

Hon. W. Robert Blair: "He didn't vote."

Gerald W. Shea: "They called his name."

Fredric B. Selcke: "I know it. I made a mistake."

Hon. W. Robert Blair: "Yeah.. He's not here today. He didn't vote."

Gerald W. Shea: "Well, I know, but they called his name. Is that one of the 92? Or, where were we?"

Hon. W. Robert Blair: "No, they're not in the total whatever it may be."

Gerald W. Shea: "Epton?"

Hon. W. Robert Blair: "He's there."

Gerald W. Shea: "Harpstrite?"



Hon. W. Robert Blair: "He's there."

Gerald W. Shea: "Houde?"

Hon. W. Robert Blair: "Well, there he is. He's in the back."

Gerald W. Shea: "Kahoun?"

Hon. W. Robert Blair: "He's there."

Gerald W. Shea: "McCormick?"

Hon. W. Robert Blair: "He's there."

Gerald W. Shea: "VonBoeckman?"

Hon. W. Robert Blair: "How's the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting 'aye'."

Hon. W. Robert Blair: "I don't see him in his seat. Take him off the record."

Gerald W. Shea: "Keller?"

Hon. W. Robert Blair: "How's the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting 'aye'."

Hon. W. Robert Blair: "You know, it is extremely difficult for me to verify. I'm looking right down that aisle and you've got a staff Member in the back there and another Member. Alright.."

Gerald W. Shea: "Keller?"

Hon. W. Robert Blair: "Keller is not in his seat. Take him off the Roll."

Fredric B. Selcke: "Who?"

Hon. W. Robert Blair: "Keller."

Gerald W. Shea: "Pete Miller?"

Hon. W. Robert Blair: "He's right there."

Gerald W. Shea: "Shapiro?"



Hon. W. Robert Blair: "Shapiro is there."

Gerald W. Shea: "William?"

Hon. W. Robert Blair: "He's there."

Gerald W. Shea: "Sevcik?"

Hon. W. Robert Blair: "He's there."

Gerald W. Shea: "Les Cunningham?"

Hon. W. Robert Blair: "He's there."

Gerald W. Shea: "Fleck?"

Hon. W. Robert Blair: "He's there."

Gerald W. Shea: "Gene Hoffman?"

Hon. W. Robert Blair: "He's there."

Gerald W. Shea: "Is Burditt back?"

Hon. W. Robert Blair: "No."

Gerald W. Shea: "Pardon me."

Hon. W. Robert Blair: "No."

Gerald W. Shea: "Well, is he off the..."

Hon. W. Robert Blair: "Well, I can only take him off once."

Gerald W. Shea: "Oh... You did take him off. Brinkmeier?"

Hon. W. Robert Blair: "Well, you polled him once before and
he was there then and I verified him."

Gerald W. Shea: "Well, I don't see him here now, Mr. Speaker."

Hon. W. Robert Blair: "Well, that's alright. I verified him
the first time around. Ah.. there is... Burditt is back.
So, put him back on the Roll Call."

Gerald W. Shea: "Rayson?"

Hon. W. Robert Blair: "How's the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting 'aye'."



Hon. W. Robert Blair: "Alright... He's not in his seat. So, take him off the Roll Call."

Gerald W. Shea: "VonBoeckman?"

Hon. W. Robert Blair: "You've al... We've al.. We've already had him once."

Gerald W. Shea: "I don't think that I called him."

Hon. W. Robert Blair: "Yes, you did and I took him off."

Gerald W. Shea: "Oh.. You took him off. Alright. Thank you."

Hon. W. Robert Blair: "Yeah. Burditt and Telcser are both back. For what purpose does the gentleman from Lake, Mr. Conolly, rise?"

John H. Conolly: "Mr. Keller is on the floor right back there. He.. He just disappeared after voting in favor."

Hon. W. Robert Blair: "Alright.. the gentleman from Cook, Mr. Rayson is back ah.. on the floor. Put him back on. The gentleman from Cook, Mr. Shea."

Gerald W. Shea: "Well, Mr. Speaker, if you're... if you're going to put them... count them here once you verify they're here. Are we going to count them absent at the time you verify them as absent?"

Hon. W. Robert Blair: "Well, is the gentleman from Cook, Mr. Rayson..... I have not announced the verified Roll Call yet. Does the gentleman from Cook, Mr. Rayson, ah.. desire ah.. to vote? How's he recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting 'aye'."

Hon. W. Robert Blair: "And, was taken off the Roll Call when we went through the verification. So..."



Leland H. Rayson: "Vote me 'present'."

Hon. W. Robert Blair: "Alright.. Vote the gentleman 'present'."

Voices: "Nooooo."

Hon. W. Robert Blair: "Alright.. the gentleman from Cook, Mr. Hoffman."

Ronald K. Hoffman: "Mr. Speaker, how am I recorded?"

Hon. W. Robert Blair: "How's the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as not voting."

Ronald K. Hoffman: "Vote me 'aye'."

Hon. W. Robert Blair: "Record the gentleman 'aye'. The gentleman from Effingham, Mr. Keller, for what purpose do you rise?"

Charles F. Keller: "How am I recorded?"

Hon. W. Robert Blair: "How's the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as... was recorded as voting 'aye', and then was taken off."

Charles F. Keller: "Present... Present..."

Hon. W. Robert Blair: "Alright.. show the gentleman has 'present'."

Voices: "Yeah...."

Hon. W. Robert Blair: "On this question, there are 90 'Ayes', 41 'Nays', 5 'Present', and this Bill having received a Constitutional majority of 89 votes is hereby declared passed. The gentleman from Cook, Mr. Duff."

Brian B. Duff: "Mr. Speaker, having voted on the prevailing side, I move to reconsider."

Hon. W. Robert Blair: "The gentleman from Perry, Mr. Cunningham, moves to table. All those in favor of the motion to



table say 'aye', opposed 'no', the 'ayes'... The gentleman from Perry, Mr. Cunningham."

William J. Cunningham: "In the interest of saving time, I would withdraw to Second."

Hon. W. Robert Blair: "Alright.. The gentleman from Cook, Mr. Duff."

Brian B. Duff: "In the same interest, I withdraw..."

Hon. W. Robert Blair: "Alright.. No objection to that, I assume. The gentleman from Cook, Mr. Shea."

Gerald W. Shea: "I didn't see any leave of the House to either withdraw the Second or the question."

Hon. W. Robert Blair: "I asked if there were any objections."

Gerald W. Shea: "I'm objecting, Mr. Speaker."

Hon. W. Robert Blair: "All those in favor of the motion to table say 'aye', opposed 'no'. Alright ah.. All those in favor of the motion to table will vote 'aye', and the opposed 'no'. Have all voted who wished? The Clerk will take the record. On this question, there are 89 'Ayes', and 68 'Nays', and the ah.. motion to table prevails. The gentleman from ah.. Cook, Mr. Palmer."

Romie J. Palmer: "Mr. Speaker, I would like to withdraw my objections calling separately the other Bills in the Series."

Hon. W. Robert Blair: "And, leave the same Roll Call. Okay. For what purpose does the gentleman from Cook, Mr. Shea, rise?"

Gerald W. Shea: "In case there is any question, I'm going to object but for the purposes of a record that's being made



on this floor. I object to this Bill being passed with only 89 votes. And, it's my feeling that it requires three-fifths votes."

Hon. W. Robert Blair: "Well, that was understood from your ah.. ah.. objections prior to the time that ah.. the matter was considered on the floor. And, at that time, my ruling was that the subject matter that we're involved with here is one that is being exercised by the State and it is the Chair's ruling that under the wording of the Constitution, only a Constitutional majority is required of 89 votes and this matter having received 90 affirmative votes was declared passed. Now, the gentleman is objecting to.. to calling.. or hearing these Bills ah.. in a series. So, we'll go to 2792."

Fredric B. Selcke: "House Bill 2792, An Act to add Section 19 to 'The Non-Profit Hospital Service Plan Act. Third reading of the Bill."

Hon. W. Robert Blair: "The gentleman from Lake, Mr. Conolly."

John H. Conolly: "Yes, Mr. Speaker, in the thought of being brief in this series of Bills, I'd like to just point out that this affects only States. It does not take anything away from the Cities. And, when we talk about the 'Non-Profit Hospital Service Plan Act, we're talking about the system referred to in Illinois as The Blue Cross Program. I move the favorable consideration to such a measure."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Shea."

Gerald W. Shea: "Again, Mr. Speaker, I would request the Chair,



specifically on this Bill, to inform me. Does this need three-fifths or 89 votes to pass?" House Bill 2792. As again, Mr. Speaker, this is taking away from units of local Government powers that they previously had. It is taking away from units of local Government powers that they may wish to exercise under the new Constitution of 1970. And, again I say, that it is taking us back into the dark ages. It's taking away from the units of local Government any power that they may wish to exercise under their police power."

Hon. W. Robert Blair: "The same ruling prevails that the Chair made with respect to House Bill 2791 on the ah.. same objection that was raised by you at that time. Which namely is, is that this is a power or function that is exercised at the present time by the State. And, for that reason, ah. Constitutional majority of 89 votes is sufficient for passage of this Bill. Further discussion? The gentleman from Cook, Mr. Shea."

Gerald W. Shea: "Again, Mr. Speaker, Ladies and Gentlemen of the House, we're sitting down here today attempting to take away from units of local Government the powers they had prior to the passage of the new Constitution. Now, stop and think of what we're doing. We're sitting here today saying that the State can only exercise the power in this or the State can only exercise the power in that field. But, you're setting a precedent where Legislative Bodies in the future can start taking away other powers from your units of local Government. And, you'll be back to the same position again



where Legislative Bodies, this Legislative Body, where units of local Government will have to be coming down here hat in hand to exercise their authorities in their police powers and other powers. I think that this is a bad series of Bills. And, I would pray that it does not get the number of votes required for passage."

Hon. W. Robert Blair: "The gentleman from Rock Island, Mr. Henss."

Donald A. Henss: "Will the Sponsor yield for a question, please?"

Hon. W. Robert Blair: "Yes."

Donald A. Henss: "Representative, in the City of Moline, there are two Hospitals, forty feet apart, and the people in the Community would like to see these two Hospitals merged and consolidated. One is a non-profit Hospital. One is a City Hospital. Would this Bill affect the Home Rule power of the City Authorities in Moline to authorize that consolidation?"

John H. Conolly: "I'm confident that this Amendment to the Act ah.., as drafted, neither gives nor takes away any powers from the State or any Home Rule Unit. Now, this Bill really, what we're talking about, is the Blue Cross Act and does not have anything to do with that matter."

Donald A. Henss: "What specifically does the Bill do with regard to the Home Rule power of a municipality ah.. regarding consolidation or regarding Hospitals in general?"

John H. Conolly: "We're talking about this type of Blue Cross Program insurance and it would ah.. keep them from ah.. or hamper a half of dozen or two dozen or a hundred municipalities



of ah.. establishing similiar types of insurance programs."

Hon. W. Robert Blair: "The gentleman from Ogle, Mr. Brinkmeier."

Robert E. Brinkmeier: "Will the Sponsor yield for a question?"

Hon. W. Robert Blair: "He indicates he will."

Robert E. Brinkmeier: "John, I did ah.. vote for the last Bill

and I'm going to vote again for this one but I still, to my satisfaction, it hasn't been explained to me why these series of Bills are necessary when we have passed out 3636. Could you... Could you explain that?"

John H. Conolly: "Well, there would be nothing in House Bill 3636 that would affect the ah.. this Bill today on ah..'Non-Profit Hospital Service Act'. That basically pertained to like Real Estate Salesmen, Insurance Salesmen, ah.. Doctors, ah.. Optometrists, etc., like that, not to the general broad plan of this ah.. Department."

Robert E. Brinkmeier: "Thank you."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Schlickman."

Eugene F. Schlickman: "Mr. Speaker and Ladies and Gentlemen of the House, I've heard it said on this floor this afternoon that by this series of Bills, we are taking away from municipalities authority or powers that they had prior to the approval by the voters of the State of Illinois of the 1970 Consitution. I, respectfully suggest, that that state-ment is nonsensical. Prior to the approval of the 1970 Con-stitution, municipalities in Illinois had only those powers specifically delegated or prescribed for municipalities. Now, in the instant case, House Bill 2792, we are talking



about certain powers and functions set forth in 'The Non-Profit Hospital Planning Act'. And, at no time, has the State of Illinois... had the State of Illinois, prior to the approval of the 1970 Constitution, delegated those certain limited powers and functions to the municipalities. All we are talking about here, Mr. Speaker and Ladies and Gentlemen of this House, is for reservation to the State of those powers and functions which heretofore and prior to the 1970 Constitution were exclusively performed by the State. We are maintaining, as was previously stated by another Representative, another Member of this Body, simply maintaining the status quo. And, I would join with the Sponsor of this Bill in urging your passage of it."

Hon. W. Robert Blair: "The question is, 'shall this Bill pass?'

All those in favor will vote 'aye', and the opposed 'no'.

The gentleman from Lake, Mr. Matijevich."

John S. Matijevich: "Mr. Speaker, I'd like to vote 'present' and I'd like to explain that I'm going to vote 'present' on these Bills. As I said, I voted for House Bill 3636. I thought that the State ought to have that pre-emptive power on registration and licensing ah.. Bills ah.. However, the Sponsor has not, to my satisfaction, told me that local Government ought not have powers different from this. And, he hasn't been able to clarify, and I doubt if he will, in succeeding Bills the necessity for these Bills. And, I would like to be recorded on this Bill and the rest of the Series."

Hon. W. Robert Blair: "Have all... The gentleman from Cook,



Mr. Duff."

Brian B. Duff: "Mr. Speaker, I rise to explain my vote. Having just passed 2791, now dealing with 2792, which deals, in effect, with the field of insurance. Although, not for profit service corporations. It seems eminently reasonable that we would pass this Bill with the same vote. Now, we may approach each of these subjects, I suppose, under the objection, singly. But, if ever there were two Bills that were paired together to pass, these are two. I vote 'aye'."

Hon. W. Robert Blair: "Have all voted who wished? The Clerk will take the record. The gentleman from ah.. Lake..., Mr. Conolly."

John H. Conolly: "I hate to belabor the point, Mr. Speaker, but would you poll the absentees, please?"

Hon. W. Robert Blair: "Poll the absentees."

Fredric B. Selcke: "Barry.. Bluthardt.."

Hon. W. Robert Blair: "Bluthardt.. 'present'."

Fredric B. Selcke: "Boyle.. Brenne.. Brinkmeier.. Brunmet.. Calvo.. Jimmy Carter.. Chapman.. Corbett.. Cox.. Draig.. Fennessey.. Flinn.. Gibbs.. Hamilton.. Hanahan.. Hart.. Hill.. Ron Hoffman.. Jacobs.. Janczak.. Kennedy.. Klozak.. Krause.. Laurino.. Lauterbach.. Maragos.. Markert.."

Hon. W. Robert Blair: "Alright.. The gentleman from Peoria, Mr. Lauterbach."

Wilbur H. Lauterbach: "'Aye."

Hon. W. Robert Blair: "Record the gentleman 'aye'. The gentleman from Cook, Mr. Ron Hoffman. Record the gentleman as



'aye'."

Fredric B. Selcke: "Matijevich.. 'present'. McClain.."

Hon. W. Robert Blair: "'Present'."

Fredric B. Selcke: " McDermott.. Murphy.. Pappas.. Pierce.."

Hon. W. Robert Blair: "Present"

Fredric B. Selcke: "Rayson.. Scariano.."

Hon. W. Robert Blair: "Laurino.. ah.. 'no'."

Fredric B. Selcke: "Keller."

Hon. W. Robert Blair: "Keller.. present. Oh.. Alright.. Change
Keller from 'aye' to 'present'."

Fredric B. Selcke: "Stedelin.. Stone.. Tipsword.. J. J. Wolf..

B. B. Wolfe.. Zlatnik.."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Zlatnik.

How's the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as not voting."

Michael F. Zaltnik: "Vote me 'aye!'."

Hon. W. Robert Blair: "Record the gentleman has 'aye'. The
gentleman from Cook, Mr. J. J. Wolf. How's he recorded?"

Fredric B. Selcke: "The gentleman is recorded as not voting."

Hon. W. Robert Blair: "Record the gentleman as 'aye'. On
this question, there are 90 'Ayes' and 46 'Nays' and 4 'Pre-
sent'. For what purpose does the gentleman from Cook, Mr.
Shea, rise?"

Gerald W. Shea: "I'd like the verification of the affirmative
Roll Call."

Hon. W. Robert Blair: "The gentleman has asked for a verifica-
tion. The Members will be in their seats and the Clerk will



verify the affirmative Roll Call."

Fredric B. Selcke: "Anderson... You going to make them sit down, Mr. Speaker?"

Hon. W. Robert Blair: "Alright.. Let's get the Members in their seats and so we can do a little better, we'll take just a moment while the Doorkeeper clears the ah.. floor of all persons not entitled to it. Right now. Doorkeeper. Alright.. Proceed to verify."

Fredric B. Selcke: "Anderson.. Bartulis.. Blades.. Borchers.. Bradley.. Burditt.. Campbell.. Capuzi.. Clabaugh.. Phil Collins.. Conolly.. L. Cunningham.. R. Cunningham.. W. Cunningham.. Day.. Douglas.. Duff.. Dyer.. Epton.. Fleck.. Friedland.. Glass.. Graham.. Granata.. Hall.. Harpstrite.. Hirschfeld.. Gene Hoffman.. Ron Hoffman.. Holloway.. Houde.. Hudson.. Hunsicker.. Hyde.. Jaffe.. Jones.. Juckett.. Kahour.. Karmazyn.. Katz.. Kipley.. Kleine.. Lauterbach.. Lehman.. Lindberg.. Ed Madigan.. Mann.. McAvoy.. McCormick.. McDevitt.. McMaster.. Meyer.. Kenney Miller.. Peter Miller.. Moore.. Neff.. North.. Nowlan.. G. O'Brien.. Palmer.. Philip.. Randolph.. Redmond.. Regner.. Rose.. Schisler.. Schlickman.. Schneider.. Schoeberlein.. Sevcik.. Shapiro.. Simmons.. Timothy Simms.. Soderstrom.. Springer.. Telcser.. Jack Thompson.. Tuerk.. Von Boeckman.. Waddell.. Wall.. R. Walsh.. W. Walsh.. Walters.. Washburn.. G. Washington.. Williams.. J. J. Wolf.. Zlatnik.. and Mr. Speaker."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Brenne. How's the gentleman recorded?"



Fredric B. Selcke: "The gentleman is recorded as not voting."

Hon. W. Robert Blair: "Record the gentleman as 'aye'. The gentleman from Cook, Mr. Jack Thompson. How's the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting 'aye'."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Jaffe."

Aaron Jaffe: "Would you change my vote from 'aye' to 'present'."

Hon. W. Robert Blair: "Change him from 'aye' to 'present'. The gentleman from Ogle, Mr. Brinkmeier."

Robert E. Brinkmeier: "May I be recorded as voting 'present'?"

Hon. W. Robert Blair: "Change.. Oh.. he's.. he's changing his vote from 'not voting' to 'present'. Any questions of the affirmative vote? I thought maybe we'd get together on the counting this time. On this question, there are 90 'Ayes' and 46 'Nays', 8 'Present', and this Bill having received the Con... For what purpose does the gentleman from Cook, Mr. Shea, rise?"

Gerald W. Shea: "I have questions of the affirmative roll."

Hon. W. Robert Blair: "Oh..I thought you wanted the affirmative Roll Call."

Gerald W. Shea: "No. I just wanted to know what your count showed so that maybe we could be together for a change and nobody would be accused of making mistakes."

Voices: "Ohhhhh....."

Gerald W. Shea: "Dyer?"

Hon. W. Robert Blair: "She's here."

Gerald W. Shea: "Katz?"



Hon. W. Robert Blair: "He's here."

Gerald W. Shea: "Mann?"

Hon. W. Robert Blair: "He's here."

Gerald W. Shea: "Douglas?"

Hon. W. Robert Blair: "How's the gentleman recorded? He's over here."

Gerald W. Shea: "Blades?"

Hon. W. Robert Blair: "He's here."

Gerald W. Shea: "Bradley?"

Hon. W. Robert Blair: "There he is."

Gerald W. Shea: "Where?"

Hon. W. Robert Blair: "He's there."

Gerald W. Shea: "Philip Collins?"

Hon. W. Robert Blair: "He's there."

Gerald W. Shea: "Les Cunningham? Kahoun?"

Hon. W. Robert Blair: "Wait a minute.. I ah.. Well, he's not in his seat. Take him off the record."

Gerald W. Shea: "Kahoun?"

Hon. W. Robert Blair: "Well, he's not in his seat. Alright.. Kahoun's here. Put him back on."

Gerald W. Shea: "Mr. McCormick?"

Hon. W. Robert Blair: "He's there."

Gerald W. Shea: "Mr. Ted Meyer?"

Hon. W. Robert Blair: "He's here and Les Cunningham is back. So, put him on the Roll... back on the Roll."

Gerald W. Shea: "Redmond?"

Hon. W. Robert Blair: "Redmond.. How's the gentleman recorded?"



Fredric B. Selcke: "The gentleman is recorded as voting 'aye'."

Hon. W. Robert Blair: "Well, he's not in his seat. Take him off the record."

Gerald W. Shea: "Mr. Holloway?"

Hon. W. Robert Blair: "How's the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting 'aye'."

Hon. W. Robert Blair: "He's not in his seat. Take him off the record."

Gerald W. Shea: "Mr. Houde?"

Hon. W. Robert Blair: "He's here."

Gerald W. Shea: "Harber Hall?"

Hon. W. Robert Blair: "How's the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting 'aye'."

Hon. W. Robert Blair: "He's not in his seat. Take him off the record."

Gerald W. Shea: "Mr. Borchers?"

