

HOUSE OF REPRESENTATIVES

SEVENTY-SEVENTH GENERAL ASSEMBLY

ONE HUNDRED SIXTH LEGISLATIVE DAY

NOVEMBER 4, 1971

10:00 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 Bruce L. Douglas - family illness;

Representative John P. Downes - illness;

Representative Louis Janczak - no reason given;

Representative W. J. Murphy - no reason given.



GENERAL ASSEMBLY

STATE OF ILLINOIS

HOUSE OF REPRESENTATIVES

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

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

Dr. John Johnson: "We pray. Mindful O merciful Lord that we are to pray not only for ourselves, but that we have your invitation to approach the throne of grace on behalf of others, we pray this morning for those of our fellow citizens who are serving in the armed forces of our country, as we confess you to be lord of the nations and ruler of the universe, we commend your gracious care all who are serving at home and abroad. Keep them in health and safety. Hasten the time when they can return to civilian life and become instruments of peace and good will for the nation and for our state. Give the rulers of all countries and the people whom they represent the willingness and the wisdom to settle differences by peaceful means. Grant too that they and all of us might find our own personal peace with you in the knowledge and assurance of your forgiveness. And now be with us again this day as we face the legislative tasks before us. We pray in the name of Christ. Amen."

Hon. W. Robert Blair: "Roll call for attendance. Messages from the Senate."

Fredric B. Selcke: "A message from the Senate by Mr. Wright,



Secretary. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has passed a bill of the following title, in the passage of which I am directed to ask the concurrence of the House of Representatives, to-wit: Senate Bill 1293. Passed by the Senate, November 3, 1971. Kenneth Wright, Secretary of the Senate. Mr. Speaker I am directed to inform the House of Representatives that the Senate has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the House of Representatives, to-wit: Senate Bill 1224. Passed by the Senate, November 3, 1971. Kenneth Wright, Secretary of the Senate. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the House of Representatives, to-wit: Senate Bill 1280 and 1303. Passed by the Senate, November 3, 1971."

Hon. W. Robert Blair: "The gentleman from Union, Mr. Choate, on Senate Bill 1280."

Clyde L. Choate: "Ah, Mr. Speaker, Ladies and Gentlemen of the House, Senate Bill 1280 is a bill that allows the treasurer to use a stamp to affix his signature to multiple bonds and things of this nature where it would be physically impossible to sign them all with his personal signature. I talked to the Speaker and I would appreciate the House letting me advance Senate Bill 1280 to the order of second reading without reference to committee."



Hon. W. Robert Blair: "All right, is there objection? Hearing none, we'll suspend the rule. Read the bill a first time."

Fredric B. Selcke: "Senate Bill 1280, a bill for an act to add Section 11.1 to an act to revise the law in relation to the State Treasurer. First reading of the bill."

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

Clyde L. Choate: "Mr. Speaker, I I would like to offer Amendment Number One to Senate Bill 1280 and the only thing that it actually does is that it will make the act take effect immediately upon becoming a law."

Hon. W. Robert Blair: "Well, we can't quite go that fast, we will have to wait until another day."

Clyde L. Choate: "Okay."

Hon. W. Robert Blair: "I mean, I mean first reading today well, then second reading for the amendment will have to get a second day."

Clyde L. Choate: "Never hurts to try."

Hon. W. Robert Blair: "All right, it's on second reading, though."

Fredric B. Selcke: "Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House in the passage of a bill of the following title, to-wit: House Bill 3556. Passed by the Senate, November 3, 1971. Kenneth Wright, Secretary of the Senate. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House of Re-



presentatives in the passage of a bill of the following title, to-wit: House Bill 1508. Together with the following amendments. Passed the Senate, as amended, November 3, 1971. Kenneth Wright, Secretary of the Senate. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title, to-wit: House Bill 1509. Together with the following amendments. Passed the Senate, as amended, November 3, 1971. Kenneth Wright, Secretary of the Senate. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title, to-wit: House Bill 1510. Together with the following amendments. Passed the Senate, as amended, November 3, 1971. Kenneth Wright, Secretary of the Senate. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title, to-wit: House Bill 1463. Together with the following amendments, in the adoption of which I am instructed to ask the concurrence of the House. Passed the Senate, as amended, November 3, 1971. Kenneth Wright, Secretary of the Senate. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title, to-wit: House Bill 2209. Together with the following amendment.



Passed the Senate, as amended, November 3, 1971. Kenneth Wright, Secretary of the Senate. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title, to-wit: House Bill 2662. Together with the following amendments. Passed the Senate, as amended, November 3, 1971. Kenneth Wright, Secretary of the Senate. No further messages."

Hon. W. Robert Blair: "Committee reports."

Fredric B. Selcke: "Ah, Mr. Hunsicker from the Committee on Agriculture to which Senate Bills 1182 and 1183 were referred, reports the same back with amendments thereto with the recommendation that the amendments be adopted and the bills, as amended, do pass. No further committee reports."

Hon. W. Robert Blair: " 2404. Oh, with leave of the House, we'll go to third reading. 2404."

Fredric B. Selcke: "House Bill 2404, a bill for 'An Act to add Section 112-7 to the 'Code of Criminal Procedure of 1963', approved August 14, 1963, as amended.' Third reading of the bill."

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

Romie J. Palmer: "Hold it just a minute, Mr. Speaker. Pass it for the time being."

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

Romie J. Palmer: "Please."

Hon. W. Robert Blair: "All right, back in the record. The gentleman from Cook, Mr. Palmer."



Romie J. Palmer: "Mr. Speaker and Ladies and Gentlemen of the House, House Bill 2404 reads this way. No court or judge shall by either direct or indirect action enjoin, restrain or interfere with evidence or restrain consideration of evidence which has been produced or is about to be produced before the grand jury. The remedy of any party who claims to be aggrieved by the matter in which evidence has been produced shall be through a pre-trial motion as prescribed in Article 114 of the 'Criminal Code'. The institution of the grand jury is an acute authoritative body only in which laymen conduct inquiry to determine as to whether a crime has been committed and if so the person or persons committing the crime. It will result either in a true bill or no bill. It is by necessity a secret proceeding. It should be unfettered by technical rules. At this stage in our system of criminal jurisprudence a citizen is not in jeopardy. If the deliberations of the grand jury results in an indictment, jeopardy does attack and the accused can avail himself to a number of remedies available under the law. These remedies can be exercised in timely procedures and motions before trial. If the accused seeks to attack the validity of the indictment or the manner in which the indictment was secured, he may do so. He may avail himself at this time to the quashing of the indictment on the basis that the evidence or testimony presented to the grand jury was illegally seized or otherwise had some constitutional infirmity and seeks its oppression. Grand jury systems in



this country and the State of Illinois was designed to be and has been traditionally an independent body. However, there is a growing concern in Illinois that the functions and its secrecy has been eroded. Now, this bill itself was brought about as a result of a case entitled People -vs- Maslouski, in which the a judge suppressed the presentation before the grand jury of certain evidence that the grand jury wanted to consider. And in the recent case of People -vs- Sears, the Illinois Supreme Court allowed increased court supervision of the city grand jury by permitting their judge to review the transcript and meet with the grand jury collectively to review whether there was improper evidence submitted or whether the State's Attorney engaged in improper conduct before the sitting grand jury. What we are concerned here with is again some erosion of the judicial powers and functions of the grand jury. The bill itself was designed to in some manner to tell the courts and the judges that whatever evidence they consider there, the court can not by injunction restrain or interfere with the production of that evidence. In our system of jurisprudence in our country, the State's Attorneys Association as well as many other people, feel that this is a that this bill that this type of bill is necessary and that the grand jury should retain certainly some of its independence. For this reason, and I might say that this bill does have bipartisan support. One of the bills in the package of the State's Attorneys bills for this reason I recommend its



favorable consideration by the House."