Hon. W. Robert Blair: "Alright.. He's in the back. Alright.. Harber Hall is back. Put him on the record... back on the record. Are you through? Are you through verifying the affirmative?"

Gerald W. Shea: "Yes, Mr. Speaker."

Hon. W. Robert Blair: "The gentleman from Kane, Mr. Friedland. For what purpose do you rise?"

John E. Friedland: "How am I recorded, Mr. Speaker?"

Hon. W. Robert Blair: "How's the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting 'aye'."

Hon. W. Robert Blair: "Alright.. On this question, there are

88 'Ayes'... The gentleman from Lake, Mr. Murphy."

W. J. Murphy: "How am I recorded, Mr. Speaker?"

Hon. W. Robert Blair: "How's the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as not voting."

W. J. Murphy: "Vote me 'no', please."

Hon. W. Robert Blair: "Record the gentleman has 'no'. On this question, there are 88 'Ayes', 47 'Nays' and 8 'Present'.

The gentleman from Lake, Mr. Conolly."

John H. Conolly: "I'd like to postpone this Bill and call the next Bill."

Hon. W. Robert Blair: "Alright... with leave, why we'll postpone the Bill. 2793."

Fredric B. Selcke: "House Bill 2793, an Act to add Section 25 to 'An Act to local mutual district, county and township insurance companies'. Third reading of the Bill."

Hon. W. Robert Blair: "The gentleman from Lake, Mr. Conolly."

John H. Conolly: "Mr. Speaker, the ah... This has been debated a great deal and I would urge your favorable consideration of this Bill. It's very important for the continuing of orderly Government. It will reduce any confusion ah.. by differing viewpoint rules and regulations and ordinance of the Home Rule Units of Illinois. It's a Bill that would maintain the status quo. Move the adoption of the Bill."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Shea."

Gerald W. Shea: "Mr. Speaker, with regards to House Bill 2793, it is my feeling that this Bill requires 60 percent vote to pass. Is that correct, Mr. Speaker?"



Hon. W. Robert Blair: "No."

Gerald W. Shea: "How many does the Speaker hold that it takes to pass this Bill?"

Hon. W. Robert Blair: "89."

Gerald W. Shea: "I respectfully object to the Speakers' ruling."

Hon. W. Robert Blair: " I understand. Under the Constitution, this is a function or power which is being exercised by State Government at this time. For that reason, it is the Chairs' ruling that only 89 votes are required for its' passage. Any further discussion? The question is.... The gentleman from Cook, Mr. Shea."

Gerald W. Shea: "Will the Sponsor yield to a question?"

Hon. W. Robert Blair: "He indicates he will."

Gerald W. Shea: "Mr. Sponsor, House Bill 3636, which passed this Chamber said that, 'no Unit of Local Government shall have any power of regulation or other powers over', and it enumerated a number of Sections of the Code of the Illinois revised Statute. Now, in that Bill, at the time it left this Chamber and I objected to it then, it lumped the entire 'Insurance Code', all of Chapter 73 in the exclusions. Now, as I understand, that Bill has been signed by the Governor and it prohibits any regulation by any unit of local Government of anything in Chapter 73. Now, you come along with a Bill, again in Chapter 73, and talk about these being exclusive powers of the State. Would you explain to me what the differences are, please?"

John H. Conolly: "Mr. Speaker, I have been advised by Counsel



that this Bill ah.. should be passed so that they could be viewed upon by the Courts, if it goes to Court, on ah.. equal basis."

Gerald W. Shea: "Well, could you tell me who the ah.. Counsel was? You haven't answered the question."

John H. Conolly: "The ah.. My advise comes from ah.. Mr. Fletcher, who has been ah.. advising on such Home Rule Unit Bills."

Gerald W. Shea: "Is Mr. Fletcher the same Mr. Fletcher that ah.. is employed by the ah.. School Building Commission as their Attorney?"

John H. Conolly: "I do not know what all clients he has."

Gerald W. Shea: "Is that James Fletcher?"

John H. Conolly: "Yes."

Gerald W. Shea: "Well now, would you answer my question, what this Bill does different than what we did in 3636?"

John H. Conolly: "I've been advised that both Bills should be passed so that they'd be and quote, 'I'm advised will be signed by the Governor to cover the complete field of insurance'."

Gerald W. Shea: "John.... Your not answering the question. What does this Bill different than 3636? I got the impression when you put the Bill in that you certainly want to pass it. But, what does it do different than 3636?"

John H. Conolly: "I will yield to Mr. Duff, the Sponsor of 3636."

Hon. W. Robert Blair: "Alright.. The gentleman from Cook, Mr.



Duff."

Brian B. Duff: "Mr. Speaker... Mr. Speaker, if the gentleman who's asking the question will read the Bill and relate it to House Bill 3636. Ah.. he will notice that House Bill 3636 specifically refers to sub-paragraph H of the Section that we're discussing. This Bill, as drafted, refers to sub-paragraphs H and I. Consequently, it is different."

Gerald W. Shea: "Could Mr. Duff tell me the difference between the two of them? I assumed it was different or we wouldn't have had this Bill. But, what is the difference?"

Brian B. Duff: "I presume that the Sponsor of the Bill ah.. feels that the wording such as otherwise provided and the concurrent ah.. aspects of sub-paragraph I are important."

Gerald W. Shea: "Well, you know, Mr. Duff, you presume. I still can't understand, in the light of the passage of 3636, why we must go through these Bills, ah.. exempting specific Sections of 'The Insurance Code' from any regulation by Units of Local Government. I thought that under 3636, ah.. we removed the entire 'Insurance Code' from any local regulation."

Brian B. Duff: "Ah.. Mr. Speaker, it is my understanding that this Bill refers to an Act relating to local mutual district, county and township insurance companies."

Hon. W. Robert Blair: "The gentleman from Lake, Mr. Conolly."

John H. Conolly: "I know that it's not the rules of the House to continue a dialogue. And, I'm confident that the gentleman on the other side of the aisle has voted for duplicate



Bills before. And so, if it's in his mind that this is a duplicate Bill, then everybody who voted for 3636 should be more than glad to vote for this Bill."

Gerald W. Shea: "Is that a speech or ah.. Mr. Speaker and Ladies and Gentlemen of the House...."

Hon. W. Robert Blair: "Well, now wait a minute. What are you going to do? You've been carrying on an interrogation with ah.. two or three people. Are you going to speak to the merits of the Bill now?"

Gerald W. Shea: "If there are some, I'd like to."

Hon. W. Robert Blair: "Well, I've been clocking your times. So, you go ahead now and address yourself to the Bill and no further questions."

Gerald W. Shea: "Mr. Speaker and Ladies and Gentlemen of the House, I don't know what the fear is behind these Bills, or why we're so worried about the Insurance Companies of this State. But, I wonder if it might have something to do with regulation of rates. The people of this State have been gouged on rates. And, now all of a sudden, we want to make sure it's all deposited in one place. And, that's with the State of Illinois. And, we want to make sure that we can go ahead and let those rates be regulated only by the State. I wonder why. I think that this is another bad Bill."

Hon. W. Robert Blair: "The gentleman from Lake, Mr. Matijevich."

John S. Matijevich: "Mr. Speaker, would the gentleman yield to one question? Ah.. Representative Conolly in your dialogue with Representative Shea, ah.. you mentioned that your



Counsel, Jim Fletcher, had advised that this Bill ought to be passed and set along side House Bill 3636 in the Court. Ah.: I read within that that you presume that House Bill 3636 to be unconstitutional. Is that right?"

John H. Conolly: "That is absolutely incorrect."

John S. Matijevich: "Well, Mr. Speaker, I would like to speak briefly to this."

Hon. W. Robert Blair: "Alright."

John S. Matijevich: "You know, we're getting a lot of heat from the people back in the District that we don't know what we're doing. That we're passing out legislation here in Springfield that we ought to know is unconstitutional or constitutional. I don't think that it's our fault ah.. really. I think that we are passing out legislation which we think ah.. is right. And, we are passing legislation that we think benefits the constituents. But, throughout this series of Bills, I don't think that it's going to change, the Speaker.... the gentleman from Lake, my colleague, has said, 'Well, if you think it isn't the same as House Bill 3636, you voted for duplicate Bills before, vote for them'. From his testimony here in the House, I am led to believe that they are duplicate Bills. Now, this is the height of idiocy. I can't go back to my constituents and say, 'Yes, we may have voted for an unconstitutional Bill, but, we're going to vote for another one just like it and ah.. ah.. whole series'. So, I really... I'll tell you the truth, the reason I can't vote for these Bills is because I



don't think that the Sponsor has given us a good reason to vote for them. If he could do a job in presenting the Bills and tell us why they're different from House Bill 36, why they're needed, then I can vote for them. But, I just can't vote for them because he's Representative John Conolly or because he can't give a good reason. And, therefore, I'm going to continue to vote 'present' on these Bills."

Hon. W. Robert Blair: "The question is, 'shall House Bill 2793 pass?'. All those in favor will vote 'aye', and the opposed 'no'. Have all voted who wished? The Clerk will take the record. The gentleman from Lake, Mr. Conolly."

John H. Conolly: "Could I ask leave of the House to postpone these Bills?"

Hon. W. Robert Blair: "Alright..we'll leave for postponed consideration. With leave of the House, we'll go back to House Bills Second Reading. House Bill 4465."

Fredric B. Selcke: "House Bill 4465, a Bill for an Act to amend 'The School Code'. Second reading of the Bill. No Committee Amendments."

Hon. W. Robert Blair: "Any Amendments from the floor?"

Fredric B. Selcke: "Amendment No. 1, Hoffman, amends House Bill...."

Hon. W. Robert Blair: "The gentleman from DuPage, Mr. Hoffman."

Gene L. Hoffman: "Mr. Speaker and Ladies and Gentlemen of the House, Amendment No. 1 to House Bill 4465 is the School Problems Commission recommendation for the State Aid formula and the change in the distributive fund. This recommenda-



tion does basically two things. It provides a reduction in the dual district rates for ah.. a large dual districts from \$.87 to \$.84 cents and it provides for an increase in the ah.. equalized quotients added on to the ah.. foundation level from 12 percent to 19 percent. The total increase in the distributive fund would be in the neighborhood of \$45,000,000 dollars. Included in the Governors' budget was a recommendation for \$90,000,000 increase in ah.. a State Aid. Approximately \$45,000,000 of this money has gone into specialized ah.. areas such a \$16,000,000 million dollar increase in Special Ed, increase in Transportation, Urban Education and so on. The proposal which is included in Amendment No. 1 would cost in the neighborhood of \$45,000,000 dollars, reducing the dual district rates for large dual districts by \$.03 and increasing the ah.. percent add-on from 12 percent to 19 percent. And, I solicit your support of Amendment No. 1."

Hon. W. Robert Blair: "Discussion? Yeah... Second Reading, Fred. The gentleman from Cook, Mr. Berman."

Arthur L. Berman: "Would the Sponsor yield? Ah.. Gene, ah.. under this formula that you're proposing to amend into 4465, how much money will there be in the distributive fund for fiscal '73."

Gene L. Hoffman: "\$791,000,000 dollars."

Arthur L. Berman: "No.. The distributive fund, Gene, not the total ah.. not in a total school appropriation. I'm talking about the common school in the distributive fund, not the common school fund."



Gene L. Hoffman: "That's \$791,000,000 dollars."

Arthur L. Berman: "How much will there be in the fund after payment of prior claims and ah.. the teachers' retirement and other categorical grants?"

Gene L. Hoffman: "Well, the total was a \$1,083,000,000."

Arthur L. Berman: "How much will be it be for the formula fund under this proposal?"

Gene L. Hoffman: "791,000,000 million."

Arthur L. Berman: "How much in the State Aid portion, the annual State Aid portion of this proposal?"

Gene L. Hoffman: "Would you repeat that again. I'm sorry. I didn't catch that."

Arthur L. Berman: "Alright.. Let me rephrase it. How much increase is this proposal as compared to the appropriation for fiscal '72?"

Gene L. Hoffman: "Well, it would be the difference between 763 and 791."

Arthur L. Berman: "\$38,000,000? \$28,000,000? Is that correct?"

Gene L. Hoffman: "Yeah.."

Arthur L. Berman: "Alright.. \$28,000,000 dollars?"

Gene L. Hoffman: "Yes, of which then the 45, of course, is arrived at in terms of the expenditures."

Arthur L. Berman: "Alright now, let's talk about appropriation. That's at the figure that we're at now according to the formula. How much would you estimate the City of Chicago would receive of this \$28,000,000 dollars under this formula for fiscal '73?"



Gene L. Hoffman: "91 or pardon me.. 90. Or 9.1."

Arthur L. Berman: "91 we'll take. \$9,000,000?"

Gene L. Hoffman: "Round numbers. Yes."

Arthur L. Berman: "How much would the City receive after deducting over-payments under prior formulas?"

Gene L. Hoffman: "I'm not sure. The formula wasn't devised for any particular school district but was devised in attempt to use the resources that were available under the most equitable basis across the State."

Arthur L. Berman: "How much is there in lapsed funds from the '72 appropriation?"

Gene L. Hoffman: "In the neighborhood of ah.. \$20,000,000."

Arthur L. Berman: "Is there any difference in the computation of this formula that would eliminate the same type of lapsed funds for this '73 fiscal year?"

Gene L. Hoffman: "Yes, the lapse came about because of the fact that the 900 school districts, approximately 900 school districts which were eligible to file supplemental claims, ah.. only about 300 of them filed. We put aside a proportion of the funds in order to make allowances for the differentiation between the '69 assessed evaluation and the '70 assessed evaluation due to the reduction in personal property tax and so on. And, ah.. the districts did not claim this. This would not be a factor this time. In fact, to the best of my judgement, in terms of looking at the available statistics, ah.. we may be pressing the issue in terms of the dollars available a little bit with the 7 percent add-on."



Arthur L. Berman: "Ah.. Gene, do you have any other Amendments pending on this Bill?"

Gene L. Hoffman: "I'm sorry. I didn't hear that."

Arthur L. Berman: "Do you have any other Amendments pending for this Bill?"

Gene L. Hoffman: "Do I?"

Arthur L. Berman: "Yes. Do you?"

Gene L. Hoffman: "No."

Arthur L. Berman: "I think you do though. Alright.. If I may address myself to the Bill, Mr. Speaker. Or to the Amendment."

Hon. W. Robert Blair: "Oh.... I thought that that is what you were doing. Go ahead."

Arthur L. Berman: "Well, those were questions, Mr. Speaker. Thank you. Ah.. Ladies and Gentleman of the House, on this Amendment and on the next Amendment, we will have an opportunity for the first time in this Session and perhaps, the last, I'm not sure to indicate our commitment as the House of Representatives for the amount of money that the State of Illinois is going to appropriate or the amount of money that we are going to recommend by way of the annual State Aid School Formula. Amendment No. 1, which is being presented by Representative Hoffman, is in effect, the Governor's proposal which appropriates \$28,000,000 dollars for the distributive fund over what we appropriated in 1972. Amendment No. 2, which will be called after this, is my Amendment which embodies the formula that has been presented by the



Superintendent of Public Instruction, Dr. Bakalis. That Amendment allocates not \$30,000,000 dollars or \$28,000,000 dollars but \$148,000,000 dollars over what we spent for fiscal '72. We heard earlier this year, Ladies and Gentlemen, an address by the Governor of the State of Illinois, where he said that education was going to be his number 1 priority. Representative Hoffman's Amendment represents the lowest increase in State Aid in the past thirty years for State school appropriations for the distributive fund. I would suggest to you, Ladies and Gentlemen, that you look very carefully, because on Amendment No. 1 and Amendment No. 2 that I'm going to request and I hope that I'm joined by others for a Roll Call vote to indicate as whether we, as Members of the House, are willing to line up with the Governor's proclamation that Education should be our number 1 priority. And, I think that the only way that we can indicate this priority is by indicating our support today at Amendment stage for a high enough level of formula appropriation that will allow the school districts throughout the State of Illinois, not only Chicago, but from the very far North to the very tip of the Southern end of this State, to provide the school districts of the State of Illinois sufficient money to continue, not on an expanded level, but a subsistence level, the programs that they are presently carrying on for the children of our schools, for your children and for my children. This proposal was presented to the School Problems Commission and on a, I will call a partisan



vote, of 10 to 5, the Members of the Republican Party and the Members appointed to the Commission by the Governor, supported this Bill. I argued that this was a part of our responsibilities in that School Problems Commission and the Democratic Members of that Commission have filed a minority report which I will be glad to distribute to any of the Members of this House to indicate the part of our responsibilities as Members of this Commission. But, today, Ladies and Gentlemen, we are not Members of the School Problems Commission. We are Members of the House of Representatives, charged under the Constitution with maintaining the State and having the responsibilities, the primary responsibility for the funding of our schools. And, I submit to you that Amendment No. 1 does not live up to that primary responsibility. In fact, Ladies and Gentlemen, under the formula submitted in Amendment No. 1, the Schools, the States share of local funding will decrease, will decrease in fiscal '73. We are moving backwards, Ladies and Gentlemen. We are violating our oath under the Constitution. We are violating our obligations to the school children of the State of Illinois. I would urge a 'no' vote on Amendment No. 1 and I would urge a 'yes' vote on Amendment No. 2. And, Mr. Speaker, I would ask for a Roll Call vote on these Amendments."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Peter Miller, for what purpose do you rise?"

Peter J. Miller: "Well, Mr. Speaker, I want to cut in here because we're honored today with all the packed Gallery. For



the people who are interested in House Bill 800, which I happen to be the principle Sponsor, that I want them all to know, Mr. Speaker, that you have re-referred the Bill, which is now in Banks Savings and Loan to the Appropriation Committee and the Chairman, Mr. Regner, will see that they will have a hearing and their Leaders to represent their case. We hope that we can come to some victorious solution in the interest of the victims of the City Savings and Loan. And, Mr. Speaker, I want them all to know that you have re-referred it and the Bill is still alive and I spoke to the Minority Leader, Clyde Choate, and we want them to know that there is hope. And, if we can get the Appropriations Committee and the House and the Senate to pass it and hopeful that the Governor can sign it, these people can again have faith in the Banking System in the State of Illinois. Thank you, Mr. Speaker."

Hon. W. Robert Blair: "The gentleman from Lake, Mr. Pierce."

Daniel M. Pierce: "Ah.. Mr. Speaker, is it appropriate to speak on the Amendment? I... I.. I would have a question... I would have a question, I wasn't sure of what order of business we were in. I would have a question of the ah.. Sponsor of the Amendment. Ah.. Mr. Burditt has a Bill, I believe, that passed out of Committee that provided for substantial lowering of the qualifying rate for dual school districts to help end the inequalities in existence. I believe your Amendment, as I heard it explained, Mr. Hoffman, lowered the qualifying rate by \$.03 for dual High School Districts and



\$.03 for dual Grade School Districts. Does this mean that you, a part of the School Problems Commission, are not going to support Mr. Burditt's Bill when it reaches on the floor. hopefully today?"

Gene L. Hoffman: "In reference to your question, Representative Pierce, terms of the resources that are available was the judgement of the Commission that the \$.03 reduction or a total of \$6,000,000 dollars ah.. for that particular aspect was reasonable. Ah.. Representative Burditt's Bill, I believe, is something in the neighborhood of \$60,000,000 dollars just for that reduction. And, terms of the resources available, we didn't feel that it would be a responsible position to go any further than we have."

Daniel M. Pierce: "Alright.. Thank you. I take that for the frank answer to be in your Amendment, you do support a \$.03 decrease in the qualifying rate, will not support Mr. Burditt's dual district equality Bill. And, for that reason, Mr. Speaker, to briefly speak on the Amendment, I will oppose Amendment No. 1 because it, again, it again gives a trifling reduction of only \$.03 just what we did last year for the dual districts. Ah.. we want... we want to move towards, not complete equality, but towards ah.. towards equality of the financing of dual districts to that of unit districts. Now, Mr. Burditt's Bill would have accomplished that. It was approved in the House Committee on Education. I don't know whether he intends to call it today or not. But, because Amendment No. 1 only pays lip service to dual district



equality, I intend to opposed Mr. Hoffman's Amendment No. 1."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. B. B. Wolfe."

Bernard B. Wolfe: "Mr. Speaker, if I'm in order, I'd like to move to have Amendment No. 1 lie upon the table."

Hon. W. Robert Blair: "Alright.. The gentleman has moved that Amendment No. 1 be laid upon the table. The gentlemen from Cook, Mr. Burditt, for what purpose do you rise?"

George M. Burditt: "Well, Mr. Speaker, the distinguished gentleman from Lake was talking about my Bill and ah.. I would like to ah.. reply, if I may. I realize that I'm out of order because of the motion to table. But, with leave of the Chair and the Ladies and Gentlemen of the House, I would like to make one comment. I appreciate your concern and I certainly do intend to call that Bill as quickly as possible and do everything that I can to get that Bill passed out of the House and over in the Senate, passed in the Senate and signed by the Governor. But, from that, it does not follow that I'm opposing Representative Hoffman's Amendment. I think that we should support Amendment No. 1. I think that we should keep alive every vehicle that we possibly can to get the dual districts as much aid as we can. It may be that the practicalities of the matter are that 4465 is the only thing that we will be able to get the dual districts in this Session. And, whether or not that is so, I want to see this Bill passed out of there and I appreciate your help. I know you've offered to co-sponsor and are a co-sponsor of my Bill. Certainly, let's give that one the old College



try, but, let's not kill another good Bill in the process of it. Let's vote for Amendment No. 1 and this one too."

Hon. W. Robert Blair: "Alright.. the... Well, the question is on the gentleman from Cook, Mr. B. B. Wolfe's motion to table the gentleman from DuPage, Mr. Hoffman's Amendment No. 1 to this House Bill. And ah.., I see two people have asked for a Roll Call. One hand, Mr. Barry. Alright.. there will be a Roll Call. All those in favor of the motion to table will vote 'aye', and the opposed 'no'. Have all voted who wished? The Clerk will take the record. On this question, there are 82 'Nays', and 56 'Nays'. 82 'Nays', 56 'Ayes', plus Shea. And, the gentleman's motion to table is lost. Now, back on the main question. The gentleman from DuPage, Mr. Hoffman, to close."

Gene L. Hoffman: "Mr. Speaker and Ladies and Gentlemen of the House, I move the adoption of Amendment No. 1."

Hon. W. Robert Blair: "All those in favor will say 'aye', the opposed 'no', and the 'ayes' have it and the Amendment is adopted. Are there further Amendments?"

Fredric B. Selcke: "Amendment No. 2, Berman, amend House Bill 4465, andsoforth."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Berman."

Arthur L. Berman: "Mr. Speaker, No. 1, I didn't hear the maker of the motion called as No. 1. No. 2, I had requested a Roll Call vote during my remarks on the motion."

Hon. W. Robert Blair: "Well, the gentleman closed and ah.. and I moved that all those in favor of the adoption of the



Amendment say 'aye', the opposed 'no', and ah.. and I announced that the 'ayes' had it ah.. and ah.. that was it. Now, the fact that you, during your argument, may of said that you were going to ask for ah.. a Roll Call is fine. But, you have to have four other people to support you at the time. The matter has already been considered and we're on Amendment No. 2. Now, get back to your microphone. I'm not going to recognize you in middle of the aisle. The gentleman from Cook, Mr. Shea."

Gerald W. Shea: "Mr. Speaker, I thought that Representative Berman had requested a Roll Call vote. I certainly would have. I think that this is one of the most important matters to come before this House. Now, we've all got to go back to our Districts and run. One of the priorities of this Legislative Session is what we're going to do in Education. And, I think that this is probably one of the most critical votes that we'll see in this Session. And, I think that the Members ought to be recorded as either they're for aid to education or their posture in it. And, I would respectfully request that if we could have a Roll Call on Amendments No. 1 and 2."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Hyde."

Henry J. Hyde: "Well, Mr. Speaker, I respectfully suggest that the Rules require five people to request a Roll Call. Five people did not. A verbal Roll Call was taken. The results announced and now the gentleman wishes to ah.. erase the legitimate act of this House and retrace the steps. And, I



submit that the Rules do not so permit. And, I would object to ah.. ah.. the gentleman's motion."

Hon. W. Robert Blair: "Your point is well taken. The gentleman from ah.. We're now on the ah.. ah.. Amendment No. 2. The gentleman from ah.. Cook, Mr. Berman. The gentleman from Cook, Mr. Shea."

Gerald W. Shea: "Mr. Speaker, I would now move to reconsider the vote by which Amendment No. 1 was adopted."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Hyde."

Henry J. Hyde: "Well, Mr. Speaker, I don't believe that that motion should be entertained unless Mr. Shea wishes to represent to this House on that he did vote on the prevailing side. If he makes such a representation, I would accept his word as a gentleman."

Hon. W. Robert Blair: "That's right. The.. the... Your point is well taken and the Rule 73a.... Well, if.. if you would, I'm going to rule on these matters one at a time. Now, on Mr. Shea's request and the gentleman from Cook, Mr. Hyde's point is well taken. And, Mr. Shea is not and his point is overruled. Now, the gentleman from ah.. Cook, Mr. Garmisa, for what purpose do you rise?"

Benedict Garmisa: "Ah.. Mr. Speaker, I did vote on the prevailing side, and having so done, I move that the vote by which it was passed be reconsidered."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Hyde."

Henry J. Hyde: "Well, Mr. Speaker, I would submit that such a motion is dilatory. Ah.. I would also submit that chaos



would result unless such a motion were only permitted ah.. on a Roll Call vote. Now, if we're going to permit motions to reconsider on oral votes, I submit that the purpose of that is clearly dilatory and impermissible under Robert's rules."

Hon. W. Robert Blair: "Well, your point is well taken. 73a clearly states that a.... Well... would you just wait until I finish ruling on this order and I might get to you. Now, on the gentleman from Cook, Mr. Hyde's point concerning Mr. Garmisa's request, the Rule 73a, which I trust is the Rule which Mr. Garmisa is moving, provides that Member, who voted on the prevailing side on a recorded vote on a Bill or matter, would then control the House. There was not a recorded vote taken....on... the adoption of Amendment No. 1. It was a voice vote.. The gentleman from ah.. Cook, Mr. Shea."

Gerald W. Shea: "Mr. Speaker, I would move that we would suspend Rule 73a. I would move that we do now suspend Rule 73a, so that we may take a vote on the reconsideration of the adoption of Amendment No. 1, to House Bill 4465."

Hon. W. Robert Blair: "For what purpose does the gentleman from Champaign, Mr. Clabaugh, rise?"

Charles W. Clabuagh: "I raise the point of order, Mr. Speaker. You've disposed of Amendment No. 1. You've called No. 2 and we are now on Amendment No. 2 and we can't go back to Amendment No. 1. You've already ruled on that and I raise that as a point of order to proceed with the Amendment you've



already called now."

Hon. W. Robert Blair: "The ah.. Chair rules that the matter under discussion ah.. now is Amendment No. 2 and we'll proceed with it. The gentleman from ah.. Cook, Mr. Berman."

Arthur L. Berman: "Mr. Speaker, let it be known, making a formal request and joined by five other Members for a Roll Call vote on this Amendment, Mr. Speaker. Do we have five hands, Mr. Speaker? Thank you. Ladies and Gentlemen, Amendment No. 2, the Roll Call will accomplish the same thing that we wanted it to do on the first Amendment. Amendment No. 2 is the Bakalis' School Formula recommendation for fiscal 1973. It contains two important changes in the school formula. Number one: It includes a weighted compensatory education factor which provides each District in the State with additional State Funds in proportion to the number of poverty children attending school in those Districts. The National Educational Finance Study indicated that it takes approximately twice as much money to teach a child from a deprived home, to teach that child and allow him to reach the same educational level as it does to teach a child from a non-deprived home. This formula provides a 1.6 weighting factor to each school district based upon each child from a poverty stricken home. The formula also contains a provision for the Urban Aid or the density factor and we provide an alternative choice to the school districts so that no school district will receive any lesser money, under this formula, as it did in the previous years. You have a choice of either



choosing the density factor or the weighted compensatory education factor under this formula. The second important change of the formula is that it provides not a 7 percent add-on, as was recommended in Amendment No. 1, but rather a 12 percent add-on which provides a large additional amount of money for the distributive fund to all the school districts throughout the State. This provides... This formula is an increase of \$126,000,000 dollars over what Amendment No. 1 would have proposed. And, let me tell you where we're going to get the money for the \$126,000,000 dollars, Ladies and Gentlemen. Number one, we appropriated and passed out for fiscal '72, \$30,000,000 dollars of parochial aid, aid to the non public schools of this State, money which is presently in a special fund and because of Court decisions has not been spent in fiscal '72. That's \$30,000,000 dollars. We are allocating 40.5 million dollars, which is merely 10 percent of the estimated growth of revenues in the State of Illinois for fiscal '73. Illinois is expected to receive, because of an increased environmental, I'm sorry, economic prosperity as compared to fiscal '72, \$405,000,000 dollars. And, we are asking for 40.5 million of that increased revenue, only 10 percent, which is certainly not a disproportion amount of increased revenue to be allocated to education. The remaining 55.5 million dollars, Ladies and Gentlemen, represents a one and a half percent shift, not in the proposed, but in the existing 1972 General Revenue and Common School Funds. Again, I refer you to the Governor's State,



of the State Message to the Governor's Message concerning education where he said that, 'In his eyes, as the Chief Executive of our State, Education should be our Number 1 priority'. I submit that recommending the lowest increase in State Aid in thirty years is not putting education as Number 1. I submit to you that we are asking for this House and the Senate and this General Assembly to allocate a restructuring of our priorities, not by 10 or 20 or 50 percent, but by merely one and a half percent of the total 1972 budget, which is a substantially even a lesser amount than we're going to appropriate for '73, \$55,000,000 dollars for restructuring and reallocation for education. With this formula, Ladies and Gentlemen, we will enable many of the school districts to avoid cutting back on their number of teachers in the Fall, to avoid cutting back on many important programs. And, we're not only talking about the school districts that we many times hear about to the exclusion of others. I'm not only talking about Chicago where we're talking about eliminating programs such as Music and Art and Physical Education. I'm talking about school districts that many of us think are being very substantial school districts in terms of money. I'm talking about a school district such as Evanston. I'm talking about a school district like Peoria. I'm talking about the school districts in the Southern part of our State, East St. Louis. We're talking about school districts from one end of the State to the other that are faced with a fiscal dilemma of how to keep the schools open, how to keep the



teachers in the classrooms, how to keep the programs going. We are not to the final night of this Legislative Session. It is still early in this Session. And, I submit to you that it is our obligation, our obligation to follow the lead of the Governor's Message, our obligation to live up to our Constitutional mandate, our obligation to put main priorities first, the priority of our children's education. And, that can only be done by putting Amendment No. 2 onto House Bill 4465 by an 'aye' vote. And, again, I urge you, at this point of our Legislative Session, to put the children first, to put politics second and to put an 'aye' vote for Amendment No. 2."

Hon. W. Robert Blair: "The gentleman from Champaign, Mr. Clabaugh."

Charles W. Clabaugh: "Mr. Speaker and Members of the House, quite briefly, I want to correct some of the statements that have just been made. The question that Mr. Berman asked Mr. Hoffman ah.. which elicited the answer of \$28,000,000 dollars increase. Now, there is \$45,000,000 dollars more in this appropriation Bill with the Amendment that Mr. Hoffman ah.. ah.. that we just adopted at \$45,000,000 dollars more than was spent last year. Now, truly, it was \$28,000,000 dollars, only \$28,000,000 dollars more than was appropriated. But, it is \$45,000,000 dollars more than was spent and that is the important thing. Number two, there is no \$30,000,000 dollars in a special fund that was appropriated for ah.. the parochial aid. That was not in a special



fund at all. And, if you know what you know about the formation of budgets, ah.. the surpluses and the unexpended balances of these funds are part of the revenue that goes into the next one. And, most particularly, I want to correct this statement, and I've heard Dr. Bakalis make it once and I think twice, that this is recommending the lowest increase in recent years. But, now, I don't know just what recent years are, but going back to the figures from the Superintendent's Office, with this \$45,000,000 dollar increase, I want to compare it with increases in the last ten years. In the first year that... on the second year that Governor Kerner was Governor, we increased the State Aid, the distributive fund by not \$45,000,000, as this one is, but by \$18,521,067 dollars. The next year, we increased the State Aid by only \$4,000,599.20 over the previous year. In the year '64 - '65, we increased the distributive fund by \$5,400,680 dollars. In the year '67.. '66 - '67, we increased it \$18,348,312 dollars over the previous year. In the 1968 - '69, it was increased \$6,659,029 dollars. In fact, we increased this more this year than we did any year, say two of the eight years in which Kerner and Shapiro were Governors. And, so the \$45,000,000 is almost as much as the increase in seven out of those eight years. And, those are the figures taken from the figures of the distributive fund in the Superintendent's Office. And, so I seek defeat of this Amendment, Mr. Speaker."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Hyde."



Henry J. Hyde: "Well, Mr. Speaker, I would like to echo the sentiments from the distinguished gentleman from Champaign when ah.. Representative Berman ah.. ah.. sights the fact that this is not a giant increase. He does fail to put it into context with the last three years when aid to Elementary and Secondary Schools has more than doubled under this administration. This administration has done more for education than all of the previous administrations combined. So, I guess the remark.... I guess they're just used to living very high off the hog. Now, what this does is cost another \$126,000,000 over and above the \$90,000,000 that is proposed ah.. this year by this administration. And, I don't where they're going to get the \$126,000,000. Ah.. whether they're going to take it from Welfare, ah.. whether they're going to take it from Mental Health, but they're going to have to take it from somewhere. You know the answer and I know the answer - increased taxes, which again presents a very curious paradox since the chief Sponsor of this Bill did not vote for the income tax ah.. which, I say, highlights a fascinating situation where ah.. if you can vote against an increase in taxes, but vote for increased spending, you have the best of all possible worlds. Now, this Amendment is again interesting because it provides ah.. for ah.. an increased weighting for eligible pupils under Title I ah.. based on the 1960 census. Now, in twelve years, the ah.. schools districts ah.. have changed dramatically in many areas. Unfortunately, the 1970 census figures are not



available, but it would be hopelessly out-of-date. It is elementary that there is no correlation between the number of ah.. ah.. the poverty children in a district and the ah.. inherent wealth of that district. There are wealthy districts that would do very well under this Bakalis' proposed formula. Monticello is one. Joppa is another one. Furthermore, there is no guarantee under this Amendment that the extra money will go for the education of children from ah.. poverty families. The money just goes to the school district in a lump sum. Now, the tape worm that is the Chicago Board of Education can never be fed. The facts are that the management or rather the mismanagement of the money that they have received ah.. is a subject of constant attention in the Press and by Independent Auditing Firms as well as the Federal Government. Until some accountability is given, until this General Assembly knows that the money that is spent up there is going to educate children, I don't think that we should be more profligate in giving them \$126,000,000 more that we, obviously, don't have. It seems to me that the gentleman who sponsors this ah.. ah.. Amendment and his supporters have raised the art of voting 'no' on taxes, but voting 'yes' on ah.. wild spending to the level of an art. It's one that is interesting to watch but irresponsible to support."

Hon. W. Robert Blair: "Have all ah.. Any further discussion?"

The gentleman from Cook, Mr. Shea."

Gerald W. Shea: "As the Sponsor of the Amendment said, 'one



of the chief priorities of this administration in this fiscal year is education. The distinguished Majority Leader talked about how much this administration has done. Well, it should. It's taken some \$800,000,000 dollars a year from the people in the form of income tax and it's right that it should put some of it into education. But, I think that we have a chance with this Bill, not only to do more for education, but to ensure the people in the Districts that we represent that their property taxes won't go up. And, maybe there's a possibility under this formula that the property taxes can be reduced. Now, we all know that property taxes are just too high. Just look at some of the Districts, and, I think, that Representative Juckett pointed it out so well on a Bill not so long ago, that 76 percent of my property tax bill and his property tax bill goes for education. Here's a chance where we can reduce the property tax at the local level. So, I would ask that we adopt this Amendment and do something for the people at home. Give them some property tax relieve."

Hon. W. Robert Blair: "The gentleman from DuPage, Mr. Hoffman."

Gene L. Hoffman: "Mr. Speaker and Ladies and Gentlemen of the House, I rise in opposition to this Amendment to House Bill 4465. This Amendment provides for the expenditures of a \$126,000,000 dollars above and beyond those resources that are available. Now, there have been suggestions on how this money might be found. I might point out that the author of this particular proposal, the Superintendent of Public



Instruction, when he provides for a 1.5 percent shift in the general revenue in the Common School Funds. He doesn't reflect ah.. this thinking in his own budget because his '73 budget is only \$9,000 dollars less than his '72 budget. So, he went from \$11,789,000 to \$11,780,000. With that type of shift upon the part of the proponent the particular approach to funding our schools, I think that we can see how shallow this really is. And, therefore, I think that the responsible position for this House, and, I think, that we have a need to be responsible here, is to stay within the resources that are available. And, therefore, I would urge a 'no' vote on this Amendment."

Hon. W. Robert Blair: "The gentleman from ah.. Cook, Mr. Ewell."

Ray Ewell: "Mr. Speaker, Ladies and Gentlemen, very briefly, what we're talking about here is limiting funds for school children. I think that if looked at the Constitution, it mandates, it doesn't suggest, but it mandates that we fund a common school education. That's what the Constitution says. I feel, before we spend all the money for the Colleges, before we spend all the money for our other priorities, we ought to do that which the Constitution mandates. I suggest that what we have here is a war, a war on ignorance. And, perhaps, if we thought of this as a war, we might be more susceptible. If we talked about it as an International War, there would be no limits upon the amounts of money that we might expend. We wouldn't count the number of bombs per



man killed. We would just talk about the cost in terms of children. There would be no limits, if we talked about it as a War on Crime. We can spend increasing monies and find the funds whenever we suggest that the term is War and we can find the money and it is always available. I suggest that Mr. Berman has introduced a minimal... minimal resolution to attempt to do something about the school problems that we are facing. There is no one within the sound of my voice who is not intelligently aware that the City of Chicago Schools are closing, closing early because of a lack of money, closing because the State will not provide the funds for a common school education. I suggest that this is our first priority. This is the business that we are about. We are talking about our future, our children and that is our business. Perhaps, we ought to call it a war against ignorance. And, if we suggest it as a war against ignorance, I suggest, that perhaps, there would be no limits on the amount of money that we spend for education. But, here again, is a minimal, nominal Bill simply trying to adjust itself in the most remote fashion to the needs, and yet, you turn your back on it. You turn your back on it as you turn your backs on the children of the State of Illinois. And, the voters will be aware of you and your record because what you do here today can not be forgotten. You are actually committing a.. a almost a treason stain against the children by failing to support a reasonable common school fund. This is mandated by the Constitution.



It's our duty and we ought to follow it. Thank you."

Hon. W. Robert Blair: "The gentleman from Perry, Mr. Cunningham."

William J. Cunningham: "Mr. Speaker, I would now move the previous question."

Hon. W. Robert Blair: "All those in favor say 'aye', opposed 'no', the 'ayes' have it and the previous question has been moved. The gentleman from Cook, Mr. Berman, to close."

Arthur L. Berman: "Thank you, Mr. Speaker. In answer to some of the comments of our Majority Leader, I know that he has a longer memory than what he's ah.. attributed ah.. or ah.. allowing himself to ah.. to have this afternoon. In the first year, after the passage of the income tax, the percentage of State contribution to education out of the total State budget was less than what it was the year before the income tax. There was not an increase percentage wise for education as there was in the Governor's Executive Budget, for example. And, that is one of the reasons why I voted 'no' on the income tax and many of my colleagues joined me. Because the income tax passed with the support of many people throughout the State of Illinois on a basis of a promise made to them that the State would undertake a greater contribution with the passage of an income tax towards education than what was being done before the passage of an income tax percentage wise and we have not lived up to that commitment. Now, Representative Clabaugh talks about dollars. I was referring to percentages and let me give



you those percentages. In '65 and '67, we increased the common school fund 20 percent, '67 - '69, 57 percent, '69 - '70, 68 percent, '70 - '71, 17 percent, last year, 5 percent. Today, under Amendment No. 1, we would be increasing it by 3 percent. That's the figures that I am referring to. I am also pointing out to you that we are inviting disaster by not moving towards our Constitutional mandate of the State picking up the greater percentage of the total financing of education. A Federal Judge is going to do our job for us as they almost did in the Serano Case, if we don't meet our obligations under our Constitutional mandate. Ladies and Gentlemen, again, I urge your support of Amendment No. 2. I think it's our obligation. I think that it's to comply with what the Governor has declared. Let's put our votes where the Governor's commitment he says is. Let's see how many of the Governor's men, along with the Members of both sides of this aisle, will support an 'aye' vote. And, Mr. Speaker, I renew my request for a Roll Call."

Hon. W. Robert Blair: "I thought you might. Alright.. All those in favor of the adoption of Amendment No. 2 will vote 'aye', and the opposed 'no'. The gentleman from Cook, Mr. Hyde."

Henry J. Hyde: "Ah.. briefly, in explaining my vote, Mr. Speaker, I would ah.. ah.. I hate to instruct anybody, but the Constitution doesn't say ah.. that the State is mandated to provide ah.. the major support for the Elementary and the Secondary Education, but it does say 'Education', and that,



I would submit, includes higher education. So, when you are looking at the total mandated ah.. requirement of the State to support education, I think that you must not separate the Elementary and Secondary from Higher. Secondly, I would remind my colleagues on the other side of the aisle that when the income tax passed, one-twelfth of it was to be returned to local Government. And, my memory, while I'm sure not as long or as prodigious as the Chief Sponsor of this Amendments is. My memory tells me that only once a minuscule amount of money from the City of Chicago was ever given to education from this one-twelfth of the income tax bonanza that went back to the Cities. Ah.. as a matter of fact, the Law that authorized and sent this one-twelfth back to the Cities and Counties specifically says that it may be used for education. It has been the choice of the City of Chicago not to so use it. And, lastly, I would never turn my back on school children, rather would I turn my back on the ah.. excessive custodians in City Hall more than twice than are required to take care of the John Hancock Building, rather would I turn my back on the Rabies Control Department of the County of Cook. Lot's of things like that, I would turn my back on."

Hon. W. Robert Blair: "The gentleman from Lake, Mr. Matijevidh."

John S. Matijevidh: "Mr. Speaker and Members of the House, I only rise to explain my vote, because, I think, the Majority Leader ought to read the Constitution and I'll read it for all of us. Under the Section I of Article X, it says that,



'A fundamental goal of the people of the State of Illinois, of the State is the educational development of all persons to the limits of their capacity. The State shall provide for an efficient system of high quality of Educational Institutions and Services. Education in the Public Schools through the secondary level shall be free. There may be other such free education as the General Assembly provides by Law'. I think that that is very explicit as to what the role of the State ought to be as far as education is concerned. Now, I would also like to bring us back to the State Income Tax because I think that I have a memory too. And, I think that I remember when some of us walked off the floor of the House that day. And, we insisted that the real crisis in Government was in the Schools. And, there were many of us who said that if we were going to give a rebate, let's give it to education where the real crisis was. And, we weren't successful on that. And, I'll leave it to you who have a memory to determine where the real lack of loath was with regards to that issue. I know how many of us felt to such a degree that we walked off the floor of the House. And, some of us were even ridiculed from our own leadership. But, we were sincere in it and this crisis is still with us today."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Simmons."

Arthur E. Simmons: "Well, Mr. Speaker, I have been examining this Amendment against the Bill. And, one of them is wrong. On Page 7 of the Bill, Line 24, reads, 'Shall not be increased



by the application of the general percentage of the increase'.