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

Leland H. Rayson: "Would the gentleman yield to a question?"

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

Leland H. Rayson: "Ah, Representative Palmer, it's my understanding that we discussed this at length with many others and with the State's Attorney in Cook County and the last I recall that there was general agreement to hold this bill back until the outcome and the dust settles on the part of the Sears case, is not that the general task of agreement?"

Romie J. Palmer: "People versus Sears was decided after this case after the after the bill was considered earlier this summer."

- Leland H. Rayson: "Mr. Speaker, Mr. Speaker, I'd like to address myself briefly to the bill:"

Hon. W. Robert Blair: "Go ahead."

Leland H. Rayson: "Now, I don't object to the bill as such, I think that it means to correct a situation that arose in a case referred to by the sponsor, however, in the presentation of this bill it was debated with reference to the full powers of the grand jury and how they should be protected and that at one time we did consider in committee amendment to suggest that the court not only not only should be should be prohibited from excluding any witnesses before the grand jury but the same would apply about the inclusion of witnesses and this put us square in the Barnabas Sears area which arguments were going on across the street at that



time which arguments will be renewed again next week, I believe, Mr. Speaker, so I do not oppose this bill but I think that it is only part of the coin. The other part can not be resolved until the court matters with reference to the present proceedings regarding the grand jury matters in Cook County are resolved. So in that in that sense, Mr. Speaker, I I feel that even though I don't oppose the bill as such, I feel that without the full complete tools that that I can only vote 'Present' on this matter."

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

Arthur L. Berman: "Thank you, Mr. Speaker, I rise in opposition the passing of this bill at this time. I think that the bill goes farther than merely what it did indicated by the synopsis. I think that the point that the previous speaker raised about interference by a judge may be well taken, but I think the second part is a even a more serious question as to when a party who may be seriously injured as a result of grand jury action would be precluded from presenting any type of motion except after an indictment is brought down. Now, I think that is really the part of this bill that disturbs me that if there is a privileged communications or privileged documents or other matters which would be clearly inadmissible in a trial, this bill would limit a person's relief from excluding that evidence from consideration of the grand jury only until after an indictment was brought down. And I think that we can all see that an indictment against individuals can be just as



damaging as an actual trial and even as a conviction and I think that this bill has to be given a very careful second look before we give it an affirmative vote and I would urge that it is not passed at this time."

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

Harold Washington: "Will the sponsor yield for a question? Representative Palmer, I missed some of your discussion because of the din in the House. I understand you cited a specific case? Would you give me the factual background of that case?"

Romie J. Palmer: "If I can remember them, I think it is simply this that they had thought the grand jury had subpoenaed the books and records of a company or to consider some of the factual information contained in the books and records in order to make a determination as to whether or not a what the grand jury should do. The secretary or the the secretary of the company then refused, or then after the subpoena was served, then refused to give them to or deliver them and the ah the then the attorney for the company went into court to force that subpoena. And now this is why the grand jury is sitting. Now, that that is my memory as to what the facts were the physical facts in that case was."

Harold Washington: "Then the net result of your bill will be that the the presiding judge would have no power to direct the grand jury to hear any evidence at all, is that what



you're saying?"

Romie J. Palmer: "The net affect was to as a prohibition against the judge from having the grand jury consider any evidence that it wants to consider."

Harold Washington: "Well, would the adverse be true, could he could he ah insist that they not hear evidence on their interpretation?"

Romie J. Palmer: "I didn't hear."

Harold Washington: "Could the judge under this bill as you interpret it insist that certain evidence not be heard by the grand jury?"

Romie J. Palmer: "Under this bill the judge could not the judge could not enjoin the consideration by the grand jury as to any testimony or evidence that they want to consider. Now, . . ."

Harold Washington: "Now, it would be complete it would be complete as far as hands off."

Romie J. Palmer: "That's right, it would be keep your hands off on a deal like this."

Harold Washington: "Well, in other words, how do you respond to the objections raised by Representative Berman?"

Romie J. Palmer: "It's very simple. If there's anything wrong, if there has been illegal evidence, that is evidence with a constitutional infirmity under the fourth or fifth amendment, that could be taken advantage of in a timely pre-trial motion. After there is a criminal case, now, a grand jury is only an accusatory binding. That's all it



is. Ah, if there's something that goes wrong, they can always take advantage of this before the trial begins. But after the indictment is issued. Now, they do this that way in the federal courts. Numerous decisions. . ."

Harold Washington: "Mr. Speaker, briefly in opposition to this bill, I can simply repeat what has been said before. I think there are pending cases which might bear upon this particular piece of legislation. The matter is in a state of flux, I think we're somewhat premature in trying to rule at all on this issue and I think this bill might better be held until January as to I presume at which time some of these cases might be resolved and we can have a better look at it."

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

Gerald W. Shea: "Will the sponsor yield for a question?"

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

Gerald W. Shea: "The first part of the bill says 'restraint by court prohibited. No court or judge shall by either direct or indirect action enjoin, restrain or interfere with evidence or restrain consideration of evidence which has been produced or is about to be produced before the grand jury.' Now, as I read this, I wonder what happened in the case where the State's Attorney would want to grant immunity to a witness about to be brought before the grand jury and if the court cannot grant that immunity to a witness, because I think under the bill this will prohibit a judge or a court to grant that immunity. I think we'd be



in a bad bind where a judge could not grant immunity to a witness, therefore we couldn't get that evidence before a grand jury. I think this would be a step backwards. What are your comments on that?"

Romie J. Palmer: "My comment is that it has no application to that point. Immunity can always be given."

Gerald W. Shea: "Well, you say you say it has no application but I think that this is since the grant of immunity on application of the State's Attorney by a court is not a common law or constitutional mandate but a statutorily construed mandate and this now goes ahead and prohibits the judge from doing it."

Romie J. Palmer: "No, it doesn't. You. . ."

Gerald W. Shea: "You and I read the bill differently. May I speak to the bill?"

Romie J. Palmer: "I think I can answer your question."

Hon. W. Robert Blair: "All right, answer."

Romie J. Palmer: "The grant of immunity is something different. The State's Attorney gives the witness that immunity as a result of the statute. That has nothing to do with the judge restraining or interfering with the production of evidence. It's an entirely different matter."