And, on the Amendment, it says, 'Shall not be increased by the general percentage of the provided, etc.'

Hon. W. Robert Blair: "Have all voted who wished? The Clerk will take the record. For what purpose.... The gentleman from Cook, Mr. Hyde."

Henry J. Hyde: "I would request a poll of the absentees, Mr. Speaker."

Hon. W. Robert Blair: "Alright... Poll the absentees."

Fredric B. Selcke: "Jimmy Carter.. Cox.. Hart.. Janczak.. Klosak.. McDermott.. Pappas.."

Hon. W. Robert Blair: "The gentleman from DuPage, Mr. Hoffman."

Gene L. Hoffman: "Mr. Speaker, I would request a verification of the affirmative vote."

Hon. W. Robert Blair: "Alright... The Members will be in their seats and the Clerk will proceed to poll the absentees, or verify the affirmative."

Fredric B. Selcke: "Alsup.. Arrigo.."

Hon. W. Robert Blair: "Will verify the affirmative first and then maybe the negative."

Fredric B. Selcke: "Barnes.. Barry.. Berman.. Boyle.. Bradley.. Brandt.. Brinkmeier.. Brummet.. Caldwell.. Calvo.. Capparelli.. Carrigan.. Carroll.. Richard Carter.. Chapman.. Choate.. Colitz.. Otis Collins.. Corbett.. Craig.. Davis.. DiPrima.. Douglas.. Downes.. Ewell.. Fary.. Fennessey.. Flinn.. Garmisa.. Giorgi.. Hamilton.. Hanahan.. Hill.. Holloway.. Houihan.. Jacobs.. Jaffe.. Katz.. Keller.. Kennedy.. Kosinski.. Krause.."



Laurino.. Lechowicz.. Lenard.. Leon.. Londrigan.. Ed Madigan..
 Mann.. Maragos.. Markert.. Matijevich.. McClain.. McGah..
 McLendon.. McPartlin.. Merlo.. D. O'Brien.. O'Hallaren..
 Pierce.. Rayson.. Redmond.. Ropa.. Scariano.. Schisler..
 Schneider.. Shea.. Ike Sims.. Smith.. Stedelin.. Stone..
 Taylor.. Terzich.. R. Thomspan.. Tipsword.. VonBoeckman..
 Harold Washington.. Welsh.. Frank Wolf.. B. B. Solfe..
 Yourell.. Zlatnik.."

Hon. W. Robert Blair: "The gentleman from DuPage... Oh.. The gentleman from Cook, Mr. R. A. Carter."

Richard A. Carter: "Mr. Speaker, how am I recorded?"

Hon. W. Robert Blair: "How's the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting 'aye'."

Hon. W. Robert Blair: The gentleman from Union, Mr. Choate."

Clyde L. Choate: "How am I recorded?"

Hon. W. Robert Blair: "How's the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting 'aye'."

Hon. W. Robert Blair: "Alright.. The gentleman from DuPage,
 Mr. Hoffman."

Gene L. Hoffman: "Representative Brandt?"

Hon. W. Robert Blair: "He's in his seat."

Gene L. Hoffman: "Representative Calvo?"

Hon. W. Robert Blair: "I.. I don't see him. How's he recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting 'aye'."

Hon. W. Robert Blair: "Take him off the record."

Gene L. Hoffman: "Representative Giorgi?"

Hon. W. Robert Blair: "He's there."



Gene L. Hoffman: "Representative Keller?"

Hon. W. Robert Blair: "How's the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting 'aye'."

Hon. W. Robert Blair: "Take him off the record."

Gene L. Hoffman: "Representative Laurino?"

Hon. W. Robert Blair: "He's there."

Gene L. Hoffman: "Representative Madigan?"

Hon. W. Robert Blair: "He's there."

Gene L. Hoffman: "Representative O'Hallaren?"

Hon. W. Robert Blair: "He's there."

Gene L. Hoffman: "Representative Welsh?"

Hon. W. Robert Blair: "Yes, he's there."

Gene L. Hoffman: "Representative Colitz?"

Hon. W. Robert Blair: "He's there."

Gene L. Hoffman: "Representative Terzich?"

Hon. W. Robert Blair: "Terzich? He's there."

Gene L. Hoffman: "Representative Merlo?"

Hon. W. Robert Blair: "Merlo's there."

Gene L. Hoffman: "Representative Leon?"

Hon. W. Robert Blair: "Mann's there."

Gene L. Hoffman: "Okay. Representative Zlatnik?"

Hon. W. Robert Blair: "Zlatnik is there."

Gene L. Hoffman: "Representative Holloway?"

Hon. W. Robert Blair: "Holloway is back in the back."

Gene L. Hoffman: "Representative Caldwell?"

Hon. W. Robert Blair: "Caldwell is there."

Gene L. Hoffman: "Representative Katz?"



Hon. W. Robert Blair: "He's clear back in the back."

Gene L. Hoffman: "Okay. That's fine."

Hon. W. Robert Blair: "The gentleman from Brown, Mr. Markert, how is he recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting 'aye'."

Hon. W. Robert Blair: "One time only. The gentleman from Madison, Mr. Calvo."

Horace L. Calvo: "How am I recorded? How am I recorded, Mr. Speaker?"

Hon. W. Robert Blair: "How's the gentleman recorded?"

Fredric B. Selcke: "The gentleman is now recorded as 'not voting'. He was recorded as voting 'aye'."

Horace L. Calvo: "Vote me 'aye'."

Hon. W. Robert Blair: "Put him back on as 'aye'. The gentleman from DuPage, Mr. Hoffman."

Gene L. Hoffman: "Ah.. Representative Lenard?"

Hon. W. Robert Blair: "He's.. He's sitting down here."

Gene L. Hoffman: "Oh.. Alright.. Representative Zlatnik?"

Hon. W. Robert Blair: "Oh.. Zlatnik is here. Do you desire to challenge some of the affirmative votes? Which ones?"

Gene L. Hoffman: "Negative votes, Mr. Speaker."

Hon. W. Robert Blair: "Oh.. You want to verify the negative. Alright.. Verify the negative."

Fredric B. Selcke: "Anderson.. Bartulis.. Blades.. Bluthardt.. Borchers.. Brenne.. Burditt.. Campbell.. Capuzi.. Clabaugh.. Phil Collins.. Conolly.. L. Cunningham.. R. Cunningham.. W. Cunningham.. Day.. Duff.. Dyer.. Epton.. Fleck.. Friedland..



Glass.. Graham.. Granata.. Hall.. Harpstrite.. Henss.. Hirsch-
 field.. Gene Hoffman.. Ron Hoffman.. Houde.. Hudson.. Hunsicker..
 Hyde.. Jones.. Juckett.. Kahoun.. Karmazyn.. Kipley.. Kleine..
 Lauterbach.. Lehman.. Lindberg.. Ed Madigan.. McAvoy..
 McCormick.. McDevitt.. McMaster.. Meyer.. Kenney Miller..
 Peter Miller.. Moore.. Murphy.. Neff.. Nowlan.. North..
 George O'Brien.. Palmer.. Philip.. Randolph.. Regner.. Rose..
 Schlickman.. Schoeberlein.. Sevcik.. Shapiro.. Simmons..
 Timothy Simms.. Soderstrom.. Springer.. Telcser.. Jack
 Thompson.. Tuerk.. Waddell.. Wall.. R. Walsh.. W. Walsh..
 Walters.. Washburn.. Genoa Washington.. Williams.. J. J.
 Wolf.. Mr. Speaker.."

Hon. W. Robert Blair: "Alright..Questions of the affirmative.

Mr. Berman.. 'Negative' "

Arthur L. Berman: "Campbell?"

Hon. W. Robert Blair: "Campbell's here.. Well, right now,
 we're verifying the negative. I'll recognize you after this.."

Arthur L. Berman: "Epton?"

Hon. W. Robert Blair: "Epton is here."

Arthur L. Berman: "Hirschfeld?"

Hon. W. Robert Blair: "Hirschfeld is here."

Arthur L. Berman: "Lauterbach?"

Hon. W. Robert Blair: "He's there."

Arthur L. Berman: "McDevitt?"

Hon. W. Robert Blair: "How's the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting 'no'.."

Hon. W. Robert Blair: "Ah.. He's not in his seat. Don't see



him on the floor. Take him off the roll."

Arthur L. Berman: "Pete Miller?"

Hon. W. Robert Blair: "He's there."

Arthur L. Berman: "Neff?"

Hon. W. Robert Blair: "He's there."

Arthur L. Berman: "Schlickman?"

Hon. W. Robert Blair: "He's there."

Arthur L. Berman: "Sevcik?"

Hon. W. Robert Blair: "He's there."

Arthur L. Berman: "Wall?"

Hon. W. Robert Blair: "Wall's here."

Arthur L. Berman: "Schoeberlein?"

Hon. W. Robert Blair: "He's here."

Arthur L. Berman: "Walters?"

Hon. W. Robert Blair: "He's here."

Arthur L. Berman: "R. Walsh?"

Hon. W. Robert Blair: "He's there."

Arthur L. Berman: "Graham?"

Hon. W. Robert Blair: "How's the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as voting 'no'."

Hon. W. Robert Blair: "Alright, I don't see him in his seat.

Take him off the record."

Arthur L. Berman: "Waddell?"

Hon. W. Robert Blair: "Waddell's here."

Arthur L. Berman: "Houde?"

Hon. W. Robert Blair: "Houde is here."

Arthur L. Berman: "McCormick?"



Hon. W. Robert Blair: "He's back there."

Arthur L. Berman: "I have no further questions of the negative."

Hon. W. Robert Blair: "Alright.. Graham is back in. Put him on the roll. The gentleman from Effingham, Mr. Keller, for what..."

Charles F. Keller: "How am I recorded?"

Hon. W. Robert Blair: "How's the gentleman recorded?"

Fredric B. Selcke: "The gentleman is presently recorded as 'not voting'."

Charles F. Keller: "Record me as 'aye'."

Hon. W. Robert Blair: "Record the gentleman as 'aye'. For what purpose does the gentleman from Cook, Mr. Simmons, rise?"

Arthur E. Simmons: "Well, Mr. Speaker, I call your attention to page 6 of this Amendment in the Paragraph starting on Line 21, and I contend that it is out of order and does not properly compare with Page 7, Line 22 of the Bill."

Hon. W. Robert Blair: "Ah.. What page on the Bill?"

Arthur E. Simmons: "Bill? Page 7, the Paragraph starting on Line 22."

Hon. W. Robert Blair: "Line 22. I'm trying to understand what the problem is if you'll.... Yes... No, a question about the ah.. ah.. properness of the Amendment can be considered at any time. Now, if you'll let me become as well informed as Mr. Simmons is, than I can see what his point is and I'll be happy to listen to what you think about it, too. Okay? Now, what in the ah.. Amendment, in Amendment No. 2...."

Arthur E. Simmons: "On Page 6 of the Amendment."



Hon. W. Robert Blair: "Alright.."

Arthur E. Simmons: "In the Paragraph starting on Line 21."

Hon. W. Robert Blair: "Alright.. Go ahead."

Arthur E. Simmons: " here is some language omitted in the ah. in the Amendment that should be in there. And, if they wanted to omit it, they should have put it in there and put a line through it like they did on Line 24 in the same Paragraph."

Hon. W. Robert Blair: "Alright.. 'The apportion made by the application of the form you set forth in this Paragraph shall not be increased by the application'. Your referring to the words, 'by the application', which do not appear in Amendment No. 2 which are in the present statute. Is that your point?"

Arthur E. Simmons: "That's my point."

Hon. W. Robert Blair: "Alright.. What do you have to say about that, Mr. Berman?"

Arthur L. Berman: "Ah.. Mr. Speaker, I would call your attention to the first Page of this Amendment."

Hon. W. Robert Blair: "Yes."

Arthur L. Berman: "In which we have placed this Amendment to House Bill 4465, as amended, and we strike everything after the enacting clause."

Hon. W. Robert Blair: "Well, that's not the point. The point is that the language that he's referring to is in the existing statute. So, your repeating the language in the existing... Your leaving out the language in the existing statute which

is ah.. 'by the application'. That's the point that's being made. In other words, just taking your Amendment on its' end, you leave out the words, 'by the application', which are in the existing statute. Now, if you intend to take those out, then those words should be in there and be stricken out."

Arthur L. Berman: "Well, Mr. Speaker...."

Hon. W. Robert Blair: "That's the point."

Arthur L. Berman: "In response to that, I'll make two points."

Ah.. Number one, I don't think that the objection is timely in that we've already adopted the Amendment."

Hon. W. Robert Blair: "I've already ruled on that."

Arthur L. Berman: "I didn't hear it raised."

Hon. W. Robert Blair: "I.. I said that a.. a question of ah.. whether or not an Amendment is in order can be raised at any time up until the result of the vote is announced on... on the Amendment. And ah.. ah.. he ah.. he actually raised... started raising that Amendment ah.. before I asked the vote to be taken."

Arthur L. Berman: "Well... Well, we started to ask for a Roll Call."

Hon. W. Robert Blair: "Yes.."

Arthur L. Berman: "On one before it was raised, too."

Hon. W. Robert Blair: "Okay... What's your second point?"

Arthur L. Berman: "My second point, Mr. Speaker, is that ah.. there have been other Amendments in which the language has been inadvertently left out, the intent of the House has



always prevailed. I think that we're talking about now ah.. ah.. monor ah.. change that can certainly be covered by enrolling and engrossing, if the Chair is going to abide by the ah.. intent and the ah.. Roll Call of the House."

Hon. W. Robert Blair: "Well, ordinarily, where we've had a comma or misspelled word, ah.. your point would be well taken. But, here, we're talking about words in the existing statute ah.. that ah.. need to be addressed. So, I think that it's a matter that would have to be... be cured by another Amendment."

Arthur L. Berman: "Well, Mr. Speaker, ah.. may I ask ah.. Mr. Simmons his question is comparing Amendment No. 2 to Amendment No. 1 or to the Bill as originally introduced."

Hon. W. Robert Blair: "The present Law. In other words, his point is that the present Law has the words, 'by the application', ah.. 'by the application' in it. That the present statute has those three words in there."

Arthur L. Berman: "Well, could I ask.... Well, you see, I do not have a copy of the present Law in front of me. I don't if the House... if the Speaker does or if Mr. Simmons does. From what to what is he referring? If he's looking at Amendment No. 1, I don't think that's the present Law."

Hon. W. Robert Blair: "Well, his point is that that language is in the present Law and my ruling is that...."

Arthur L. Berman: "Well, I'd like to see a copy of the present Law, if Mr. Simmons has it. Do you have it, Mr. Simmons?"

Voices: "Point of order... Point of order... Point of order..."



Hon. W. Robert Blair: "We handle points of order one at a time. We'll be at ease while we're getting the statute.

Is it concerning this particular point? Okay.. Mr. Berman."

Arthur L. Berman: "Well, Mr. Speaker, I would like to request a five minute recess so that we can check this out."

Hon. W. Robert Blair: "No. We're in Session now. Alright.. Thank you for staying with us here while we were resolving this matter. We have made a Section by a Section and a Line by Line comparison and find that that the Amendment is ah..grossly in error in accordance with the statute that it attempt to amend. There are whole Sections that are left out that there's no indication in the Amendment that they are being left out the existing statute in the manner that that's usually done by striking through it. Ah.. there are ah.. other dates put in here that, for example, '71 is inserted where the present statute says '69 and it's not underlined. There's... There's... There are substantial errors in this Amendment and ah.. the gentleman from DuPage, Mr. Hoffman has indicated that he will ask that the Bill be held on Second Reading while Mr. Berman has an opportunity to get his matter cleared up. So, ah.. I'll listen to what you have to say, but on the objection raised by the gentleman from Cook, Mr. Simmons, the Chair is going to sustain that objection insofar as Amendment No. 2 is concerned. And, I will proceed thereafter, as I've indicated, and after I've hear your arguments, Mr. Berman. Mr. Berman."

Arthur L. Berman: "Well, Mr. Speaker, I think that your ruling



is going contrary to the dictates of this House as indicated by the Roll Call and the Verification. I've offered.. I've recognized that there have been some inappropriate deletions or underlinings, but I submit to the... that there is ah.. that this is not unusual and it is not a rare instance in the handling of Amendments. We've done it before."

Hon. W. Robert Blair: "Well... Well, I've already addressed myself to it. There's nothing new in your comments. So, that... that's my ruling."

Arthur L. Berman: "Well, Mr. Speaker...."

Hon. W. Robert Blair: "Ah.. And ah.. the Bill will be left on the order of Second Reading ah.. without ah.. any Roll Call on Amendment No. 2."

Arthur L. Berman: "Mr. Speaker...."

Hon. W. Robert Blair: "For what purpose does the gentleman from Cook, Mr. Lechowicz, rise?"

Thaddeus S. Lechowicz: "Mr. Speaker, just as a point of information, I'm sure that you recall quite vividly when there was an Appropriation Bill and the Amendment was out of order by having the Amendment, the dollar amounts underlined while they were not underlined within the Bill. It was a Bill for a complete Agency and, in turn, when they raised the point in complete good faith, your ruling at that time was that the Amendment could be corrected in enrolling and engraving. And, I'm hoping that the same ruling would be in effect today."

Hon. W. Robert Blair: "Well, as I've indicated, this Amendment



No. 2, in all objectivity and candor, is ah.. objectionable throughout ah.. because ah.. there are Sections that are ah.. deleted ah.. and when you're doing that, you've got to indicate that. Now, there are Sections and there are Lines, paragraphs ah.. that the Amendment does not indicate that it went through the Legislative Reference Bureau and ah... it's not in proper form to be considered at this time. Alright... ah.. With leave of the House, House Bills Third Reading. On the order of Third reading appears House Bill 4164, which the gentleman from Cook, Mr. Regner asked to be brought back to Second for purposes of Amendment. With leave of the House, the Bill will be brought back to Second and the Clerk will read the Amendment."

Fredric B. Selcke: "What Amendment is that?"

Hon. W. Robert Blair: "Wait a minute. For what purpose does the gentleman from Cook, Mr. Regner, rise?"

David J. Regner: "Ah.. Prior to ah.. reading or explaining the Amendment that I'm going to offer today, I would like to ah.. have Amendment No. 1 tabled. Because the contents of that Amendment is contained in the one that I would like to offer after this is tabled."

Hon. W. Robert Blair: "Alright.. Is there objection to the tabling of Amendment No. 1? The gentleman has leave. Alright, we'll table Amendment No. 1."

Fredric B. Selcke: "Amendment No. 3, Regner, amend House Bill 4164 on page 1, andsoforth."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Regner."



David J. Regner: "Mr. Speaker and Ladies and Gentlemen of the House, this was an Amendment that was agreed upon with both sides and it just makes a couple of changes on Page 1, Line 12, in lieu of saying, 'judges of the Supreme Court', it says, 'all elected judges'. And, on Page 1, Line 32, it inserts in there, (except that the first appointments shall be made as soon as possible after the effective date of this Act and appointees shall serve until Jun 30, 1973), or until their respective successors are appointed and on Page 2, Line 4, it adds in there, 'review of the rates of pay and expenses of elected State Officials. And, then it renews the same appropriation that we had on Amendment No. 1 which we tabled. And, I would move to adopt Amendment No. 3, to House Bill 4164."

Hon. W. Robert Blair: "Discussion? Alright.. All those in favor of the adoption of the Amendment say 'aye', opposed, 'no', the 'ayes' have it and the Amendment is adopted. Are there further Amendments? Third reading. With leave of the House, we'll go down to Constitutional Amendments Third Reading. H.J.R.C.A. *13. The Ladies have requested the following: That one of them be allowed to open and that the other be allowed to close. Now, that is a bit different. Unless I hear objection, the Chair will proceed in that fashion. I understand that the opening is to be on the Democratic side."

Fredric B. Selcke: "House Joint Resolution Constitutional Amendment *13."



Hon. W. Robert Blair: "The Lady from Cook, Mrs. Chapman."

Eugenia S. Chapman: "Mr. Speaker, I.. I've been waiting all day. Mr. Speaker, I've been waiting all day for this moment. I'm very happy to proceed if ah.. if it's going to be possible, at this time, for people to remain with us. I'm wondering if this will ah.. of the nature ah.. in terms of time, that we would be imposing on the Members of the House to consider this today."

Voices: "Nooooooooo."

Eugenia S. Chapman: "Well, I ah.. think that I hear such enthusiasm that....."

Hon. W. Robert Blair: "The gentleman from Perry, Mr. Cunningham."

William J. Cunningham: "Mr. Speaker, can I move the previous question at this time?"

Hon. W. Robert Blair: "All those... No. The Lady now decides she wants to talk."

Eugenia S. Chapman: "Mr. Speaker, this is a ah.. serious matter. This is an Amendment to the Constitution of the United States. We are considering....."

Hon. W. Robert Blair: "One... One moment, please. The gentleman from Cook, Mr. Juckett."

Robert S. Juckett: "Mr. Speaker, I would like to make a parliamentary inquiry."

Hon. W. Robert Blair: "State your point."

Robert S. Juckett: "Alright.. To the effect of Rule 32d."

Hon. W. Robert Blair: "Yes. Now, what is your point?"

Robert S. Juckett: "Well, Mr. Speaker, Rule 32d indicates that



May 12th was the final date for passage of House Joint Resolutions proposing Constitutional Amendments. And, in the start of that Rule, it indicates that the following time-tables shall be applicable to all Resolutions proposing changes in the Constitutions of the State of Illinois or of the United States."

Hon. W. Robert Blair: "Yes. Well, we've amending that Rule daily."

Robert S. Juckett: "Mr. Speaker, I don't think that that Rule has been amended."

Hon. W. Robert Blair: "Well, if it isn't, we've been passing Bills in violation of it."

Robert S. Juckett: "B and C were suspended, but not D, Mr. Speaker."

Hon. W. Robert Blair: "Alright, the Clerk reports from the transcripts, we have been suspending ah.. 32d. 'D' as in 'David'. That has been being suspended according to the transcript."