Hon. W. Robert Blair: "All right, the gentleman from Cook, Mr. Shea."

Gerald W. Shea: "Well, Mr. Speaker, Ladies and Gentlemen of the House, I respectfully disagree with Mr. Palmer in the way that you interpret statutes, but as I remember two years



ago there were some bills introduced in this House and there was some bitter debate over who had the right to grant immunity to witnesses and it is my understanding of the law that only a judge or a court can grant immunity to a witness and I think that this bill would be a step backwards, I don't think there'd be any way to grant immunity to witnesses and I think it would be a terrible blow to law enforcement in this state."

Hon. W. Robert Blair: "Further discussion? The gentleman from Lawrence, Mr. Cunningham."

Roscoe D. Cunningham: "Mr. Speaker and Members of the House, I'm proud to rise in support of this particular bill as the distinguished sponsor has pointed out, there's been a serious erosion of the secrecy and hence the vitality of the grand jury in recent years by court decisions. For over 400 years grand jury system has served well the cause of justice that we imported from England. And I think that now is the time for all the members of this assembly, who are generally concerned by the erosion of the legislative authority and power, to reassert that right, for as we advocate our responsibility in making the laws of this state in this particular field, the judiciary automatically assumes those responsibilities and proceeds to write the rules as they want them rather than what the people want. The way the opportunity is here is to restore grand jury in the role that it's always been, and that the servants are the people in bringing those to the bar of



justice who are accused of the crime and the way to do that is to vote for the green light here on this particular bill."

Hon. W. Robert Blair: "All right, the gentleman from Cook, Mr. Palmer, to close."

Romie J. Palmer: "If the grand jury in this state or any other state is to perform its functions as it has traditionally and historically been accorded, then it should have those powers that this bill suggests. If you're not going to have a grand jury system in this state or any other state in the union, then do away with it. But as long as we do have the grand jury, that grand jury should be inviolate insofar as the evidence that it should consider. If it wants to consider evidence, fine, it has nothing to do again, it's an accusatory stage of being, it has nothing to do but what might happen after the criminal action, after the indictment is brought, that is the criminal action. If there has been something that was unfair performed in the grand jury proceedings, if illegal evidence has been introduced before the grand jury proceeding, then it can be taken care of by a pre-trial motion as is provided in our Criminal Code. Now, this is like the federal grand jury law. A great justice of the Supreme Court, the great justice, Justice Black in the case of Costello stated this: 'if indictments were to be held open on the challenge that the ground that there was inadequate or incompetent evidence before the grand jury, the resulting delay would be great indeed. The



result of such a rule would be that before trial on the merits, a defendant would always insist on some kind of a preliminary trial to determine the competency and accuracy of the evidence before a grand jury. An indictment returned by a legally instituted and biased grand jury like an information drawn by the prosecutor if valid on its face is enough to call for a trial on the charges on the merits. The fifth amendment requires nothing more. The rule otherwise would run counter to the whole history of the grand jury institution in which laymen conduct their inquiries unfettered by technical rules. Neither justice or the concept of fair trial requires such a change.' Now, this bill was recommended by the State's Attorneys Association and considered by all of the State's Attorneys in Illinois, including the State's Attorney of Cook. It is true that this bill was submitted sometime in March or early April or May and that we have not had a chance to and because of the trials that were going on at that time that we did not take any action on. I would agree with Representative Rayson that perhaps there should be a prohibition against the conclusion. . ."

Hon. W. Robert Blair: "All right, for what purpose does the gentleman from Cook, Mr. Duff rise?"

Brian B. Duff: "Mr. Speaker, this is a very important subject and these are very cogent words we're hearing, but we're not hearing them too well, could we have a little order, please?"



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

Romie J. Palmer: "This only has to do with the prohibition of the judge from excluding evidence that the grand jury wants to hear. Mr. Speaker and Ladies and Gentlemen of the House, if the grand jury is to function as it was designed to function, then this power should be accorded to them. Otherwise, you're going to have interminable delays of jury trials by everybody coming and getting into the act at the accusatory stage and saying whatever was produced here or whatever was produced or an item that was produced was illegally obtained or otherwise invalid. The federal courts have held that indictments were valid when they were issued on hearsay. Or that they were issued on illegally obtained evidence, a violation of the fourth amendment and so forth. Now, if there is anything wrong, if the grand jury has not conducted itself fairly, then this can be taken advantage of in a proper pre-trial discovery. If we don't do it this way, then we're going to have a system of law here in this state that says that on anything that is about to be produced before the grand jury or if the grand jury wants certain elements, that that gives a shot to those people who has that evidence, a chance to go into court in the accusatory stage of the proceedings and get court action on it. That violates the secrecy of the grand jury, Mr. Speaker, Ladies and Gentlemen, it is a good bill, it has been considered by the State's Attorneys of this state and I urge your sincere your favorable consideration of this



bill."

Hon. W. Robert Blair: "All right, the question is shall House Bill 2404 pass? All those in favor signify by voting 'Yeas' and the opposed 'No'. The gentleman from Cook, Mr. B. B. Wolfe."

Bernard B. Wolfe: "Ah, briefly to explain my vote, will you record me as 'Present', as I do not believe that with the existing case in active trial and on appeal that this bill is opportune at this time and that we really ought to wait and see what guidelines the Supreme Court sets and perhaps then we can prepare legislation to meet those guidelines and to provides some of the things that the chief sponsor desires to provide. Record me as voting 'Present'."

Hon. W. Robert Blair: "Record the gentleman as 'Present'. The gentleman from, . . .Katz, 'Present'. Rayson, 'Present'. Jaffe, 'Present'. Mann, 'Present'. William Walsh, 'Present'. Duff."

Brian B. Duff: "Mr. Speaker, I rise to explain my vote. I don't think it's appropriate to say that this bill isn't timely, just because there's a particular situation taking place in Illinois which has political ramifications to it. We're talking about a fundamental, an exceedingly fundamental protection of all of our rights. This is in the pursuit of justice that the grand jury secrecy must be protected and it makes no sense at all to me to say that it is untimely and that we should wait a few months until the one difficult case is out of the way. The very people



involved in that case supported this bill last spring. This is a State's Attorneys bill, it's a good bill and we really should have those green lights up there now."

Hon. W. Robert Blair: "Maragos, 'Present'. The Clerk will take the record. The gentleman. . . on this question, there are 64 'Yeas' and 28 'Nays' and this bill is lost. For what purpose does the gentleman from Cook, Mr. Granata, rise?"

Peter C. Granata: "Mr. Speaker, I rise to make a motion that I have cleared with the leadership of both sides of the aisle, to advance Senate Bill 1303 to second reading without reference to committee. All this bill does is to permissive legislation to allow the pension boards, which has been approved, by the pension boards systems, and is sponsored by Senator Groen as Chairman of the Pension Boards, State Pension Boards in the Senate. It makes it permissive to allow them to buy up to five percent of bonds for income. It's a good bill and I ask that it be advanced to second reading without reference to committee."

Hon. W. Robert Blair: "All right, read the bill."

Fredric B. Selcke: "Senate Bill 1303. A bill for an act to amend 'The Pension Code'. First reading of the bill."

Hon. W. Robert Blair: "Is there objection now to the request? All right, the rule is suspended for second reading. The gentleman from DuPage, Mr. Hudson, for what purpose do you rise?"

George Ray Hudson: "Mr. Speaker and Ladies and Gentlemen of



the House, we have with us today in the north gallery as distinguished visitors from Deerfield, Illinois, Mr. and Mrs. Earl T. Brawns, accompanied by Mrs. Berning, the wife of Senator Carl Berning and my wife, Barbara Hudson. I'd like to have them stand, please."

Hon. W. Robert Blair: "3598."

Fredric B. Selcke: "House Bill 3598, a bill for an act making an appropriation to the Logan Printing Company. Third reading of the bill."

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

Robert G. Day: "Ah, Mr. Speaker, Ladies and Gentlemen of the House, House Bill 3598 would appropriate \$2,860.00 to the Logan Printing Company of Peoria for printing done for the Executive Mansion Commission. Now, this was the commission that was appointed to consider the remodeling of the Executive Mansion during the Kerner administration and later it was superseded by another commission but much of the ground work that was done by the earlier commission was of benefit to the second commission that was appointed. There was an appropriation that covered the other expenses of the commission, but did not cover the expense of printing the report. The commission was headed by former Representative, now Judge Paul Elward, and the report was printed, 3,000 copies were printed primarily for the benefit of the members of the legislature, but they were, of course, circulated throughout the libraries of the state and in other places. The work was done, the printing company did perform its part of the



GENERAL ASSEMBLY

STATE OF ILLINOIS
HOUSE OF REPRESENTATIVES

contract, but it has never been paid and I think that it is only fair that we appropriate this money to pay this bill."

Hon. W. Robert Blair: "Any further discussion? The question is shall House Bill 3598 pass? All those in favor vote 'Yeas' and the opposed 'No'. Have all voted who wished? Have all voted who wish? The Clerk will take the record. All right, this requires 107 votes. All right, on this question, there are 141 'Yeas' and no 'Nays' and this bill having received the constitutional three-fifths vote, is hereby declared passed, with the provision that it shall become effective immediately upon its becoming a law. 2119."

Fredric B. Selcke: "House Bill 2119, a bill for an act requiring certain disclosures by any person appointed as a public member of any board, commission, committee or advisory board in any branch of government. Third reading of the bill:"

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

John S. Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 2119 was born after I had originally introduced the food rating bill and after hearing some testimony in committee by members of the Food, Drug and Cosmetics, I believe, people, I thought that it would be right to disclose occupations of boards and commissions of state government. It was amended by Representative Wolf



to include local government. I think it's a good ethics disclosure bill and I support your passage of House Bill 2119."

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

Leland H. Rayson: "Well, Mr. Speaker and Members of the House I was there in the committee hearing at the time when this gentleman did speak, he was a member of the commission, had been for some time which suggested a conflict of interest. I think that the sponsor of this bill is correct in suggesting that this is a logical extension of the ethics legislation we passed the other day. Any member of any commission or body that's really probing, scrutinizing and interested in legislative recommendation to us should also be considered with reference to disclosures so that we're not putting foxes to guard chicken coops and I support this bill."

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

John S. Matijevidich: "I beg your support."

Hon. W. Robert Blair: "For what purpose does the gentleman from Cook, Mr. Madigan rise?"

Michael J. Madigan: "A point of personal privilege, Mr. Speaker. I'd like to take this opportunity to introduce to the House of Representatives a resident of my ward and a judge for the Circuit Court of Cook County in Chicago, sitting behind me in this gallery, Judge Rudolph Janega?"

Hon. W. Robert Blair: "All right. "



GENERAL ASSEMBLY

STATE OF ILLINOIS
HOUSE OF REPRESENTATIVES

Michael J. Madigan: "And Mrs. Janega."

Hon. W. Robert Blair: "The question is shall House Bill 2119 pass? All those in favor will vote 'Yeas' and the opposed 'No'. Have all voted who wished? The Clerk will take the record. On this question, there are Londrigan, 'Yeas'. On this question, there are 86 'Yeas' and 8 'Nays' and this bill having failed to receive the constitutional majority is hereby declared lost. For what purpose does the gentleman from Lake, Mr. Matijevich, rise?"

John S. Matijevich: "Mr. Speaker, I was trying to get your attention since this is an ethics bill and I'm sure that there are some who wanted to get on it, . . ."

Hon. W. Robert Blair: "I've already announced the roll call. 20- . . . 3663."

Fredric B. Selcke: "House Bill 3663, a bill for an act to amend Sections 1 and 4 of an act in relation to hearings before commissions. Third reading of the bill."

Hon. W. Robert Blair: "The gentleman from Stark, Mr. Nowlan."

James D. Nowlan: "Mr. Speaker and Members, Article IV, Section 5c of the new constitution provides for sessions of our General Assembly and committees and commissions as meetings to be open to the public. It does provide that committee meetings and sessions may be closed to the public if two-thirds of the members elected to a House or to both Houses if required, may be closed if two-thirds of the members so determine. And this legislation simply conforms existing statutes to that provision of the new constitution and



changes or brings into conformity definition of private meeting as exists in the statute to the new terminology 'closed meeting' and states that a closed meeting or closed hearing is one that is so authorized and determined by two-thirds of the members elected to the General Assembly or either House may be appropriate to pursuant to this new constitution. The Reference Bureau felt that this conforming of language might be responsible in order to make it clear what is meant by a closed hearing as provided in the new constitution and for that reason it was presented by the Constitutional Implementation Committee and I offer it to you for hopeful adoption."

Hon. W. Robert Blair: "Further discussion? The question is shall House Bill 3663 pass? All those in favor vote 'Yeas' and the opposed 'No'. Have all voted who wished? The Clerk will take the record. On this question, there are Glass, 'Yeas'. On this question, there are 136 'Yeas' and no 'Nays' and this bill having received the constitutional majority is hereby declared passed. 3704."

Fredric B. Selcke: "House Bill 3704, a bill for an act to create the Illinois Valley Regional Port District and to define its powers and duties. Third reading of the bill."

Hon. W. Robert Blair: "The gentleman from Bureau, Mr. Barry."
Tobias Barry: "Ah, Mr. Speaker and Ladies and Gentlemen of the House, this is a standard port authority bill actually copied from the Waukegan Port Authority created some years ago by this legislature. Revenue is to be generated by its



own activity. Any checks upon real estate in the area that includes all of Putnam County, a good portion of my county of Bureau and a good portion of LaSalle County, any tax to be imposed upon those people will be so imposed only after a referendum by the people as a standard version and I would appreciate your support."

Hon. W. Robert Blair: "Further discussion? The question is shall House Bill 3704 pass? All those in favor shall vote 'Yeas' and the opposed 'No'."