Robert S. Juckett: "What? When?"

Hon. W. Robert Blair: "In other words, that the date has been advanced when the motions to suspend the Rules have been made by the Majority Leader. And, the Clerk has checked with his office to see what the transcript indicates and it indicates a suspension of... of the Rule as far as advancing it on a day by day basis."

Robert S. Juckett: "Well, Mr. Speaker, my understanding was that it applied only to the Sections that I referred to."



Hon. W. Robert Blair: "I understand that and that's why, in order to not rely on my memory, I asked the Clerk to check the transcript. And, he just called up there and he advises me that we have been suspending 32d as in 'David'. That being the case, I ah.. really ah.. The gentleman from Cook, Mr. Hyde."

Henry J. Hyde: "I just wonder, Mr. Speaker, if the motion to correct the transcript might be in order because it is my specific recollection that B and C, upon being instructed by Mr. Glauberman, that B and C were the sub-Sections to be suspended."

Hon. W. Robert Blair: "Well, we have a conflict between the transcript and the Majority Leader. And ah.. wait just a minute here while we once again ask them. They're playing the tape upstairs and that's what they're getting. Yes, the gentleman from ah.. Cook, Mr. Simmons."

Arthur E. Simmons: "If.. If the tape proves that to be so, is it too late to move for the suspension of the Rule now? I would think that...."

Hon. W. Robert Blair: "No. In this case...."

Arthur E. Simmons: "If you have enough votes to ah..."

Hon. W. Robert Blair: "Right.."

Arthur E. Simmons: "Amend the Resolution...."

Hon. W. Robert Blair: "Yes."

Arthur E. Simmons: "You've got enough to suspend."

Hon. W. Robert Blair: "Right. Well, alright... Does the Lady want to move to suspend the provisions of Rule 32d?"



Eugenia S. Chapman: "Mr. Speaker, I move to suspend Rule 32d?"

Hon. W. Robert Blair: "Yes.. 'D' as in 'David'. So that this ah.. ah.. H.J.R.C.A. *13 may be read a third time and considered ah.. The gentleman from McHenry, Mr. Hanahan."

Thomas J. Hanahan: "A parliamentary inquiry, Mr. Speaker."

Hon. W. Robert Blair: "Yes."

Thomas J. Hanahan: "How many votes does it take to suspend Rules and also how many votes to ratify House Joint Resolution *13?"

Hon. W. Robert Blair: "Alright ah.. It takes 89 affirmative votes to suspend the provisions of Rule 32. And, that's the first inquiry. Yes, and the Attorney General has issued a ruling ah.. in which it is stated that it will only require 89 votes ah.. to pass this ah.. proposal. The gentleman from McHenry, Mr. Hanahan."

Thomas J. Hanahan: "Because we're dealing in such a technical area, Mr. Speaker, I request the Clerk to show the written request of the suspension of the Rule to the House."

Hon. W. Robert Blair: "Alright.. The Lady sent up a written motion to suspend. Alright... I now have the written motion before us. Alright.. The question is on the Lady's motion to suspend the Rules for the purpose of.... Alright, the motions to suspend are not debatable. For what purpose does the gentleman from Cook, Mr. Juckett, rise?"

Robert S. Juckett: "Mr. Speaker, point of parliamentary inquiry. Under what authority is the Lady from Cook asking for a suspension of a Rule, which has already taken effect?"



I don't think that we have the power to suspend something which has already become effective, Mr. Speaker."

Hon. W. Robert Blair: "Well, I don't agree with you and I would rule contrary to that. The written records that the Clerk keeps here at the desk do indicate that we have been suspending C and D. But, in order that there is no question about that at all, we will proceed. Alright.. 89 affirmative votes are needed. All those in favor of the Lady's motion to suspend provisions of Rule 32d so that H.J.R.C.A. *13 may be considered today, ah.. will vote 'aye', and the opposed 'no'. Have all voted who wished? The Clerk will take the record. On this question, there are 100 'Ayes', and 28 'Nays', and the ah.. motion prevails. Now, back to the Lady from Cook, Mr. Chapman."

Eugenia S. Chapman: "Mr. Speaker and Fellow Members, this Nation is dedicated to the principle of the equality of rights under the Law. However, for over 200 years, we have fallen short of realizing our dream and of practicing this principle. We have made many strides in this direction, but for over 200 years, over half of our Citizens have been denied the full exercise of their rights. What we are considering today is the Ratification Resolution for a Constitutional Amendment which would open the doors to 51 percent of our population so that they would have equal rights under the Law. The Amendment reads as follows: 'Equality of Rights, under the Law, shall not be denied or abridged by the United States or by any State on account of sex'.



This Resolution is not new. It was first introduced in 1923 and has been introduced in both Houses in every Session of Congress since that time. It has been included in the platform of both the Democratic and the Republican Parties, almost without fail. The last four Presidents of the United States, President Eisenhower, President Kennedy, President Johnson and President Nixon, has given their wholehearted support to this proposal. I'm pleased to tell you that last October, the House of Representatives gave an amazing vote in approving the Amendment 354 to 23 and on March 22nd, the Senate followed suit. The Senate's vote was 84 to 8. Hawaii ratified the Resolution less than two hours after it had been approved and in less than two months 17 States have ratified. Only one State, Connecticut, has rejected the ratification. When the Illinois Senate and the Illinois House Committees held hearings on this proposal, a short time ago, twenty three different organizations appeared to testify in favor of the Equal Rights Amendment. Because I know that you are eager to approve this and get on to your other activities, I won't read all twenty three organizations. But, I do think that you will want to know that the American Civil Liberties Union, the Illinois Women's Bar Association were in favor of the Equal Rights Amendment as were the Illinois Federation of Business and Professional Women, the American Association of University Women, the National Organization for Women, the League of Women Voters, United Union Women, Airline Stewards and Stewardesses' Association, the



Illinois Federation of Women's Clubs and the Illinois Nurses Association. What does the Amendment do directed towards Government and Government alone? It says that Government can not discriminate on the basis of sex. And, what are these discriminations? Over one thousand Laws of State and the National Government, as well as local statutes, case Law and the regulations of various administrative agencies discriminate on the basis of sex. But voting 'yes', you will be provided equal access to education, increased employment opportunities, provide for women the same pension benefits which men receive, or in case the discrimination should be against the men, provide the same for the men which the woman receives, prison sentences where there is complication on the basis of sex will not be Constitutional. The results of some of the discriminations which exist would be amusing if they were not so disastrous. One one State, for example, a woman who is a habitual drunkard can receive a term of up to three years while the maximum sentence for a man is 30 days. What is not done through the Amendment?" I'd like to read the words of Birch Bayh because you know what is said in the Congress helps the Court to determine intent. He states that the original Resolution does not require that women must be treated, in all respects, the same as men. Equality, Gentlemen, does not mean sameness. As a result, the Resolution would not prohibit reasonable classifications based on characteristics that are unique to one's sex. For example, not providing for the payment of



the cost of childbearing could only apply to women. In contrast, if a particular characteristic is found among members of both sexes, then under the proposed Amendment, it is not the sex factor but the individual factor which should be determinative. Just as the principle of equality does not mean that the sexes must be regarded as identical, so too, it does not prohibit the States from requiring a reasonable separation of persons of different sexes under some circumstances. In this regard, two collateral principles are especially significant. One principle involves the traditional power of the State to regulate cohabitation and sexual activity by unmarried persons. This principle would permit the State to require segregation of the sexes for these regulatory purposes with respect to such facilities as sleeping quarters at co-educational Colleges, prisons, dormitories, military barracks. Another collateral legal principle flows from the Constitutional right to privacy established by the Supreme Court in Griswold against Connecticut. This right would, likewise, permit a separation of the sexes with respect to such places as public toilets as well as sleeping quarters of public institutions. The Resolution applies only to Government and not to private or individual action. Gentlemen and Ladies, we must move forward to provide for equality under the Law regardless of sex. We must not allow arguments to deter us. The cost of inequality is truly too high to bear. The magnitude of the evil of sex discrimination is plain. The way to remedy it



is through an affirmative vote on this Resolution. And, this, Ladies and Gentlemen, I urge you to speedily do."

Arthur A. Telcser: "The gentleman from Cook, Representative Hyde."

Henry J. Hyde: "Mr. Speaker, Ladies and Gentlemen of the House, they say that diamonds are a girls best friend. You know what mans best friend is, don't you? It's his dog. And, I think that ah.. indicates in some manner the disparity that nature and society in custom has built up in the essential differences between man and woman. However, this ah.. and may I say 'vive la difference'. This Amendment, however, is really not anything ah.. to be treated frivolously if we care about our Constitution and if we care about the English language meaning what it says. And, I would like to ah.. read very briefly from a letter from ah.. Phillip Kerwin from the University of Chicago, one of the outstanding authorities on Constitutional Law, and his letter, sent to Senator Ervin in Congress, a noted Constitutional Lawyer, say, 'That I'm still of the opinion that a Constitutional Amendment to afford equal rights for women is both unnecessary and undesirable. I'm also of the view that a sound program of Legislative Reforms would do more, especially under the mandate now received from the Supreme Court in Reid -vs- Reid, to eliminate more of the grievances that women have against their roles frequently imposed of them in our Society. Legislation can get at specific problems in a way that no Constitutional provision can'. May I say that



Paul A. Freund of the Law School of Harvard University, who said, and I quote, 'In view of the Reid decision, I believe more strongly than ever that our subjects should be left to be worked out under the Equal Protection Clause as the other questions of group classification. The Equal Protection guarantee together with the ample Legislative Powers of Congress is the best avenue to achieve meaningful equality of the sexes under Law. This approach is greatly to be preferred to one that for all of the manifold legal relationships of men and women from coverage under selective service to the obligation of family support mold them into mechanical unity'. Now, we've heard Birch Bayh cited here as an authority. Senator Bayh inserted into the Congressional Record and Article by Tommy Emmerson, a Professor of Law, ah.. at Yale and this Article appeared in the Yale Law Journal in April of 1971. And, this Article really tells you what this is all about because Professor Emmerson is all for this and he ah.. tells ah.. the Congress and he tells us that the object of the militant supporters of the Equal Rights Amendment is to nullify every existing Federal and State Law making any distinction whatever between men and women, no matter how reasonable the distinction may be and to rob Congress and the Legislators of the 50 States of the power to enact any future Laws making any distinction between men and women, no matter how reasonable the distinction may be. Now, this Amendment means nothing if it doesn't mean that all distinctions that are reasonable that



now exist under the 14th Amendment, which provides for equal protection of the Laws, but do make reasonable distinctions of the biological facts of life, are to be null and void. Now, if you don't think that your daughter can be drafted if this becomes Constitutional Law, let me cite the Chief Counsel the Department of Defense ah.. of the United States who wrote Senator Bayh on February 24th of this year, Mr. Jay Fred Bussard. The question here is whether Congress would be required, either to draft both men and woman, or to draft no one. A closely related question is whether Congress must permit women to volunteer on an equal basis for all sorts of military service including combat duty. We believe that the likely result of passage of the Equal Rights Amendment is to require both of these results. If this Amendment allows no discrimination upon the basis of sex, even for the sake of privacy, we believe that the resulting sharing of facilities and living quarters would be contrary to prevailing American standards. Even if segregation of living quarters and facilities were allowed under the Amendment during combat duty in the field, there often in effect, no facilities at all. And, privacy for both sexes might be impossible to provide or enforce. And, I, again ask you if you want your daughter ah.. submitted to this sort of situation. Now, Professor Emmerson lists in his Article all the changes that the proponents of this Legislation insist upon receiving. And, this Article, as I say, was in the Congressional Record, not only Birch Bayh



said it or Marlo Cook, Congressman Martha Griffiths and... Congresswoman Martha Griffiths and Congressman Don Edwards. Let's look at the Military. Here's what Professor Emmerson says and he's for this. 'Women will serve in all kinds of units and they will be eligible for combat duty'. Such obvious differential treatment for women as exemption from the draft, exclusion from the Service Academies and more restrictive standards for enlistment will have to be brought into conformity with the Amendment's basic prohibition of sex discrimination. A woman who will register for the draft at the age of eighteen as a man does. Under the Equal Rights Amendment, the Woman's Army Corps will be abolished. There is no reason to prevent women from doing these jobs in combat zone. Look at Criminal Law, statutory Rape Law will go out the window. The Courts may be expected to hold that Laws which confine liability for prostitution to women are invalid, under this Amendment. Of course, we'll legalize pimping because the Pandering Statute will again will become, of course, unconstitutional. The ah.. Equal Rights Amendment would invalidate Prostitution Laws. Ah.. let's look at domestic relations. 90 percent of the custody cases, the Mother is awarded the custody of her child. The Equal Rights Amendment would prohibit any statutory or common law presumptions about which parent was the proper guardian based on the sex of the parent. In all States, Husbands are primarily liable for the support of their Wives and



Children. Child-support Sections of the Criminal Non-support Laws could not be sustained where only the male is liable for support. How about the protective labor Legislation? Under the Equal Rights Amendment, Courts are not likely to find any justification for the continuance of Laws which exclude women from certain occupations. And, in Illinois, women aren't supposed to work in the Coal Mines. But, I guess that they want the right to do that. Now, there will be no ah.. discrimination in schools, in public schools. There will be no more girls schools. The House of the Good Shepherd for wayward girls, I suppose can be inhabited by anybody looking for a room for the night. Ah.. convents, I don't what will become of them, but they'll be unconstitutional, I suppose. States which grant jury service exemptions to women with children will either extend the exemption to men with children or abolish the exemption altogether. So, try and get a jury sometime. They'll be composed of bachelors, I suppose, and not if they tell the truth. Ah.. the YWCA and the Girl Scouts, of course, will have no meaning and the League of Women Voters will have to tear up its charter. Divorced, separated and deserted Wives.... Divorced, separated and deserted Wives, struggling to support themselves and their children through whatever work they can get, may find their claims of support from the Father harder to enforce than they do right now. Now, to talk to the Women's Lib types, that's alright with them. But, I've talked to some married women who aren't trained to make a living



in the world. They're housewives. They don't know shorthand. They don't know typing. They don't know structural engineering. And, to say to them that you have rights to support for you or your children, superior to man. That's just what this Amendment is going to do. Most sex discrimination is a matter of private practice, not public Law. Now, we have the 14th Amendment in the Supreme Court in the Reid Case has said that, 'Women may not be discriminated against invidiously, but at the same time, there are discriminations in favor of women that are ah.. very important. This is really an attack on the home. It's an attack on Motherhood. It says that for a woman to have to be a Mother and have to be a housewife is somehow degrading. I submit that problems with this Society today is that the home is being attacked and assaulted and no longer wields any influence. And, this is one more step, however well intentioned the Sponsors are, to attack the beauty, the sanctity, and the essentialness of having the home the center of life and society. And, lastly, just let me say, is isn't necessary. We have the 14th Amendment which provides for equal protection, the Supreme Court is recognizing. This means no invidious sexual discrimination. But, I just want to leave you with the words from a great play ah.. that Katherine Hepburn recently appeared in where she portrayed the life of a great clothes designer, Coco Chanel. And, when asked about women's equality, she said that, 'Women don't need equality. They need Independence. For most women, equality is a step down'.



I hope that this is defeated."

Arthur A. Telcser: "The gentleman from Cook, Representative Katz."

Harold A. Katz: "Mr. Speaker and Ladies and Gentlemen of the House, as usual, our distinguished Majority Leader has ah.. spoken eloquently. And, as a very fine Lawyer, he quite capable of getting very much involved in the subject and really going quite beyond that which the limited Amendment embraces. Ah.. I would point out that the language that we are talking about, in terms of what will be added to the Constitution is 'equality of rights under the Law shall not be denied and abridged by the United State or by any State on account of sex'. It has nothing at all to do with private practices that an individual may engage in or the situation that will pertain in the home. Now, it speaks only of equality of rights. It does not talk about anything else, except rights under the Law. Now, it is all very well to look with nostalgia on the period which may have existed a hundred years ago. But, it is a fact that we have come to recognize that large numbers of our Citizens, women and blacks and other groups, have, in fact, been denied equality in very significant relationships. And, we know that, in fact, women who have worked along side men in jobs have been paid for precisely the same work less than the man. Now, the distinguished Majority Leader points to the decision in Reid -vs- Reid, which is a recent decision of the United States Supreme Court involving the Equal Protection Clause.



But, what the Court has done, the Court can undo. It should be unmistakably set forth in our Constitution that equality for all people under the Law is guaranteed. Now, the distinguished Majority Leader says that this Constitutional Amendment will strike out 'protective labor legislation'. Once again, he he behind the times several decades. The fact is that the 'protective labor legislation' to which he refers is no longer to be found because of the impact of the Sub-Federal Civil Rights Act. And thus, the Law that we had in Illinois, protecting women in the number of hours that they can work, has already been held to be invalid as a result of the Federal Civil Rights Act. So that the whole area of protective labor legislation is no longer existing in the United States. We have passed that area and it works both ways. The fact is that these delicate women to whom we seek to extend protection, physically are quite capable of doing the activities that we are capable of doing. If the distinguished Majority Leader will take a look at the mortality tables in the United States, he will find that these delicate women are outliving us ten years or more and are burying most of us. And the fact is that all of the really nostalgic views of womanhood from the Civil War days are no longer to be found. Women are sturdy. They are quite capable of participating to the extent they desire in the civil rights of our Nation. And, if they desire to do so, there is no reason why they should not enjoy the same equality that all of us desire. Now, I would have to point out to you that in



GENERAL ASSEMBLY

STATE OF ILLINOIS

HOUSE OF REPRESENTATIVES

supporting this Amendment, I do not believe in unisex. I do not believe in men and women being equal in the physical or the biological way that he is talking about. I believe that women, naturally, are the ones that bear children. I believe that the life of a woman, if she chooses it in a home, is a highly desirable kind of life. But, those private practices that exist in your home and in mine have nothing at all to do with this Constitutional Amendment. Now, the other day, it happens that Representative Chapman and Representative Dyer and I were driving over to the St. Nicholas Hotel for a meeting of the American Association of something or other and Representative Chapman was driving the car and I was sitting with her and Representative Dyer was there and we came into the St. Nicholas parking lot. And, when we got in there, Eugenia has this long station wagon that she has and she was trying to find a parking place. And, the more she tried, the worse predicament she got, and finally, she could not move her car at all. I, then, having come out of this culture that we're talking about of the past, told her to please get out of her car and let a man drive. And, in fact, she did. And, in fact, I took over the driving. And, in fact, due to the good Lord's ability, I was able to move the car out. Now, what I'm saying to you is...."

Voices: "Yeahhhhhhhhhhh.."

Harold A. Katz: "I say to you that the practices that men may want to engage in, whether it is being better in driving an automobile or whether it means the other things you may want



to engage in with reference to social relationships that exist in our society. This Amendment has nothing to do with that. The Amendment is talking about Equality of Rights under the Law....."

Rep. Arthur A. Telcser: "Would you draw your remarks to a close ah..."

Harold A. Katz: "And, those things will continue to be observable in any way that we desire. And, the vote that occurred in the United States' Congress is a clear indication that those in the Congress, who heard the debate and heard the people to whom the distinguished Majority Leader had referred, almost resoundingly, indeed, almost unanimously supported this Resolution. And, I urge your support."

Rep. Arthur A. Telcser: "The gentleman from McHenry, Representative Hanahan."

Thomas J. Hanahan: "Mr. Speaker and Members of the House, many Members have asked me the position of labor on Equal Rights Amendment. And, I would like to state that labor has no defined position, because many of our local Unions, Stewardesses' Unions, some Meat Cutters' Unions, have very vocally with the minority of women stated their position in favor of this Bill. But, let me state to you that I represent a local Union made up of a majority of women of which I have 8,000 women in my Membership of which I know of no women in that Organization who support this Amendment. I've talked to many Building Trade Unions, Brick Layers, Carpenters, Painters, Plumbers, and I have heard of no Union in the State



of Illinois, among those that I consider in the majority of Membership, that are in favor of this Equal Rights Amendment. I'd like to explain why. It's our experience that in the Courts, when we do have protective legislation and since the Equal Rights... or the Equal Protection under the Law has been used as an argument against eight hour a day Laws and weight limitation Laws, that the Courts in this Country have never ruled that men are equal to women. It always said we will just take away the Law, the Protective Legislation that protected Womanhood. They have never said here in Illinois, when we had an eight hour a day Law that men should not work more than eight hours. They said that women can. They have never stated that women should not lift more than 45 pounds or 50 pounds and that men should do likewise. They've always said, 'Well, let women do the same'. And, like the distinguished Majority Leader said, 'Women shouldn't be working in Coal Mines'. But, if this equal rights Amendment had passed, yes, they would. I've got real serious questions of even the Sponsorship of this Amendment in Illinois. When just this Session, the Sponsors of this motion asked for unemployment compensation for pregnant women. And, I say to you, Ladies and Gentlemen, that if you talk about non-equal rights, you talk about discrimination. That's discrimination. But, they were for it then because it suited them at that time. Now, they say, 'My daughters... It'll be alright for my two daughters to go to war . It's alright for my Wife not to have the privilege of being a woman. It's



alright for your Mothers not to have the rights of being feminine'. Well, let me tell you, Ladies and Gentlemen, social justice doesn't mean sameness and this is what we're talking about. We're talking about whether women want to be the same as men or women want to have equal justice. And, this Amendment does not say one word about justice. It says, 'sameness'. They want women to use mens washrooms. They want women to do many of the things that for some braless, brainless broads that go to Washington and try to influence... influence the Congress of the United States, that took an easy way out. And, I have the testimony here of all... of all the Congressmen who took the easy road out. They said that we'll leave this up to the State Legislators. They didn't say that we're for Equal Rights. They took an easy way out and they're leaving it up to our hands. Well, I say to you, Gentlemen and Ladies, that Equal Rights, I'm for equal pay and for equal work, I'm for equal opportunity. The Trade Union Movement has always stood for this. But, remember just... just a few months ago that the very eight hour a day Law that Representative Katz was talking about. No women went to Court over it unless you call Ma Bell a woman whose men went to Court to outlaw the eight hour a day Law in Illinois. Not women. And, these Business and Professional women in this State do not bake the bread, They don't do the maid work. They don't wipe the childrens' noses. They have nothing better to do with their time but to come and bother the Legislators and the Congress of the United



GENERAL ASSEMBLY

STATE OF ILLINOIS

HOUSE OF REPRESENTATIVES

States with pure stupidity. Anytime that some woman is going to say that she's the same as me, she's crazier than a fact. And, Billy Cunningham, I'm sure, could go into that. You know this whole report here was written by Marlo Wolfgang, a Vice-President of the Hotel and Restaurant Workers Union in Michigan. And, she said so many beautiful things that if the time allotted me, it would be impossible to impart it. But, to deprive women of Protective Legislation for as long as one second, frustrates their basic Constitutional right to safety and the pursuit of happiness and denies them the fundamental reason for their participation in a Government of Law. You must understand that the overwhelming portion of women who work, need to work. It is not fair to me to have a few women decide for the majority of women, because of their vocal orations around Capitol Buildings, to decide that women should decide that women should not have any protection. But, I might point out that when you vote on this Amendment, it may not just affect labor legislation in Illinois, it affects labor legislation in California, Alaska, Rhode Island and every other State in the Union. Because when we do away with the equal protection of women Laws and weights and hours and minimum wage and the rest, we're doing away with it in Delaware and Rhode Island and the rest of the States. So, I say to you, that it may not be a flag vote but it is a labor vote. It is very important to the working people of Illinois. It is very important to many trade unions and I'm sure your vote will be recognized.