Fredric B. Selcke: "Where's 1259? 1259? Court Clerk bill? What happened to that?"

Hon. W. Robert Blair: "Have all voted who wished? The Clerk will take the record. On this question, there are 140 'Yeas' and no 'Nays' and this bill having received the constitutional majority is hereby declared passed."

Fredric B. Selcke: "Kosinski, 'Yeas'."

Hon. W. Robert Blair: "3717."

Fredric B. Selcke: "House Bill 3717, a bill for an act to amend Section 25 of and to add Section 25.34 to an act to revise the law in relation to counties. Third reading of the bill."

Hon. W. Robert Blair: "The gentleman from Knox, Mr. McMaster."

A. Thomas McMaster: "Mr. Speaker, Ladies and Gentlemen of the House, I believe that this bill was brought up earlier in the week. It had a great deal of discussion at that time. I feel that the time has come to either let this bill stand or fall upon its merits. I urge the support of this piece



of legislation. And I think it is needed by the counties."

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

John Jerome Hill: "Mr. Speaker and Ladies and Gentlemen of the House, this is the bill that was up the other day. It was withdrawn because it didn't receive enough votes. It's a bill that would have a tendency of increasing the property taxes in the downstate areas. It's a bill to benefit in taxes the county government and take away from the various school districts and all other taxing bodies in local government. I was opposed to the bill then and I'm opposed to the bill now. I want to point out to you that up in our county because of House Bill 285 if the Senate would have passed that bill, it would have meant in the neighborhood of \$160,000.00 more. The Senator seemed fit to not vote for that piece of legislation and certainly it looks to me that they do not need added revenues in the counties when they take an attitude like this. I certainly would appreciate if you would vote in opposition to House Bill 3717."

Hon. W. Robert Blair: "The gentleman from Winnebago, Mr. Giorgi."

E. J. Giorgi: "Ah, further Mr. Speaker, in line with what that Mr. Hill was talking about, I was just informed that our Republican Board of Assistance in Winnebago County just increased the assessments 25 per cent, so they made up that 3 per cent you're talking about, about 11 per cent because the machinery's in the hands of the Republicans. Over 80 of the counties in the State of Illinois are doing



the same things and these 80 counties are in the hands of the Republicans, so I don't see any need for this three per cent increase."

Hon. W. Robert Blair: "The gentleman from Champaign, Mr. Clabaugh."

Charles W. Clabaugh: "Mr. Speaker, I wonder if the sponsor would yield for one question?"

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

Charles W. Clabaugh: "Representative McMaster, who is to determine what the proportionate share of the costs are?"

A. Thomas McMaster: "Ah, Mr. Clabaugh, this determination will be made by the county board and the county treasurer."

Charles W. Clabaugh: "Well, would they ah is there any restraints in them to keep them from charging more than the actual cost? Is there any kind of a formula set up?"

A. Thomas McMaster: "There is no formula set up. That was the responsibility of each county to set up their own formula. They must prove actual costs. It is up to them to show proof of those costs. It will not allow them to collect any more money over and above the actual cost of the extension and collection of taxes."

Charles W. Clabaugh: "All right, Mr. Speaker, I'd like to be heard on this bill. I think that I can argue philosophically either side of this question as to whether it's the responsibility of the county government to spread and collect and distribute the taxes or should they be the agency that does that and that each one of the local governments



receiving this taxes tax money would pay a proportionate share and that is the proposal that the gentleman is making. Now, what the practice has been and is that the legislature has sent figures for the spreading and collection of taxes, that admittedly are all out of proportion to the costs, and consequently, consequently thousands and hundreds of thousands of dollars go into the coffers of county for building buildings and doing county buildings and doing various other things that are being levied and collected for schools, for cities and for park districts and so on. Now, the result of this bill it seems to me would be this. The counties are going to lose some money and probably they're going to have to make up, maybe raise the county taxes some to do it, although in many cases I think they wouldn't because I said I know one county that built a second court house out of accumulation of these funds that were levied for other purposes. Now, it's not going to hurt, but rather it's going to help the other local communities, the other local taxing bodies. The schools, for instance, if they have a \$2.00 tax rate, they've had that, it's built up over the years, paying this expensive cost. Now, they're going to keep them the same levy, there's nothing in this bill that says their rate is going down, so they're going to get the same money, plus the fact that they're not going to have to pay as much overage as they're paying now. So I say philosophically, it's not a question of whose responsibility it is to pay for it, ah it might in some cases result in



some additional county taxes. In some cases, I'm sure that it wouldn't, however, to the local school districts and to the cities and to the villages, it's going to be somewhat of a windfall to them, because at the present time the county is taking out a great deal more of their tax money than he takes now under the law today than they would be taking out under this bill that's before us. There's arguments on either side of us, but to me the overwhelming argument is in favor of the bill, and I shall support it."

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

William A. Redmond: "Mr. Speaker and Ladies and Gentlemen of the House, this bill is no better today than it was the other day when it failed to secure enough votes for passage. It's fundamental in our system of government that the taxing body that is going to spend the money should raise the money. The people of the local school districts and municipalities have authorized the extension and collection of taxes for educational purposes or for whatever the government happens to be organized for. And to me it is completely wrong to permit the counties to be a parasite and take from these other levys funds to pay county purposes. Now, I can give you an illustration, I don't know particularly what community Representative Clabaugh had in mind, but I can tell you that in our county the commission in past years has amounted to \$3,000,000.00 and according to the law, the cost of collecting amounted to about \$500,000.00



and there was a surplus of \$2.5 million dollars which was stock piled over a period of years and amounted to \$12 million dollars and then the county board went out and signed a contract to build a new county court house complex without submitting it to a referendum of the people and without any authority whatsoever and the question of that surplus fund is now pending before the Supreme Court of this state. If the county needs the funds, the county should have the courage to have a tax rate so that the people will know precisely what their money is being spent for. The Supreme Court of this state has many times criticized the collection of taxes by one government to pay the debts of another government. I think that this wouldn't stand the test of a court case and it seems to me that it should be defeated."

Hon. W. Robert Blair: "The gentleman from Peoria, Mr. Tuerk."

Fred J. Tuerk: "Mr. Speaker, Members of the House, I rise in support of this bill. I would characterize this bill just the opposite of the previous speaker. I think that this bill is just as good a bill today if not better than it was a couple of days ago. The reason I support this is that I think it is a perfectly logical approach to a problem which has been brought about by the elimination of the fee structure. Now, I was never an opponent of the three per cent charge, because I thought it was an inordinate amount of money to be charging for this service. However, this provides a vehicle to recover some of that



cost. Now, this idea about raising taxes I think it will raise taxes if the county isn't able to collect the cost of extending and collecting, because the county is going to have to increase the levy. As far as the other local government units raising taxes, I think I think this is a perfectly ludicrous argument, because really in effect the local units of government are getting more money now than they ever got before as a result of the elimination of the three per cent fee. So I think it's a perfectly good bill, I think it's a bill that should be passed and I would ask for your support."

Hon. W. Robert Blair: "The gentleman from Bureau, Mr. Barry."

Tobias Barry: "Mr. Speaker and Ladies and Gentlemen of the House, without attempting at all to be political, I think that you ought to know what this bill is doing. And I'm sure all of you recognize from what has been said that the Senate wisdom decided not to give us some relief in the cost of elections by turning down the 285 series. This bill that we are voting on now would allow an increase without referendum in counties in counties in the class two counties, ten to twenty per cent are exactly the double the rate and from twenty to thirty per cent in counties under 15,000 I do suggest to you that it is a tough vote to go back and live with, in light of the activity in the Senate on the cost of the election."

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



Allan L. Schoeberlein: "Ah, Mr. Speaker and Ladies and Gentlemen of the House, this would be entirely unnecessary if the conference committee had approved the \$47,000,000.00 amendment that I had on a bill to help county government of one shot only. Now, we are going to be blamed for the layoff of deputy sheriffs in my own particular county. I've already been told that if this bill is not passed, and I'm quite sure it will not. Now, ah many county governments have been living beyond means. This is easy money, this three per cent, but Con Con has shut off the water and they've got to find other ways to get this money to replenish that three per cent. Now, I for one will have to vote for this particular bill, because I know money is needed at this particular time. In my county, they voted down a new proposed judicial building for new court rooms. I walk around the court house up there and I find three or four court rooms that are not occupied. Maybe the color isn't pink or some other color and they can't be used, but they didn't need the additional judicial building which would have amounted to something like \$800,000.00 and some for interest, so the county board of supervisors by a vote of 23 - 13 voted down this \$17,000,000.00 monstrosity to be built on the river's edge so you could have a good view of the river from the court room and what not. But I will have to vote 'Yes' on this particular bill, but if we hadn't had a conference committee that was imposed of people that voted 'No' on the \$47,000,000.00 at the time, a



stock committee of mine may say that we wouldn't be in this predicament that we are today. They said we were embarrassing the Governor. We weren't embarrassing the Governor because he found money for relief and other things that he could have found this same particular \$47,000,000.00 to help the larger counties on a one shot basis only."

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

Don A. Moore: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker, I rise in support of this bill. This bill is good for every county in the State of Illinois, the large counties and the small counties. Many of our small counties, Mr. Speaker, are levying the maximum levy that they can go for for their corporate their general corporate fund. They can not go any higher. Without this bill, they're going to have to cut back in volume and services that the people of the county deserve, whether it be the police department, the sheriff's office, or whatever it might be. For the larger counties, Mr. Speaker, this bill if it is not passed, and I want to remember all remind all the members on the other side of the aisle, is going to mean increase in taxes for the larger counties. In my county, the county of Cook, the cost of collection of taxes is going to be in excess of \$10,000,000.00. Where is that money going to come from? It's going to come from an increased tax levy in the county of Cook. And I just can't see why this bill should be held up as a hostage for another bill which this House in its wisdom saw fit to pass



House Bill 285 which is tied up in the Senate. I can't think, I don't think we should hold up this good piece of legislation up because of what the Senate has done. I think this is a good bill, it's not our fault that the constitution of 1970 abolishes the fee system of collecting taxes after December 1 of this year. The the repercussions it's going to have in our larger counties, believe me, is going to be an increase in taxes. And I for one, and I know a lot of members on this side of the aisle, are opposed to increasing taxes in any way. I urge your support in this bill."

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

Robert M. Terzich: "Mr. Speaker, Ladies and Gentlemen of the House, I move the previous question."

Hon. W. Robert Blair: "All those in favor say 'Yeas', the opposed 'No', the 'Yeas' have it and the previous question is moved. The gentleman from Knox, Mr. McMaster, to close."

A. Thomas McMaster: "Mr. Speaker, Ladies and Gentlemen, I am sure that there have been some explanations made to this bill that were erosive. I would like to point out to Mr. Barry that the bill which he was discussing was 3718, which is not the bill that is under consideration today. 3718 which would permit the increase in the county corporate fund has been held in committee. This is not the bill we are voting on. The bill we are voting on would allow the counties to be reimbursed for the cost of collection and extension of taxes. This is the duty of county government. This is a duty they must perform and must be paid for in



some way and it will be paid for in some way. The purpose of this bill is to allow the cost of this to be spread over the bodies of local government which have levying powers, such as school districts and other units of local government. The purpose of this bill is to allow the county government to elect that cost. As far as Mr. Redmond's statement, in regard to what counties have done in the past, I can in no way defend that. This is what counties have done, and I do not deny that this has been done. But this bill will not allow that practice to continue. As we all know, that under the new constitution, we can not collect the three per cent fee for collection and extension of taxes. Therefore, this bill is to allow the counties to collect only the actual cost. It is their duty to prove that cost. It is their responsibility. Ladies and Gentlemen I urge your vote in support of this bill."

Hon. W. Robert Blair: "The gentleman from Bureau, a point of personal privilege."

Tobias Barry: "Please, Mr. Speaker, Mr. Speaker, Ladies and Gentlemen of the House. The man is right, I was talking about his companion bill, which is 3718 as to the tax rate and I presume that's next, but regardless, let me read one sentence from the bill in question. And it is to the effect that what the counties want to do is merely take the monies away from the school district and the other districts. It reads, 'to cause to be collected from each school district and each unit of local government as defined in the section



and so on.' So, this is merely a companion of the increase in taxes and in this bill if you suggest, of course, that the school districts must pay, or the other units of local governments must pay, then I suppose we'll be back here, if not later in this session, in another session, increasing their authorized tax. So I respectfully suggest that my argument before is as good on that bill as it is on this one."

Hon. W. Robert Blair: "The gentleman from Knox care to close again?"

A. Thomas McMaster: "Ah, may I remind Mr. Barry that 3718 was held in committee. It is my intention not to bring it up today and I do not intend at this time to bring it up at any time. The bill is in committee and will remain there. Again, Ladies and Gentlemen, I urge your vote in support of this legislation."

Hon. W. Robert Blair: "The question is shall House Bill 3717 pass? All those in favor will vote 'Yeas' and the opposed 'No'. Have all voted who wished? The gentleman from Peoria, Mr. Day."

Robert G. Day: "Well, Mr. Speaker and Ladies and Gentlemen of the House, I rise to explain my vote. We all know that for many years we have lived with a system whereby the county collector collected a flat fee for the collection of taxes. He is obligated to collect taxes by law and we all know that this produced a surplus which was available for general county purposes. Now, the new constitution has



abolished that and certainly has a reasonable stop gap measure, this bill is very appropriate. Because what this bill does is simply to spread the cost of collection according to the various taxing bodies in accordance with the benefits that they receive. Now, if you have a situation such as we do in our county where we have one large school district and many small school districts, that large school district will pay its proportionate share, and it isn't fair to tax all of the people in all of the county to finance the cost of collection of taxes for that one large school district, so it seems to me that it is very reasonable where you are assessing the cost ultimately to those tax payers who receive the benefits and I think that this is a fair bill and we should support it, if for any reason we want to change our entire philosophy at some later date and say that say that the county tax payers in general must pay this entire cost, why we can do that perhaps at another date, but certainly as a stop gap measure, I think that there isn't anything wrong with this bill and I think we should support it."