Thank you."

Rep. Arthur A. Telcser: "The gentleman from DuPage, Representative Hudson."

George Hudson: "Well, Mr. Speaker, Ladies and Gentlemen....

Oh... I can't say that anymore. Mr. Speaker and Members of the General Assembly, I might start out by indicating that we have been told that one State has voted against this Amendment. And I, just to set the record straight, would indicate that there are now three who have shown the excellent good judgement to reject this Amendment. Those three being Oklahoma, Vermont and Connecticut. I opposed this Bill in Committee and was proud to have done so. I might say that there was a certain amount of heckling that day, but ah.. so be it. I rise again in opposition to this legislative trojan horse and do so because I believe this proposition to be unnecessary and dangerous. Furthermore, it is unwanted by those women who have had time to consider its eventual impact on their lives. My mail has run five to one against this proposition. I might tell you that the other day I received a letter from a young High School girl who had this to say. I think that you might be interested in this. She says, 'I am only sixteen, but by the time I am eighteen or nineteen, I want to be married and I want to start a family, not run around with combat boots with a gut carrying a gun. So, you see, I am writing so you won't vote for the Amendment. I don't know much in the way of politics. But, I do know that I don't want to be drafted.



I will be grateful and so will thousand of other girls if you vote against this Amendment'. And, I think that this is a fair representation of the way that this young Lady and many thousands of other members of the feminine sex feel about this Amendment. This so called Equal Rights Amendment has a nice ring and if passed, by about mid 1974, all persons of the feminine gender shall be equal 'under all the Laws of the Land'. Alleluia.... But before any of our ladies take their liberated selves out to celebrate in the streets, we should pause to consider what the abstraction, the equality of rights under the Law will mean in concrete programs. It's just not a guarantee of equal pay for equal work. I'm for that and so are most of you, I believe. It's just not the right to belly up to the Bar with the boys at Maury's Tavern or for little Susie to be a member of the Football Squad. It's more. Much more. It is dangerous and may force the United States' Supreme Court to annul every existing Federal and State Law making any distinction between men and women however fair and reasonable in particular cases. And forever rob Congress and the Legislators of the fifty States of the Constitutional Power to enact any such Laws in the future. Is this what we want to do? Doesn't the Supreme Court have enough power now as it is? Isn't it writing enough Law already? Do we wish to surrender our State sovereignty to this degree? Paul A. Freund of the Harvard Law School, along with other distinguished Constitutional Authorities, had this to say, 'If anything about



this proposed Amendment is clear, it is that it would transform every provision of the Law concerning women into a Constitutional Issue to be ultimately resolved by the Supreme Court of the United States. Every statutory and common Law provision dealing with a manifold relation of women in society would be forced to run the gantlet of attack on Constitutional grounds. The range of such potential litigation is too great to be readily foreseen. But, it would certainly embrace such diverse legal provisions as those relating to a widow's allowance. The obligation of family support and grounds for divorce, the age of majority and right of annulment of marriages and the maximum hours of labor in Industry'. I submit to the Members of this Assembly that this Amendment is unnecessary. I can achieve nothing that cannot be more safely achieved by legislative reform where necessary in the individual States. And, our individual States have been doing this consistently. Where women have been placed to disadvantages, corrections have been and are being made. I will submit that this Amendment is a snare, a trap, a delusion and I am particularly concerned when I pick up the sheet put out by the proponents of this, put out by the Citizens Advisory Council and the status of women. And, it says this, 'Equal treatment can be accomplished either by extending the Law which applies only to one sex or the other sex or by rendering the Law unconstitutional as denying Equality of Rights to one's sex'. It goes on to say, 'The consideration of the ratification



of the Equal Rights Amendment by the individual States will give ample opportunity and time for the States to decide on modifications to adjust their Laws to the Amendments where needed'. In interpreting and here's the point I wish to make, the Equal Rights Amendment, the Courts will consider the intent of Congress, particularly the views expressed by the proponents of the Amendments. A great shake, a great shake we get on that one. Ladies and Gentlemen, I urge you to vote today for the true best interest of American Womanhood by voting against this ill-conceived unisex Amendment."

Rep. Arthur A. Telcser: "The gentleman from Macon, Representative Borchers."

Webber Borchers: "Mr. Speaker and Fellow Members of the House, I can't possibly equal Representative O'Hallaren's or Representative Hyde's ah.. statements and logic. But, I would just like to tell one story with what I personally saw with the Russian Army. And, I would like to point out that, in my opinion, that this a direct blow... this is a direct blow against the home and the family and could be disastrous to our Country. I saw in May of 1945 across the Elbe River, with my own eyes, the mixed units, male and female in the Russian Armies. They are equal. Now, crudeness is a bad thing, but sometimes, crudeness can explain what your grand daughters and your daughters may be confronted with in a case out of the serving in the United States' Army or.. or the Military Units of the United States. I personally saw an open latrine trench. I have personally seen women and



men soldiers of the Russian Army squatting over those trenches. Now, visualize your daughters, your grand daughters in that position. If that's the kind of way we.... If.. If that is the direction in which you wish to take the culture of our Country, fine. But, not for me. I want to see the idea of the sanctity and the protection continue as we've always had in this Country. But, think of the crudeness of it. But, this is what you are asking for because that is a necessary Military Service. And, you can't carry two latrine trenches and two latrine ah.. canvas protection in the field in the front line of an Army in combat. And, you are asking for that very thing. I won't repeat any more of the rest, Pal. Vote 'no'."

Rep. Arthur A. Telcser: "The gentleman from Cook, Representative Scariano."

Anthony Scariano: "Mr. Speaker and Ladies and Gentlemen of the House, I want to assure my Sisters, Eugenia and Giddy, that they shouldn't have to worry about the adoption of this Amendment. Ultimately, it will be adopted. And, they should not have to fear about the interpretation that the Courts put on it. They should pray to God, she will help them."

Rep. Arthur A. Telcser: "The gentleman from Cook, Representative Ewell."

Raymond W. Ewell: "Mr. Speaker, Ladies and Gentlemen, I, the male King promiseto give the woman justice and equality. Mr. Speaker, that has never worked. It did not work in the



days of the English when the King had a Law that was just his ah.. oral Law. And, the people soon found out that they couldn't trust the King to keep the oral Law. They had to make the King write down the Law. And, I'm suggesting in this case, the women need a little written Law also. But, I would like to point out that contrary to just these statutes that we have, just these enactments that we have, that there was a time, prior to the doctrine that Separate -vs- Equal, we had the 13th Amendment, the 14th, the 15th, and the Courts came along and they introduced another doctrine. And, they said that people could be separate but equal. This was a fallacy. It has never been so. It wasn't so in the case of the blacks and it will not be so in the case of the women. We could listen to the statutes and take the assurance from the people on the other side of the aisle and on this side of the aisle who promise I will always be fair. I will always treat you equally, impartially and give you justice as I see justice. It reminds me of a tale when there were great Wars in this Country between the Red man and the White man and they have been fighting for a number of years. And, in order to establish peace, they made a treaty and they gave the Indians on one side of the River the land. They gave the White men on the other side of the River the land. And, it was so, that as long as the shall grow and as long as the rivers shall run, this will be the peace. What I would like to point out is that the next Spring, the White men moved to the other side of the River and when the Indians



asked them what about the treaty, they said that the grass doesn't grow in the Winter and the River freezes. And, I'm suggesting that were going to give the same plight to the women. Trust us for we will always be fair with you. We will always treat you with accommodation. And, after all, we know what's better for you. I think that the time has come that the women have a fundamental right to participate. They have a right to decide. And, they don't need written promises or oral promises, they need a Constitutional Enactment in order to protect them. Now, we've heard a great deal about women in the Army and how we wouldn't want it to so be. But, I would like to point out, that in a number of cases, perhaps, this was a good thing. The Israeli Army, for one, has incorporated women. And, they have been beating the Arabs for quite a while. Maybe, we want to be like the Arabs and put our heads in the sand and say that we'll save ourselves. But, this may not be so. You talk about the Russian Army, the women who are in the Army, so be it. But, here again, they have succeeded and I can not see, for the life of me, why that I, the male King, should always be destined to rule over the women, predecide over them what is just, what is right and what is wrong. The women, in fact, need a Constitutional Amendment to protect them and not merely the whim of a statute that's here today and gone tomorrow. What we extend to the women today, for mere political accommodation, we may take from them tomorrow. I suggest that if we want to be sincere, if we want to be realistic



and if we want to live in this modern 20th Century World, we will accept the women as partners. We will accept their contributions. And, despite all the cries, I, the male King, will be just and fair. We must enact this into Law and give the women their equal rights."

Rep. Arthur A. Telcser: "The gentleman from Cook, Representative Douglas."

Bruce L. Douglas: "Mr. Speaker, I realize that this debate is raging on longer than need be and that my statements will sway no votes. However,.... However,... However, Mr. Speaker, as it is true of every Member of this House, I represent an adequate number of people to feel that it is important in support of the tens of thousands of people who elected me and expected me, not only to vote for this measure, but to comment briefly on it, that I do so. Those who clocked a few minutes ago asking me to sit down because they know how they're going to vote, I would suggest that they should realize that some of the behavior that we have demonstrated on the floor of this House is the exact reason that many women ask for equal rights. Some of us are acting like boys instead of like men. What we're being asked to do today is to act like men and to recognize that an important Constitutional Amendment is being brought to our attention. The time has come for this Legislature to recognize that America in 1972 is not the America of the so called 'good old days', or of the 'horse and buggy era'. The decision has to whether women should be accorded equal rights under Law can no longer



be delayed. Women, themselves, want equal rights and deserve them. The romantic notion that women should stay in their place as some here today have, and I.. I agree inadvertently said, and to serve so cold traditional roles in society, is condescending, demeaning and, in my opinion, ultimately destructive. Women, without lipstick, without frills, and on their feet, dealing equally with their peers and with men, can be just as feminine and just as beautiful as the proverbial women created by Hollywood and the Miss America Contest. I would suggest that in conclusion, Mr. Speaker, and Members of this House, that the attitude that some of us have expressed today, as well-intentioned as it may be, is an attitude that is out. Your young daughters today, those who some of you would say, 'I don't want to see them in combat', Or 'using rooms with men'. Your daughters today will say to you that they wish to make the decisions that govern their lives themselves. This is a room full of men. This is a room making decisions for women. And, I suggest, that as difficult as it may be, that we put ourselves in their positions, and understand that they are in honesty and in conscientiousness and in sincerity and seriousness in asking us to vote 'yes' on this Amendment."

Rep. Arthur A. Telcser: "The gentleman from Cook, Representative Lechowicz."

Thaddeus S. Lechowicz: "Thank you, Mr. Speaker. I have two questions of the Sponsor, if she'll yield."

Rep. Arthur A. Telcser: "She indicates she'll yield. To the



questions."

Thaddeus S. Lechowicz: "Thank you, Mr. Speaker. Representative Chapman, is this correct as far as the testimony has been heard on this Bill as far as that this Resolution is ratified by this General Assembly and by some additional States that women could be drafted?"

Eugenia S. Chapman: "Yes. The ah.. Amendment is ratified and a period of two years will follow before it becomes effective. At this time, women will have the same rights and opportunities ah.., as far as Military Service is concerned, as men do. That is to say that it will not be possible to set higher standards in order to admit them to the draft as men. And, that is also to say that in the same way that men, some of them may now be drafted, women may also."

Thaddeus S. Lechowicz: "So, basically, if they meet the physical qualifications in the same male standards, that they would be eligible and could be drafted. Is that correct?"

Eugenia S. Chapman: "Ah.. Ah.. it is correct. And, also, once they were in the Service, they would be under the same kind of classification that affect men. That is, they would serve where their abilities, their ah.. qualifications would make it likely that they could serve well."

Thaddeus S. Lechowicz: "So, they could be drafted?"

Eugenia S. Chapman: "Yes. They could be drafted right now, Sir. The answer is 'yes'."

Thaddeus S. Lechowicz: "Only with the approval of Congress



though, and I don't think that they have actually gone that far. The second question that I have, Representative Chapman. If this Resolution is ratified by the required number of States, and us being one of them, could it possibly alter the Abortion Laws that are presently existing in various States?"

Eugenia S. Chapman: "No. It has no relationship at all, Ted, with Abortion Laws."

Thaddeus S. Lechowicz: "I thank you."

Arthur A. Telcser: "The gentleman from Cook, Representative McPartlin."

Robert F. McPartlin: "Ah.. Mr. Speaker, I move the previous question."

Rep. Arthur A. Telcser: "The gentleman has move the previous question. All in favor signify by saying 'aye', opposed 'no', the gentleman's motion prevails. And, I understand that by agreement with the Speaker, the Lady from DuPage, Representative Dyer, will close the debate."

Mrs. Robert C. 'Giddy' Dyer: "Ah.. as Co-Sponsor, I appreciate this opportunity to close the debate and to comment on some of the questions that were raised. I'll make it as quickly as possible. As a Wife, a Mother and a Grandmother, I'm delighted as to not be the same as men. All I want is equality before the Law. I want this for myself, for my daughter, my daughter-in-law and my grand-daughter. Please remember, the Equal Rights Amendment will not make a crude man a gentleman. But, it doesn't prevent his being one. Now,



for those of you who said that the 14th Amendment should suffice, ah.. let me ask you then this question. If the 14th Amendment passed right after the Civil War was sufficient to give women equal rights, why did it take them fifty years to pass the 19th Amendment to just get the basic right to vote? Obviously, the Equal Protection in the 14th Amendment is not enough for todays woman in todays world. May I clear up one more thing? Equality does not mean 'sameness'. Equality before the Law simply means that you treat each person as an individual human being. The Law would have to be made to apply equally to both sexes. And now, for a couple of the questions that haven't yet been answered. Would the Equal Rights Amendment wipe out the financial obligation of a husband and father to support his wife and children? Definitely not. The Equal Rights Amendment places a mutual responsibility on parents in the support and care of the children. Most wives would be surprised to find that right now, under the Law in Illinois, 'A married woman, living with her husband, can in practice get only what he chooses to give her'. The legal obligations of support can generally be enforced only through actions of separation or divorce. Now, as to the next question, would the Equal Rights Amendment wipe out the Law that protects women against rape? And, how about the Laws relating to prostitution? And, now, that I have your attention, I'd like to point out that equality of the Law means that the Laws pertaining to rape would apply equally to both sexes. We are not naive. There



is rape of young men in prisons and there is male prostitution. The Laws would apply equally. We have covered the business of the draft. I just want to point out that for those of you who are appalled at the idea of your daughter being subject to Military Service on the same basis as her brother, I'd like to point out that the young ladies in this age group who would be affected belonging to the Inter-collegiate Association of Women Students all across the land, overwhelmingly made Congress aware of the fact, that they were willing to participate in this duty. I want you to think for a minute, since some of you like to look back to the good old days, when we were opening up the West in our Country, and the role for men and women in those days were even more clearly defined than they are now. And, you had the husband, the wife and the children in the log cabin. Well now, when the Indians attacked out of the wilderness, I'll bet that woman didn't stay over that washboard very long. From the Western Movies that I've seen, she'd pick up a gun and she helped defend her home and her children right along with her husband. Ah.. in the cases of child custody and divorce, the Equal Rights Amendment would extend this right to both sexes equal. I suspect that everyone here can think of cases where the father might make the better parent for the children after ah.. a divorce. The Laws in Illinois make it very difficult for the father to get custody. The Equal Rights would benefit men in this situation. We've covered Protective Labor Laws. I have only this to say.



The Laws that took Nellie, the sewing machinegirl, out of the sweat shop at the turn of the Century, were wonderful then. But, in todays world, it results in keeping many talented young women on the assembly line instead of going up to executive positions. So, to summarize, I'll just say this. There are thousands of Federal and State Laws still on the books that discriminate against women. To repeal these Laws piecemeal, would take a hundred years with lots of Court decisions. Isn't it simpler to pass just one Amendment that will be the floor under the Laws in all fifty States? I think today, especially, we're aware of the violence in our Country. A violent attack on a Presidential Candidate has shocked us all. Now, the solution to this kind of problem demands brain power. And, when you treat half of the adult population like children, you're wasting America's greatest natural resource. Let us be partners with you. Let us be full-fledged partners and we'll try our best to help solve some of these problems. Thank you."

Rep. Arthur A. Telcser: "The question is, 'shall House Joint Resolution Constitutional Amendment *13 pass?'. All those in favor signify by voting 'aye', the opposed by voting 'no'. The gentleman from Champaign, Representative Hirschfeld, to explain his vote."

John C. Hirschfeld: "Thank you, Mr. Speaker. I'll make this very brief. In explaining my 'no' vote, let me say that there are two reason why I'm voting 'no'. The first one, and the closest one to home, is my wife. And, the second



one, and a more compelling reason as far as I am concerned, is the example that has been set by our distinguished Majority Leader. And, if I may say so, Ladies and Gentlemen of the House, in the two years that I have been down here in some several thousand votes now, I feel that I have witnessed Henry Hyde's Leadership time and time again. And, in all sincerity, I believe that he, as our Majority Leader, has yet to take an unreasonable stand, has yet to make a deprecating remark. As far as I am personally concerned, has not yet cast a bad vote. I was sorry to see him beaten. His Leadership will be sorely missed. And, to slightly reverse an old cliché, I know of no woman, let alone a man, who will be able to fill his shoes. And, I, for one, am willing to follow his example again and cast a 'no' vote."

Rep. Arthur A. Telcser: "The gentleman from Cook, Representative Hyde."

Henry J. Hyde: "Ah.. Could I have a copy of those remarks, please?"

Rep. Arthur A. Telcser: "The gentleman from Cook, Representative B. B. Wolfe, to explain his vote."

Bernard B. Wolfe: "Briefly, Mr. Speaker and Ladies and Gentlemen of the House, the defect in the Declaration of Independence that all men 'are created equal' is avoided by the Amendment proposed by the Constitution of the United States into three words, 'Equality of Rights'. Now, it's amazing to read the State Constitution of 1970 which was adopted in Convention here at Springfield on September 3rd, 1970 and ratified by



the people of this State on December 15th, 1970. And, I call your attention to Article I, Section XIII, entitled, 'No Discrimination On The Basis of Sex'. 'The equal protection of the Laws shall not be denied or abridged on account of sex by the State or its Units of Local Government and School Districts'. Having sworn to uphold this Constitution, I find it incumbent upon myself to vote 'yes' on this Amendment which creates the the same conditions on a Federal level that we are now enjoying in the State of Illinois under our new Constitution."

Hon. W. Robert Blair: "The gentleman from ah.. McLean, Mr. Hall."

Harber H. Hall: "Mr. Speaker and Ladies and Gentlemen of the House, I feel compelled to take a moment of the time of the House to explain my vote because, for some reason, I'm listed as a Co-Sponsor on this measure. Ladies and Gentlemen, yesterday morning, in my home, the phone began to ring at an early hour and before I left to come to Springfield at 9:00 o'clock, I had at least ten phone calls. Now, a good majority of these were against this measure. But, there were a number Women League Voters who called me and identified themselves as Members of the League. And ah.. they indicated that they did not want to ask for my support, but, they were stating flatly that they could not vote for anyone who did not vote for this. I ah.. consider this intimidation and I regret that a responsible Organization of Women would take this attitude. But, when I got to Springfield, I re-



ceived many telegrams and they're on my desk now, indicating that that's the way they feel about it. I ah.. did have ah.. reservations when this ah.. a measure was originally introduced or early introduced. And, since that time, listening and talking with other Members of this Body, I've come to the conclusion that this is a bad measure and for the reasons that are so articulately spelled out by the Majority Leader and many others. Accordingly, I'm going to cast a 'no' vote. And, at a later time, will ask that my name be stricken as a Co-Sponsor in the measure." "

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Arrigo."

Victor A. Arrigo: "Ladies and Gentlemen of the House, I'm sure that most of you are aware of the fact that Illinois was the first State to ratify Women's Suffrage in 1919. Had Abraham Lincoln lived, he would have been pleased to know that Illinois was also the first State to ratify the 13th Amendment that grew out of the Emancipation Proclamation. We've had our fun with the flow of endless words in the House this afternoon. I think now that we ought to all act as gentlemen and send Mrs. Chapman, who is one of fifty distinguished women who have been invited to attend a Conference at Rutgers University Eagleton Institute of Politics on Friday, Saturday and Sunday. Let us fortify her with a feeling that her Colleagues in the House of Representatives have enough respect for her to send her to this Conference with a 'Yea' vote on this Amendment. I urge that we act as gentlemen and give Mrs. Chapman and Mrs. Dyer her vote



so that she can go to this Conference with a feeling that she has real gentlemen as her Colleagues. Please, give her a 'green' vote."

Hon. W. Robert Blair: "The gentleman from ah.. Cook, Mr. Rayson."

Leland H. Rayson: "Mr. Speaker and Members of the House, I think that this afternoon, we, as men, have displayed ah.. something of our tendencies to ah.. overplay and ah.. and to ah.. manifest ourselves as true male chauvinists and even do this with marked levity. And, I can't add anything here. I ah.. talked to many women today who.. who informed me that they had about 90 votes or so on this measure. And, I suggest, that we, as men, have not done too well in this world. We had the assassination.. or the attempted assassination of Governor Wallace yesterday. And, I suggest that all of the assassigators or the ah.. attempted assassigators of Presidents and Public Officials have been men. And, I suggest that the violence which is rampant in this country will tinue. I feel deeply grieved that we have failed to grasp the imponderables of the discrimination that has pervaded this Country and other Countries, for that matter, for years. But, I've always been one to want to support women in their rights because I feel that they should be as miserable as men. But, aside from all of this, it seemed like when the question was raised about being drafted, and knowing that President Nixon has put himself in support of the Equal Rights Congressional Amendment, I'm wondering whether or not this is a



secret weapon to end the War in Indochina. And, I suggest, perhaps, he might deserve another term for his perspicacity, because if we can womenize the War, maybe we can wind down the Vietnamization. Thank you."

Hon. W. Robert Blair: "The Clerk will take the record. The Clerk will take the record. On this question, there are 70 'Ayes' and 69 'Nays' and 1 'Present', and this Resolution having.... Ah.. the gentleman from Cook, Mr. J. J. Wolf."

Jacob John Wolf: "I'd like to be recorded as 'Present', Mr. Speaker."

Hon. W. Robert Blair: "Record the gentleman as 'Present'. The gentleman from Cook, Mr. Fleck, says 'Present'. The Lady from ah.. DuPage or ah.. from Cook, Mrs. Chapman."

Eugenia S. Chapman: "Ah.. May I ask for a poll of the absentees, please?"

Voices: "Noooooo."

Hon. W. Robert Blair: "Alright.. The Clerk will poll the absentees."

Fredric B. Selcke: "Capparelli.. Capuzi.. Carrigan.. Jimmy Carter.. Richard Carter.. Cox.. DePrima.. Duff.. Fleck.."

Hon. W. Robert Blair: "Fleck is present."

Fredric B. Selcke: "Flinn.. Who are the others present, George? Who are the other guys present? Alright.. Garmisa.. Gibbs.. Granata.. Hamilton.. Hart.. Jacobs.. Janczak.. Karmazyn.. Klosak.. Kosinski.. Laurino.. Lauterbach.. Markert.. McDermott.. McDevitt.. McMaster.. D. O'Brien.. George O'Brien.. O'Hallaren.. Pappas.. Ropa.. Rose.. Ike Sims.. Williams.. Frank Wolf.."



Hon. W. Robert Blair: "The gentleman from Kankakee, Mr. Hamilton."

C. R. Hamilton: "Aye."

Hon. W. Robert Blair: "Hamilton.. 'aye'.. Jacobs.. 'aye'. Flinn.. 'aye'. Alright ah.. On this question, there are 73 'Ayes', 69 'Nays', 3 'Present'. O'Brien, George is present. And, this Resolution having failed to receive the required ah.. number of votes is hereby declared lost. On the order of Third Reading appears House Bill 4164. For what purpose does the gentleman from ah.. Cook, Mr. Yourell, rise?"

Harry Yourell: "Mr. Speaker, a point of order. Ah.."

Hon. W. Robert Blair: "On what matter?"

Harry Yourell: "On the order of business."

Hon. W. Robert Blair: "What business?"

Harry Yourell: "We were on House Resolutions and according...."

Hon. W. Robert Blair: "On the order of Third Reading appears House Bill 4164."

Fredric B. Selcke: "House Bill 4164, a Bill for 'An Act creating the Commission on Salaries for Elective State Officers. Third reading of the Bill."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Regner."

David J. Regner: "Well, Mr. Speaker and Ladies and Gentlemen of the House, House Bill 4164 creates a Commission on Salaries and Expenses for Elective State Officers. And, it appropriates \$25,000 for the Act. And, I would ask your favorable vote on this Bill."



Hon. W. Robert Blair: "Any further discussion? The question is, 'shall this Bill pass?'. All those in favor will vote 'aye', and the opposed 'no'. Have all voted who wished? The Clerk will take the record. On this question, there are 123 'Ayes', and 8 'Nays', and this Bill having received the Constitutional majority is hereby declared passed. With leave of the House, we'll go to the order of Consideration Postponed on which there appears ah.. House Bill 4079. And, we'll ask leave to have it brought back to Third Reading. Now, this is a matter to which I call the Houses attention. Earlier ah.. in the days business, ah.. House Bill 4079 was considered and at that time that I asked for the vote tabulation from the Clerk, he gave me a Roll Call of 88 'Ayes', 48 'Nays' and 5 'Present'. Now, since then, the Roll Call has been gone over in detail. And, the fact is that the Roll Call at that time was 89 'Yeas', ah.. 48 'Nays' and 5 'Present'. And, the Clerk made a mistake in addition. For what purpose does the gentleman from Cook, Mr. Downes, rise?"

John P. Downes: "Mr. Speaker, how am I recorded?"

Hon. W. Robert Blair: "The gentleman from ah.. Cook, Mr. Moore, for what ah.. purpose do 'you rise?"

Don A. Moore: "Mr. Speaker.. There has been a verification of the Roll Call on this matter, Mr. Speaker."

Hon. W. Robert Blair: "Ah.. the gentleman from ah.. Union, Mr. Choate."

Clyde L. Choate: "Mr. Speaker, parliamentary inquiry. There



was a verification of the Roll Call to a certain degree. But, if you will look, Mr. Speaker, in your Rule Book under Rule 63, about the center portion of that Rule. It says that, 'No Member shall be permitted to change his vote as recorded after the Roll Call has been verified and the result declared'. I would suggest, Mr. Speaker, that the result of that vote has not been declared or the Bill would not have been asked for a postponed consideration and placed in that order. I would say that, therefore, Mr. Speaker, that a Member does have the prerogative of changing his vote, if he desires to do so."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Hyde."

Henry J. Hyde: "Well, Mr. Speaker, I would submit that the result was declared. It was erroneously declared. But, a result was declared which should foreclose changing of vote. Now, what is sought here is to announce the true Roll Call. And, ah.. an erroneous result was declared due to misinformation accidentally given you. Ah.. But, the result has been declared. And, what you seek to do, Mr. Speaker, ah.. I respectfully submit, is to announce the correct result having already announced the result ah.. that was in error through no fault of your own."

Hon. W. Robert Blair: "Alright ah.. that ah.. Well, I think that ah.. the gentleman from Cook, Mr. Hyde's point, that there was an erroneous ah.. result declared earlier ah.. is correct. And, what we are now trying to do is to declare a correct result which I have not as yet declared. So, ah.."



under that circumstance, since I have not declared that result, because I went to the gentleman from Cook, Mr. Downes, ah.. before a corrected result was declared and he asked ah.. to have his vote changed. Now, the Rule does say that, 'No Member shall be permitted to change his vote as recorded after the Roll Call has been verified and the result declared'. Now, I think that the gentleman's point from Union, is correct. And, what he's saying is, is that the gentleman should have the right to change his vote, if he so desires, as long as I have not announced the corrected Roll Call. Now, that... that's the point as I see it. Yes, the gentleman from Union, Mr. Choate."

Clyde L. Choate: "I would quite agree that there was a result declared, Mr. Speaker. But, if that is the result that the basis of a ruling would be made on, then, you could not go back and bring about the other vote. I suggest that the corrected.. the corrected, if you please, result has not been allowed as you so ably stated. And, that the gentleman from Cook, if he so desires, is within his prerogative of changing his vote, if he so desires."

Hon. W. Robert Blair: "The gentleman from ah.. Cook, Mr. Hyde."

Henry J. Hyde: "Well, Mr. Speaker, I distinctly heard you say that the corrected ah.. result was 89 votes. And, you did declare it before Mr. Downes got to his feet and ah.. thought to change his vote."

Hon. W. Robert Blair: "Well, let me just say this about that. If, at the time that I had announced the earlier Roll Call



which, let's say, was 88, and ah.. whatever the 'Nays' were, and then, at that point, said that for that reason, the Bill is and I hadn't gone ahead and said lost, up until the time that I declared what that Roll Call showed. If Mr. Downes had of gotten to the floor at that time and been recognized by me, ah.. I think as the Rule is worded, that he would have the opportunity to have changed his vote at that time, as long as I had not announced that the Bill had failed. And, I don't think that the, because there's been a lapse of time from when we considered that matter, that he should be precluded from ah.. asking that ah.. his vote be changed ah.. from ah.. from 'aye' ah.. to 'present'. The gentleman from Cook, Mr. Hyde."

Henry J. Hyde: "Well, I see Mr. Laurino back on the floor and I would like to his vote put back on the ah.. Roll Call."

As long as we're playing with the Roll Call, I'm requesting."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Moore."

Don A. Moore: "Mr. Speaker, Ladies and Gentlemen of the House, this Bill I put in because it was an important Bill as far as the constituents were concerned in my District. All I'm asking for, Mr. Speaker, is a sense of fairness, not because it Don Moore's Bill, but, because the same thing could happen to any Member on the floor of this House, any one of 177 of us could have had 89 votes, and through an honest error that the Clerk made. If I would have had 89 votes at that time and if those results would have been announced correctly by the Speaker, my Bill would have passed and be on its



way to the Senate. I think that in the sense of fairness, there was an honest mistake made here in this case. It wasn't my fault. I wasn't any one of your fault. But, gentlemen, on either side of the aisle, the same thing could happen to you. And, I think, in this case where there was an error and it's agreed upon by both sides of the aisle that there was an honest error made, I think that this Bill should be declared passed. Because, if it happens to me, gentlemen, the same thing could happen to you. And, in the sense of fair play, in the sense of correcting an erroneous addition or subtraction, whatever the case may have been, this Bill, if it would have had those 89 votes, which it did... which it did, the Bill would have been declared passed. There had been a verification. And, as I say, the Bill would be on to the Senate. And, I respectfully request your consideration on this matter, not because it's my Bill, but, because I'm a Member of this Body, just like each of you are. And, if the same thing happened to me, it could happen to you. And, the ends of justice and the integrity of this Body would be unfair. Thank you, Mr. Speaker."

Hon. W. Robert Blair: "Alright, so that we understand where we are. When I brought this Bill back, I explained what the error was ah.. in the vote total that was given to me by the Clerk and I declared that the... that the corrected vote total 89 'Ayes', 48 'Nays' and 5 'Present'. Now, we are at the point in this where I would normally move to



say, 'And, the Bill having received the Constitutional majority would be declared passed', but, the gentleman from Cook, Mr. Downes, ah.. asked for recognition before I declared that result of 89. So, I have a Roll Call of 89 and I announced a Roll Call of 89, but I have not announced that the Bill has received the Constitutional majority; and therefore, passed. And now, Mr. Downes, ah.. has asked that his vote be changed which under a clear reading of that part of 63 which says, 'That no Member shall be permitted to change his vote as recorded after the Roll Call has been verified and the result declared'. And, 'result declared', the way that I interpret the Bill, means that I say that the Bill passes or the Bill fails. That.. That's the result. Actually, what happened earlier in the day, ah.. neither one of those things was announced because the.. the ah.. the Representative from ah.. Cook, Mr. Moore, had asked for a postponed consideration. Alright, for what purpose does the gentleman from Randolph, Mr. Holloway, rise?"

James D. Holloway: "Mr. Speaker, how am I recorded?"

Hon. W. Robert Blair: "How is the gentleman recorded?"

Fredric B. Selcke: "The gentleman is recorded as 'not voting'."

James D. Holloway: "Vote me 'aye'."

Hon. W. Robert Blair: "Alright.. Record the gentleman as 'aye'."

The gentleman... The gentleman from Cook, Mr. Laurino."

William J. Laurino: "Mr. Speaker, how am I recorded?"

Hon. W. Robert Blair: "How's the gentleman from Cook, Mr. Laurino, recorded?"



Fredric B. Selcke: "The gentleman ah.. was recorded as voting 'yea' and was taken off and is now shown as 'not voting'."

William J. Laurino: "Would you record me as voting 'aye', please?"

Hon. W. Robert Blair: "Record the gentleman as 'aye'. The gentleman from ah.. Cook, Mr. Lechowicz."

Thaddeus S. Lechowicz: "Thank you, Mr. Speaker. A point of information."

Hon. W. Robert Blair: "Yes."

Thaddeus S. Lechowicz: "I was wondering if ah.. you announced that the Bill be postponed.. postponed consideration? I was sitting here and I thought that that was exactly what you said before Representative Holloway was recognized and Representative Laurino was recognized. And, at that time..."

Hon. W. Robert Blair: "No.. No, what I said was that I explained what had happened earlier in the day. I was reviewing what had happened. I said that actually there was not a result declared when this matter was considered earlier in the day, because I did not announced if the Bill had then failed or if it had passed because the gentleman from Cook, Mr. Moore, before I had an opportunity to do that, had asked that the Bill be postponed. It was placed on postponed consideration with leave of the House, and tonight, with leave of the House, I brought it back to from postponed consideration to the order of Third Reading on this..."

Thaddeus S. Lechowicz: "Mr. Speaker.."

Hon. W. Robert Blair: "Matter. Yes. The gentleman from Cook, Mr. Lechowicz."



Thaddeus S. Lechowicz: "Thank you, Mr. Speaker. I thought that when an item is put on postponed consideration, there has to be one Legislative Day before it's reconsidered."

Hon. W. Robert Blair: "Yeah... I ah.. don't know the Rule that ah.. so states. Do you have a Rule in mind?"

Thaddeus S. Lechowicz: "Rule 71."

Hon. W. Robert Blair: "Well, I don't.... I don't see it under 71. And, in any event, the point is being raised that ah.. at the time I asked for leave to bring it back, that's unanimous consent. There was no objection made at that time. The gentleman from Cook, Mr. Ewell."

Raymond W. Ewell: "Mr. Speaker, I never heard you ask for leave to ah.. bring it back. And ah.., I would like to say, that all you did was got up and announced that there was some kind of error or something else."

Hon. W. Robert Blair: "No...."

Raymond W. Ewell: "I've been, let me say, patiently, if you talk about fairness, I have been here patiently waiting to get the floor, patiently waiting to get your attention. And, in all fairness, I could only get it when you recognize me. Now, if we're to say that just a simple arbitrary recognition could change the Rules and change the ah.. ah.. position of the House, I think that it's unfair. I think that any reading of Rule 71 says that when you ask to postpone indefinitely which, I believe, that I distinctly heard ah.. the gentleman from Cook, Mr. Moore, ask for, and you can ask for a postponement if you've 97 votes, provided you do it before



before it's declared passed. Now, I suggest to the Speaker, very respectfully, that this Rule goes on saying that, 'These motions have a precedence in the order in which they are named herein. Being decided shall not be allowed again on the same day or at the same stage of the Bill or Proposition'. Now, I am suggesting that this, indeed, is the same day. And, I'm saying that if the Speaker is now saying that I am going to suspend the Rules, and I did not hear for a request to suspend the Rules. And clearly, and perhaps I'm in error, but there was no request to suspend the Rules. Now, if the Speaker could suspend this Rule, and I agree that 89 votes have the power to do anything, but, I would say that you are, indeed, being unfair and arbitrary in regards to the rest of the Members. Because, then we would have what is ruling by decree. We would be dependent upon the Speaker for the Law. But, the Laws are written so that all men might know the Law."

Hon. W. Robert Blair: "Well, at the time that the gentleman from Cook ah.. ah., to the best of the recollection of the Chair, earlier in the proceedings, it was at that point where he asked that ah.. ah.. the ah.. Bill be placed on the order of postponed consideration. Leave was granted for that to be done. Alright... Tonight, I specifically said, with leave of the House... No, ah.. I went.. I went to the order of consideration postponed because that's... I don't need leave of the House because that is the..a lower order of business. And, I said, 'On the order of consideration appears



House Bill 4079. With leave of the House, I want to bring back to the order of Third Reading'. Yes... That's what I said. Now... Now, ah.. ah.. Yes, the gentleman from Cook, Mr. Ewell."

Raymond W. Ewell: "Mr. Speaker, I would not dare question you as to what you said, but it's my understanding that all of these proceedings are recorded. And, since they are recorded, I think that perhaps if we put this matter over until tomorrow morning, we would have the transcript and we would clearly have an idea, even we took a recess for five minutes or ten minutes and actually heard what you said. I mean this is the purpose of...."

Hon. W. Robert Blair: "Well, I know what I said and ah.. my ruling now is that what I said was that ah.. I asked for leave to ah.. bring that Bill back and ah.. I do it fifty times a day, ah.. just about. I always ask for leave ah.. when I do that. The gentleman from Cook, Mr. Ewell."

Raymond W. Ewell: "Respectfully so, if you said that, are you saying you also asked for leave to suspend the Rules of the House and say that we cannot hear this matter on the same day? Are you saying that you asked for leave to do that also?"

Hon. W. Robert Blair: "Well... I ah.. It's not the Chair's ruling that that Rule 71a, as you're reading it, applies to this situation."

Raymond W. Ewell: "Well, if the Chair...."

Hon. W. Robert Blair: "There was not... There was not a motion



on behalf of the gentleman from Cook, Mr. Moore, to postpone to a day certain to commit or to postpone indefinitely. What he asked for was leave to have it placed on the order of postponed consideration. And, postponed consideration then puts the matter within the control of the Chair insofar as when the Chair wants to direct itself to the question of calling that matter for consideration again. And, that's the Chair's ruling. The gentleman from Cook, Mr. Duff."

Brian B. Duff: "Mr. Speaker, I understand the concern of the proponents of this Bill. As a matter of fact, as many of you know, I voted against this Bill. Nevertheless, I did sit here and hear the Speaker ask leave of the House to go back on this item. And, furthermore, I feel that the objection on the terms of the Rules is untimely made at this point in time. In all fairness, we know what the count on this Bill is, we're all waiting for a Roll Call. And, I, for one, would appreciate it if we could have it."

Hon. W. Robert Blair: "The gentleman from ah.. Cook, ah.. Cook, ah.. Mr. Davis, for what purpose do you rise?"

Corneal A. Davis: "Well, Mr. Speaker, the gentleman said, 'in all fairness', and this is why I suggest this, I think that this would be in all fairness. Frankly, I don't know who voted for the Bill now. I don't know who voted against it. There's been so many Rules made. And, I think, in all fairness, if we are going to have the harmony that we ought to have, the cooperation between the Parties on both sides of the aisle, I think that in all fairness, we ought to



have a new verification of the Roll. So, that we will know who voted for what and who didn't. There was a mistake made previously, but, there's one now and I want to be fair. And, I've always known my friend to be fair. I wish that I could come up there and bring you back here, because, even though you've beaten me every time you get up here, you're fair. But, you.. you.... Now, this is only fair, we.. we.. there's going to be some question, there's going to be some doubt in my mind and everybody in here if.....'

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Maragos."

Samuel C. Maragos: "Mr. Speaker, at this time, I move to adjourn."

Hon. W. Robert Blair: "You're not recognized for that purpose. The gentleman from Cook, Mr. Hyde."

Henry J. Hyde: "Well, just briefly, Mr. Speaker, I think that the error was in the verification. We've had a verification. The error was in the totaling up of the results. So, once having had a verification, I think that it would be ah.. ah.. improper to have another verification. Especially, since time is.. so much time is allowed."

Hon. W. Robert Blair: "That is right. And, we are.. we are in a position now, where this matter having been brought back to Third Reading and the ah.. the.. the total having been announced, but the result having not been announced, that whether it's in order or only parliamentary inquiries or someone wants to ah.. make any changes with regards to their votes, the Chair will recognize that at this time. The



gentleman from Cook, Mr. Barnes."

Eugene M. Barnes: "Mr. Speaker, a parliamentary inquiry. I believe, and I stand corrected, I believe that the Speaker reopened the move of the Bill from reconsideration, moved it back to Third Reading to reopen the count to correct the total that had been involved. And, as I understand, what has taken place here is that some Members either or, changed their vote. Some have gotten off and some have gotten back on. Now, my inquiry is, does this not open up an area of verification since the Bill had been moved back to Third Reading without an official total being given on whether or not it had either or passed? That's my inquiry."

Hon. W. Robert Blair: "Well, the ah.., in general, your evaluation of the situation is right ah.. but ah.. the substance of the Roll Call has been verified. There have been three or four Members ah.. who ah.. have asked to ah.. change their votes before I announced the result. And, I have recognized them for that purpose. Now, what you're suggesting is a further verification of those people who have changed their votes from the verified Roll Call. Because the Clerk has gone to the verified Roll Call and when I've asked how the gentleman voted, he told me and that Member has been recognized for purposes of changing his vote. But, I.. I don't think that there is any basis for a further verification of the Roll Call. The gentleman from Cook, Mr. Davis."

Corneal A. Davis: "Well, Mr. Speaker, did I understand you to say that ah.. there's no need for any farther verification?"



Hon. W. Robert Blair: "Well, the gentleman had asked for a second verification and I know of no procedure whereby that is in order."

Corneal A. Davis: "But, the case was reopened, wasn't it?"

Hon. W. Robert Blair: "Well...."

Corneal A. Davis: "The case was reopened on an error. You say that there is an error in the record."