Hon. W. Robert Blair: "The gentleman from Henderson, Mr. Neff."

Clarence E. Neff: "Mr. Speaker and Ladies and Gentlemen of the House, in explaining my vote, I think it's wrong here that we would take a side out possibly on another bill which I am in favor of. The main sponsor of this bill over in the Senate, and I certainly as well as everyone else sitting on this floor would hope that this bill could be passed, but



here we have a different piece of legislation here, something that is needed by the people and I think I think it would be a shame to have the people suffer on this bill and not get something here that will give a help to each and every county, I'm sure in the State of Illinois, by holding it up on account of the other bill, which I still hope that we will be able to pass in the Senate."

Hon. W. Robert Blair: "The gentleman from Stark, Mr. Nowlan."

James D. Nowlan: "Mr. Speaker and Members, under the terms of the new constitution, these units of government will no longer be paying that three per cent fee to the county governments, and thus they will, without a change in their levy rate be receiving increase apportionment. On the other hand, if we do not support this legislation, we will in effect, be forcing in the immediate future, an increase in the levy rate of the county corporate fund for this increased cost which would have to be borne by the county government, itself. And further I would contend that since the new constitution provides that any other unit of local government may in the future, if we so provide by law, use the county treasurer's office as the treasurer for that unit of government, we should begin now to provide guidelines to show that these units may not take advantage of the county treasurer's office and that it is reasonable to pay the proportionate burden for the cost of conducting this service for the multitudinous units of local government and so I think this legislation is imperative if we are to



preclude an increase in the levy rate of a unit of government and I think that those who vote against this or do not support it are going to share the illness of forcing an increase in a levy rate of local government and I believe that this bill should be and must be supported."

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

William D. Walsh: "Well, Mr. Speaker and Members of the House the question of raising a tax rate without a referendum was brought up and as I understand it was done erroneously, however, I might point out that if you don't support this bill, then the effect is you're raising many tax rates without referendum, because all of the levys that are handled by local governments have in the past included the cost of collection and that's been two or three per cent, so you're allowing two or three per cent increase in their tax rate without referendum, because they're not going to be able to pay for the collection of their taxes and you're imposing on county and township governments the obligation to pick up this expense and they're going to have to get it from somebody and the somebody is going to be the tax payer. Now, I might point out to you fellows from Cook County that you may not have to worry about it too much because your county government can levy it without a referendum or without anything because they're a home rule unit, but the other counties have problems and I think that you ought to be responsive to their problems and support this bill."



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

Thomas J. Hanahan: "Well, in answer to the last gentleman's statement that I think the Senators over across the rotunda voted against consolidating elections should have been thinking along this line also. The fact that McHenry County, we're going to increase, we're going to have two special elections at an added cost to the real estate payers, this makes me tend to think that the Republican Senators from my district who voted against House Bill 285, -86, -87, had that same thought in mind, that county government in township counties do not have to need this extra money. Therefore, I'll take a cue from them. Let the taxpayers, the real estate taxpayers of those township counties realize who really put the burden on them with an added expense of the election expenses, plus this bill."

Hon. W. Robert Blair: "Have all voted who wished? The Clerk will take the record. The gentleman from Tazewell, Mr. VonBoeckman."

James VonBoeckman: "I'd like to be recorded as voting 'Present' on this bill."

Hon. W. Robert Blair: "Record the gentleman as 'Present'. The gentleman from Knox, Mr. McMaster."

A. Thomas McMaster: "Mr. Speaker, may I request that the absentees be polled?"

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

Fredric B. Selcke: "Barnes, Berman, Boyle, Brandt, Caldwell,



Calvo, Capparelli, Carrigan, . . ."

Hon. W. Robert Blair: "The gentleman from Peoria, Mr. Carrigan."

James D. Carrigan: "Would you please record me as voting
'Present'."

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

Fredric B. Selcke: ". . .Carroll, Jimmy Carter, Richard Carter,
Chapman, . . ."

Hon. W. Robert Blair: "Richard Carter, 'Present'."

Fredric B. Selcke: ". . .Colitz, Otis Collins, Corbett, . . ."

Hon. W. Robert Blair: "Otis Collins, Present'."

Fredric B. Selcke: ". . .William Cunningham, Davis, DiPrima,
Douglas, Downes, Fary, Fennessey, . . ."

Hon. W. Robert Blair: "The gentleman from LaSalle, Mr. Fennessey."

Joseph Fennessey: "Record me as voting 'Present', please."

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

Fredric B. Selcke: ". . .Flynn, Garmisa, . . ."

Hon. W. Robert Blair: "Flynn, 'Present'."

Fredric B. Selcke: ". . .Gibbs, Hamilton, Hart, Henss, Gene Hoffman,
Holloway, Jacobs, Janczak, Kahoun, Karmazyn, Keller, Kennedy, . . ."

Hon. W. Robert Blair: "Keller, 'Present'."

Fredric B. Selcke: "Yeah."

Hon. W. Robert Blair: "Kennedy, 'Present'."

Fredric B. Selcke: "Kleine, Kosinski, Krause, Laurino, Lechowicz,
Leon, M. Madigan, Mann, Maragos, Markert. . ."

Hon. W. Robert Blair: "Maragos, 'Present'."



Fredric B. Selcke: "McCormick, McDermott, McLendon, . . ."

Hon. W. Robert Blair: "McLendon, 'Present'."

Fredric B. Selcke: "Merlo, Murphy, D. O'Brien, Philip, Rayson, Ropa, Scariano, Schisler, . . ."

Hon. W. Robert Blair: "Schisler, 'Present'."

Fredric B. Selcke: ". . .Shaw, Shea, . . ."

Hon. W. Robert Blair: "Shea, 'Present'."

Fredric B. Selcke: ". . .Ike Sims, . . ."

Hon. W. Robert Blair: "Sims, 'Present'."

Fredric B. Selcke: ". . .Smith, Stedelin, Taylor, . . ."

Hon. W. Robert Blair: "All right, now, let me say this. Ah, you're going to have to stand when you want to be recorded as 'Present', because the chair can't take somebody yelling from the floor 'Present' and know that that is the person being called, so you'll have to stand and get recognition and say 'Present' and I'll record you that way."

Fredric B. Selcke: "Terzich, . . ."

Hon. W. Robert Blair: "Terzich, 'Present'. Very good."

Fredric B. Selcke: "Jack Thompson, R. Thompson, . . ."

Hon. W. Robert Blair: "R. L. Thompson, 'Present'."

Fredric B. Selcke: "Harold Washington, Welsh, . . ."

Hon. W. Robert Blair: "Ray Welsh, 'Present'."