Hon. W. Robert Blair: "The Clerk, intotaling the verified Roll Call at that time, had not totaled the vote correctly. There were, in fact, 89 votes ah.. at that time rather than 88. And, if he had not announced the total.... If he had announced that total, I would have declared the Bill passed at that time. And, of course, I was not able to do that because he gave me a total of 88. And, that was a verified Roll Call. In other words, at that time, there were 89 verified 'Aye' votes. And, I would have announced that that verified Roll Call was valid and that ah.. there were 89 votes and that the Bill received the Constitutional majority. Now, because of the Clerk's error, which we have verified, ah.. I was not able to make that ah.. announcement at that time. And, that's the request of the gentleman from Cook, Mr. Moore, who's...."

Corneal A. Davis: "Mr. Speaker... Mr. Speaker, well, may I respectfully move, and you can rule, that we verify the Roll Call. Do you rule me out of order or do you rule it...."

Hon. W. Robert Blair: "The gentleman from ah.. Lake, Mr. Murphy."

W. J. Murphy: "Mr. Speaker, I want to suggest this. The Bill



was never really on postponed consideration because it was there in error. We have the right to correct an error at any time. We have a right to correct an error in the Journal. It was on error and it was on postponed consideration and you, in fact, are correcting the Journal, correcting an error."

Hon. W. Robert Blair: "Alright.. I will accept that in the same ah.. manner as we have indicated earlier. But, in.. in so ah.. correcting, I have never yet announced the result on the corrected Roll Call. And, under that Rule, up until I do, the Members can change their vote. And, ah.. that.. that.. that is what has occurred so far. The gentleman from Cook, Mr. J. J. Wolf."

Jacob John Wolf: "Well, Mr. Speaker, maybe I misinterpreted. I understood that there was an error and the Bill originally had sufficient number of votes to pass. The vote has been announced. And, all that remains is for you to say that it has received the Constitutional number of votes. And, those Members, changing their vote now, were invoking Rule 64, whereby they could gain unanimous consent of the House to ah.. have their names added or.. or have their ah.. vote changed."

Hon. W. Robert Blair: "No.. No, that wasn't the case. Ah.. when we went back and the erroneous Roll Call was corrected, so that it was 89 'Ayes', and I did not then proceed to announce the result. Because Mr. Downes sought recognition and I recognized him and he asked to change his vote and I



permitted him to do so which I... it's the Chair's ruling under 63 that he could do that. And, there were other similar requests. Holloway from Randolph and Laurino from Cook asked to do certain things and.. and they were allowed to do that because I have not announced the ah.. a result. And, I am now at the point, where I am ready to ah.. The Roll Call on this matter.... Alright.. Just a minute. I'm not going to announce the result. I'm just going to tell you that Roll Call is now 90 'Ayes', 48 'Nays' and 6 'Present'. Alright.. Now, the gentleman from Cook, Mr. Rayson. For what purpose do you rise?"

Leland H. Rayson: "A.. A parliamentary inquiry, Mr. Speaker. When you had said, not long ago, that you took this ah.. on the order of postponed consideration with leave of the House, I feel that we're entitled to vote on that postponed consideration. Isn't that correct, Sir?"

Hon. W. Robert Blair: "No. That's an order of business. And, we take those from the order of postponed consideration and bring them back to the order of Third Reading with leave of the House. And, I asked for leave of the House to bring it back to Third Reading. It had already been read a Third time, because we had voted on it. And, ah.. I proceeded to explain the mistake. The gentleman from Cook, Mr. Ewell."

Raymond W. Ewell: "Mr. Speaker, as a point of information. Would I be in order at this time under Rule 71, I'm not making a motion, I'm simply asking if I'd be in order to make a motion under 71a to postpone to a day certain or to



a day indefinite? Would I be in order to make that motion at this time? Like a motion to postpone this matter until tomorrow. Would that be in order?"

Hon. W. Robert Blair: "Well, it would be the Chair's ruling that it would not be. We're not in debate on the merits of this Bill. We're in a Roll Call ah.. on.. on the matter."

Raymond W. Ewell: "But, there's so many... The Roll Call has not been announced. Would we still be in what you call debate or are you making a distinction? That's my only question."

Hon. W. Robert Blair: "Well, I don't consider that we're... that this measure, on its' merits, is under debate. And, that is the Rule that you're referring to. The gentleman from Perry, Mr. Cunningham."

William J. Cunningham: "Mr. Speaker, an inquiry, please into Rule 50. Now, I'm not an Attorney, but that Rule says, 'When a Bill receives a Constitutional majority under the passage, the Speaker shall declare that the Bill has passed. Now, this Bill received a Constitutional majority upon the passage. And, it is mandatory, the way that I read it, that the Speaker shall declare that the Bill has passed, regardless as to whether he got a bad total, an incorrect total, a total that was garbled or any other total. This received a Constitutional majority and, I believe, that it is mandatory that the Speaker now declare that the Bill has passed."

Hon. W. Robert Blair: "Well, the Speaker is going to declare



the result here. But, I can't declare the result until I'm sure that the Members have cast their votes and changes they wanted to make ah.. they have the opportunity to do that. And, ah.. so I'm ah.., as of right now, the Bill does have a Constitutional majority. It has 90 votes. And, I will recognize now any one who desires ah.. to take any further action with regard to ah.. their vote... their vote on the Bill. Do you desire to address the Chair with regard to your vote? For what purpose does the gentleman from Cook, Mr. Mann, rise?"

Robert E. Mann: "Well, Mr. Speaker, I wanted to inquire as to whether or not ah.. the Roll Call ah.. was kept on the vote on the Bill."

Hon. W. Robert Blair: "Yes."

Robert E. Mann: "Well now, Mr. Speaker, isn't it customary when a matter is put on postponed consideration for the Roll Call to be destroyed?"

Hon. W. Robert Blair: "Well, I'm dealing with this Bill and what the facts were surrounding it. As soon as the Roll Call was taken, the gentleman from Cook, Mr. Moore, came up to the Clerk's rostrum and asked to go over that vote total as it was announced... as it was given by the Clerk to me. And, as soon as the Clerk went over that Roll, we notified the Leadership on your side of this error and the matter has been under consideration since that time. The Roll Call has been in the possession of the Clerk at all times since it was taken. The gentleman from Cook, Mr.



Caldwell."

Lewis A. H. Caldwell: "Parliamentary inquiry, Mr. Speaker."

Hon. W. Robert Blair: "State your point."

Lewis A. H. Caldwell: "Ah.. is it possible for me at this point to rule to postpone consideration to a day certain which would be tomorrow....."

Hon. W. Robert Blair: "No...."

Lewis A. H. Caldwell: "If so, I so do move."

Hon. W. Robert Blair: "Okay. I.. I've previously ruled on that as a forthcoming proposition from Mr. Ewell, that the matter is not under debate. We are actually concluding the Roll Call on the matter. The gentleman from Cook, Mr. Caldwell."

Lewis A. H. Caldwell: "This, under 71b, Mr. Speaker, says that, 'These motions shall have precedence in the order in which they are named herein'. There's nothing about debate. 'B, a motion to postpone to a day certain to commit to postpone indefinitely. Being decided shall not be allowed again on the same day at the same stage of the Bill or the Proposition'. It says nothing about any debate."

Hon. W. Robert Blair: "Well, yes. If you would go back to the start of that Rule 71a, it leads off by saying, 'When a question is under debate, no motion shall be received'. But, I'm saying that this matter is not under debate and we're concluding our Roll Call. The gentleman from Cook, Mr. Ewell, for what purpose do you rise?"

Raymond W. Ewell: "Ah.. I rise.... Well, let's say I rise be-



cause what I really wanted to do was I ah.. understand that all of this came about because you got leave of the House, you know, to do all these things. And, I wonder if I would be in order at this time of opposing an interjection to my opposition to your having leave any more? Because, I.. I am willing to lose.. lose fairly, which, I think, is in accordance with the Law. But, ah.. the only thing that I.. I say, would I be in order than making a standing objection to your having leave of the House? In other words, I would object and I'm joined by five people. So, when we pursue business, henceforth, we would do it according to the Rules, so that all men might be treated fairly."

Hon. W. Robert Blair: "Well.. If.. If you're sus... Well, as to this particular matter, if you.. you heard anything here, the matter has been brought back to ah.. Third Reading.. Ah.. so, we're passed the question about leave on it. Now, if you're asking me about... If you're telling me about what you're going to do in the future, I don't think that's a parliamentary inquiry with regard to this matter."

Raymond W. Ewell: "I'm simply... I'm simply asking how might I, under the Law, make an objection ah.. that might be heard to your switching the order of business? Because, if you say, 'with leave' and then you say, 'we're in it, I'm late'. I just wanted to know how I might be on time. If I might interpose...."

Hon. W. Robert Blair: "I have no objection. I ah.. don't think that's a proper matter for ah.. comment at this time. We're



We're in the middle of a Roll Call. One of my Members has addressed himself ah.. to the issue and I'm trying to rule on these various points and give everybody the latitude they'd like to raise, parliamentary inquiries, andsoforth, or to change their votes or to do these sorts of things. Now, ah.. ah.. the.. the ah.. moving back and forth between the orders of business has always been done as a matter of leave of the House, simply because there are Members, at one time or another, have Bills that they want to introduce. If I've passed that order of business and can't go back to it with leave, they're not going to get their Bills introduced. And, so happens that Bills are introduced by Members on both sides of the aisle. I can't take Bills back to Second and bring them back to Third. It.. It affects Members on both sides of the aisle. So, ah.. if you're asking about that question, if we want to do all that, well, when the time comes, we can run it that way. The gentleman from Cook, Mr. Ewell."

Raymond W. Ewell: "Mr. Speaker, might I have leave to change my vote from 'no' to 'aye'? Or, could I change my vote from 'no' to 'aye' just like everybody else does?"

Hon. W. Robert Blair: "Well, ah.. as I've indicated, I'm keeping this thing open because of the unusual nature of the situation. So anybody, if they want to..."

Raymond W. Ewell: "I want to change my vote."

Hon. W. Robert Blair: "Change their vote, they may."

Raymond W. Ewell: "I want to change my vote from 'no' to 'aye'."



Hon. W. Robert Blair: "Alright, the ah.. No, he doesn't need leave to do that. Yes, the gentleman from ah.. For what purpose does the gentleman from Cook, Mr. Simmons, rise?"

Arthur E. Simmons: "In your willingness to votes, can a Member keep changing back and forth indefinitely?"

Hon. W. Robert Blair: "Well,.. Well, I.. I've given about as much latitude as I want to give here now. I've been trying to ah.. ah.. handle this delicate matter as fair as I could possibly handle it. The gentleman from ah.. Cook, Mr. Ewell, I don't think, has changed his vote before. So, this is.. this is his first round ah.. at changing..... Alright.. I think that we're there now. On this Roll Call, we have 91 'Ayes', 47 'Nays' and 6 'Present', and this Bill having received a Constitutional majority is hereby declared passed. For what purpose does the gentlman from Cook, Mr. Ewell, rise?"

Raymond W. Ewell: "Mr. Speaker, having voted on the prevailing side, I wonder if I might make a motion to reconsider the vote by which this Bill was adopted?"

Hon. W. Robert Blair: "That surprises me. Alright, the gentleman from Cook, Mr. Ewell, has moved ah.. that the Yes, I did. I announced the results. 91 'Ayes' and 48 'Nays'... 47 'Nays' and ah... For what purpose does the gentlman from Cook, Mr. Simmons, rise?"

Arthur E. Simmons: "Well, I... Can you reconsider a vote after it has been verified?"

Voices: "No.. No.. No.."

Hon. W. Robert Blair: "Alright, with regard to the gentleman's



request for a ah.. a reconsideration of this matter, it would be the Chair's ruling that, inasmuch as ah.. he's asking for the reconsideration of the verified Roll Call, inasmuch as a verified Roll Call provides that no Member shall be permitted to change his vote as recorded after the Roll Call has been verified and the result declared. That would be a meaningless act to reconsider ah.. the proposal, because no Member can change.... The gentleman from Cook, Mr. Davis." Corneal A. Davis: "No.. All I'm say is, Mr. Speaker, in all fairness, you gave the results as 91 affirmative votes. That has never been verified. The only verification of the Roll showed that the Bill had been defeated. Now, there's a new vote that has never been verified. And, I know, I.. I have to respectfully disagree. I don't think that this is fair. The 91 votes has never been verified."

Hon. W. Robert Blair: "Alright, I think that the gentleman's point from Cook, Mr. Davis' point is well taken. And, what we, in fact did, was to verify an 88 which was in reality an 89. But, we did not actually have a verification of the 91. That's a close point, but I ah.. I think that there's merit to the ah.. gentleman's proposition. Well now, we're back to the gentleman from ah..... Alright, now we're back the the gentleman from Cook, Mr. Ewell's motion to reconsider. And, on this, we will have a Roll Call, as it requires 89 votes. Now, all those in favor of the gentleman's motion to reconsider will vote 'aye' and the opposed 'no'. The gentleman from Cook, Mr. Ewell.... Oh, yes. The gentleman



from Cook, Mr. Ewell."

Raymond W. Ewell: "Mr. Speaker, perhaps, I should ask to postpone consideration of this matter now and we would be back where we started. I think that's unfair. But, what I really wanted to do was to know if I would be in order in withdrawing my motion, since you indicated that we're going to verify the vote?"

Hon. W. Robert Blair: "No. No, I did not indicate that."

Raymond W. Ewell: "Oh..."

Hon. W. Robert Blair: "The gentleman asked if there had been a verified Roll Call on 91 votes. And, I indicated that there had not been. That was the only basis upon which I was proceeding to allow you to reconsider. No.. we're.. we're on explanation of votes now, on the the motion to reconsider. The gentleman from Cook, Mr. Ewell."

Raymond W. Ewell: "Mr. Speaker, very briefly, I will try to explain my vote on this matter. I has been, indeed, a day of confusion. And, I would like to point out that here again, we always seem to end up in trouble when we don't follow the Law, that is the written Law. When we allow the Law to become a nebulous thing, we get into serious trouble and we cast clouds upon our own votes. Now, it's true that the day might be carried and the gentleman may have wanted tremendous victory. But, I think, that in all fairness, that we will rue the days when we hastily make decisions and we decide that we should change the Law around. I think that what we have to do is stick with the written Law, stick with



the Rules as they are and treat them fairly. Because, again, we declare ourselves in trouble. This vote is cloudy, it's uncertain. And, the members of the public, when they look at it, will never know who voted for what, how or when or, in fact, if the Legislature is to, indeed, be credited and worthy of belief. I think that we're making a mistake this day. And, I think that we ought to reconsider this matter and take it out on one clean vote up or down."

Hon. W. Robert Blair: "The Clerk will take the record. Leon. 'aye'. On this question, there are 82 'Nays' and 68 'Ayes', and the gentleman's motion to reconsider is lost. For what purpose does the gentleman from McLean, Mr. Hall, rise?"

Harber H. Hall: "Mr. Speaker, I rise on a point of personal privilege. Am I recognized, Mr. Speaker?"

Hon. W. Robert Blair: "Yes."

Harber H. Hall: "Earlier, Mr. Speaker, while I was explaining my vote in respect to CA *13, I made the statement that I didn't know how I got on as Co-Sponsor of the measure. What I was implying, Mr. Speaker, was that I didn't know why I got on. And, accordingly, it might of conceivably have been a reflection on anyone who was soliciting me on the Bill and they properly did that. I properly got on, but I didn't know why. And, I.. I want the House to know that there was no impropriety in my being listed as a Sponsor."

Hon. W. Robert Blair: "Ah.. with leave of the House... Okay. We have some Bills that came over from the Senate, so rather than reading those the first time, why, we'll... we won't



do that. The gentleman from Kane, Mr. Schoeberlein."

Allan L. Schoeberlein: "Mr. Speaker, I have an emergency Bill here and I'm asking... This Bill was presented several days ago. And, what this does, it transfers \$9,000 dollars.. I'm asking for a suspension of the Rules, please."

Hon. W. Robert Blair: "To ah.. To have it ah..."

Allan L. Schoeberlein: " To have this... I want this to go into Appropriations."

Hon. W. Robert Blair: "Well, I've referred it to Appropriations. Do you desire to have it ah....."

Allan L. Schoeberlein: "It was not posted."

Hon. W. Robert Blair: "You want to waive the provisions of Rule 17 so that it may be set for hearing in Appropriations?"

Allan L. Schoeberlein: "Tonight or tomorrow morning. Right. I'd like to say what this Bill is. This is the second Appellate Court Building in Elgin in which the various rains, frosts and freezing and everything, water has been dripping down on the Judges and....."

Voices: "Yeahhhh...."

Allan L. Schoeberlein: "This... This may help pass the Bill. And, I ask you to transfer \$9,000 dollars from the Personal Service Fund to the ah.. ah.. Contractual Services Fund. And, it makes no difference to me whether the roof is repaired or not."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Lechowicz."

Thaddeus S. Lechowicz: "Mr. Speaker, Ladies and Gentlemen of the House, I do not object as far as having that Bill heard



in the Appropriations Committee. But, I do object to requesting to have it heard tomorrow. As every Member of this Body knows, we were scheduled to go into Appropriations Committee at 2:00 o'clock this afternoon. And, unfortunately, due to the pressing business that was before this House by the amount of time we spent here, we're going to have to postpone the Appropriations Committee for this evening and reschedule it for tomorrow. So, that means that the Bills that were scheduled for today, in conjunction with the Bills that were scheduled on the calendar for tomorrow, will be heard the House floor starting tomorrow morning at 9:00 o'clock. I would hope that Representative Schoeberlein would reconsider his request and leave it up to the Chairman of the Appropriations Committee to post that Bill. I'm sure that they will try to fit it into the schedule as quickly as possible."

Hon. W. Robert Blair: "Alright.. Objection was heard for your request for ah.. unanimous consent to suspend the Rule for purposes of hearing it ah.. tomorrow."

Allan L. Schoeberlein: "Your Honor, it makes no difference to me when it's heard. I did speak to the Chairman of the Appropriations Committee. I also spoke to the Minority Leader. And, that is why the Bill... why I am bringing the Bill on the floor."

Hon. W. Robert Blair: "Alright.. The gentleman from Cook, Mr. Lechowicz."

Thaddeus S. Lechowicz: "Mr. Speaker, I thought that I was



explicitly clear as far as the objection was having the Bill... trying to have the Bill posted tomorrow. Because of our work schedule, I asked that the Bill be assigned to the Appropriation, giving the Chairman of that Committee the leeway. I am sure if it's possible, we will do it tomorrow. But, if not, it will done the following day, no later than the following day. I am asking that the Chairman receive the latitude of his discretion of giving a proper time."

Hon. W. Robert Blair: "Alright, the gentleman is asking leave to waive the provisions of Rule 17 so that this Bill may be noticed for hearing in the Appropriations Committee on Thursday ah.. Now, is there objection to that. Alright.. Hearing no objection, leave will be given and the matter may be set for hearing. The gentleman from Cook, Mr. Hyde. The gentleman from Cook, Mr. Regner."

David J. Regner: "Ah.. Mr. Speaker and Ladies and Gentlemen of the House, first of all, I rise to make an announcement that the Appropriations Committee will meet ah.. tomorrow morning at 9:00 o'clock until 12:00 on the floor of the House to hear the Higher Education Bills that were scheduled for today and also for tomorrow morning. In conjunction with that, there are two other Bills that do.. that do relate to Higher Education, that's House Bills 4387 and 4665. And, I would like to ask leave to suspend Rule 17 which is a posting notice so that we could hear them tomorrow along with the other Higher Education Bills."

Hon. W. Robert Blair: "Is there objection? Leave. Alright..



Now, are there any other announcements. There are a few introductions here and with leave of the House, we'll go back to those."

Fredric B. Selcke: "House Bill 4665, Campbell, et.al., an appropriation to the Board of Governor of State Colleges and Universities. First Reading of the Bill."

Hon. W. Robert Blair: "The gentleman from Vermilion, Mr. Campbell."

Charles M. Campbell: "Ah.. Mr. Speaker and Ladies and Gentlemen of the House, I checked with both sides of the aisle on this earlier today and this is an Appropriation Bill for \$193,000 dollars to Western University. Ah.. they had an explosion concerning the electrical circuit on May the 7th and it is not included as part of the Appropriation and we wanted to get it introduced today so that it could possibly suspend the Rules and.... I understand that the Rules have been suspended so that we can hear it in Appropriations tomorrow."

Hon. W. Robert Blair: "Alright.. Well, we have to ah.. see if you can get leave for that."

Charles M. Campbell: "I would like to ask leave of the House."

Hon. W. Robert Blair: "Is there.. Is there objection for that Bill to be posted for hearing tomorrow? Alright, hearing no objection, that Bill may be posted. The gentleman from Cook, Mr. Hyde."

Héñry J. Hyde: "Well, Mr. Speaker, I would move to suspend the provisions of Rule 32b and in 'baker', é as in 'charlie'.



d as in 'daley' ah.. so that the non-exempt Bills may be heard tomorrow on Third Reading."

Hon. W. Robert Blair: "We have Resolutions if there are any left."

Henry J. Hyde: "If there are any left. Right."

Hon. W. Robert Blair: "Alright.. does... We'd better take a Roll Call so that there is no question about it. All those in favor of the gentleman's motion will vote 'aye' and the opposed 'no'. Have all voted who wished? The Clerk will take the record. On this question, there are 120 'Ayes', and 1 'Nay', and this matter carries. The Rule is suspended. Yes. Alright.. The gentleman from Cook, Mr. Hyde."

Henry J. Hyde: "Mr. Speaker, I now move that the House stand adjourned until the hour of 12:00 Noon tomorrow."

Hon. W. Robert Blair: "All those in favor of the motion to adjourn say 'aye', the opposed 'no', the House stand adjourned."

ADJOURNMENT AT 8:05 O'CLOCK P.M.

5/16/72
mes