Fredric B. Selcke: "Williams, Frank Wolf, B. B. Wolfe, . . ."

Hon. W. Robert Blair: "B. B. Wolfe, 'Present'."

Fredric B. Selcke: "Yourell."

Hon. W. Robert Blair: "Yourell, 'Present'."

Fredric B. Selcke: "Zlatnik."



Hon. W. Robert Blair: "Kennedy, 'Present'. Lechowicz, 'Present'. Caldwell, 'Present'. Garmisa, 'Present'. Calvo, 'Present'. Krause, 'Present'. Flynn, 'Present'. Leon, 'Present'. Brandt, 'Present'. 78 'Yeas', 23 'Nays', 30 'Present', the bill having failed to receive the constitutional majority is hereby declared lost. 3727."

Fredric B. Selcke: "House Bill 3727, a bill for an act to amend 'The Election Code'. Third reading of the bill."

Hon. W. Robert Blair: "Take it out of the record. The gentleman from McLean, Mr. Bradley."

Gerald A. Bradley: "Mr. Speaker and Ladies and Gentlemen of the House, I would like to ask leave of the House to add Representative Dyer, Representative Hirschfeld and Representative Clabaugh as sponsors of House Bill 3625."

Hon. W. Robert Blair: "All right, is there objection? Hearing none, those persons will be added as co-sponsors to House Bill 3625. Now, does the gentleman . . . does the gentleman desire to have that bill brought back from the order of postponed consideration for purposes of . . . second reading?"

Gerald A. Bradley: "Yes, Mr. Speaker, wish we could. . . for for. . ."

Hon. W. Robert Blair: "For purposes of an amendment?"

Gerald A. Bradley: "Yes, Mr. Speaker. Yes."

Hon. W. Robert Blair: "All right, ah, if there's no objection we'll do that and the Clerk will read the amendment."

Fredric B. Selcke: "Amendment Number Three, Carroll, amend



House Bill 3625 as amended, in the title and in the first sentence of Section 1, by striking 'Sections 3-2, . . .'

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

Howard W. Carroll: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment Number Three to House Bill 3625 is an amendment that has been agreed upon by the authors of the various bills dealing with this subject. It clarifies the language that was used in the original bill, House Bill 3625, it adds the necessary sections to the registration section, in the 4, 5 and 6 sections of the code that clarify those questions that were asked. I think this needs the support of all who have sponsored bills in this area and I would ask for a favorable vote on the adoption of the amendment."

Hon. W. Robert Blair: "The gentleman from Stark, Mr. Nowlan."

James D. Nowlan: "Representative Carroll, I helped to support this amendment, but it is of such import that we might be offered a broader explanation of its impact in terms of its relationship to registration of all persons so if you could expand upon your explanation, I would appreciate it."

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

Howard W. Carroll: "It'd be my pleasure, Representative Nowlan. What we have done is we have struck lines 20 through 27 in the original bill which dealt with the area of questions relating to permanent residents. We have substituted therefore the language that upon execution of the affidavit as required in the other section of the bill, that the per-



son shall be registered. We have then reiterated that the county clerk, board of election commissioners, etc., may use what has already been in the act to investigate these items and if necessary to challenge or go through the criminal fraud procedures of the State's Attorney, which is also in the act. We have then further added to the other section that upon executing the registration card and signing the affidavit, that the person shall be registered and that they will be these rights to challenge and for the State's Attorney to bring court cases for fraud in the event that they may find that in the means of their investigation. We have further stricken the situations with the registrars, registration officers as to their particular abilities to make determinations. If the person files the affidavit based on the information given in the affidavit, that meets the requirement between the card and the affidavit, the person shall be registered and the registration officer shall proceed to use any challenging or fraud aspects that have always been in the Election Code."

Hon. W. Robert Blair: "The gentleman from Stark, Mr. Nowlan."

James D. Nowlan: "In the amendment, Howard, which I was just afforded, I see that Section 5-9 provides that no person shall be registered unless he applies in person and answers such relevant questions as may be asked by the registration officer. What would be considered relevant questions and does this simply suggest that the criteria being used now by county clerks, whatever they might be, are still pertinent



as the County Clerk sees fit to include them in relevant questions?"

Howard W. Carroll: "Yeah, Jim, the way the ah we have designed this, you'll see on line, on the registration officer shall satisfy has been stricken. The questions part, the Supreme Court has ruled this and we were discussing it yesterday, as to what questions they have allowed and have not allowed in various cases, they've been federal district court cases, they've been state supreme court cases, they've been United States Supreme Court cases. We have not gone into the area of what questions the code provides. What we have said, however, if the registration officer does ask certain questions, what is on the form, which is by statute, if that is filled out, if the applicant actually swears to the affidavit, that it is true and correct, he shall be registered. If, on the basis of these questions that have been asked or any other investigation that goes on to determine that there has either been fraud or the other provisions of the 'Election Code' have been violated, they can proceed accordingly."

Hon. W. Robert Blair: "Is there any further discussion? All those in favor of the adoption of the amendment say 'Yeas', opposed 'No', the 'Yeas' have it and the amendment is adopted. Are there further amendments? Third reading. For what purpose does the Lady from DuPage, Mrs. Dyer rise?"

Mrs. Robert C. 'Giddy' Dyer: "Ah, Mr. Speaker, inasmuch as this amendment which has been adopted and a previous amend-



ment has incorporated all the very best features of House Bill 3021, and improved the language which some members did object to, I hereby request leave to table House Bill 3021."

Hon. W. Robert Blair: "All right, is there objection? All right, hearing none, House Bill 3021 will be tabled. 3571."

Fredric B. Selcke: "House Bill 3571, a bill for an act to amend Section 19-23-1 of the 'Revenue Act of 1939. Third reading of the bill."

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

Bradley M. Glass: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3571 is a bill which would afford a homestead exemption to persons over 65 years of age who reside in cooperative apartments. I think themem-
bership will recall that at the time of the homestead exemption bill was passed in the Spring, there were a number of amendments sought to be added and some of them were, some of them were not. The purpose of this amendment very briefly, or this bill, very briefly, is this. That at the present time, persons over 65 years of age are entitled to a homestead exemption if they live in a condominium unit where the fee title to the unit is in them, but if by chance they live in a cooperative apartment, they are not then entitled to the homestead exemption, and I think that this is clearly an inequity. The bill has been in my opinion carefully drafted and reviewed with the Department of Local Government Affairs as well as the Reference Bureau and I think it



is in proper shape, and I urge your support of this bill."

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

Harold A. Katz: "Will the gentleman yield to a question?"

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

Harold A. Katz: "From the summary in the digest, it does not appear to require that the person over 65 actually reside in the cooperative unit. It says the person either owns or purchasing, it would not preclude, purchasing a cooperative unit for a child. Does your bill contain a requirement that the individual must in fact reside in the cooperative apartment unit?"

Bradley M. Glass: "Well, in answer to that question, there is no specific requirement to that effect. Ah, I beg your pardon, I I would say that in the language of the bill, in the language of the present act which says that a homestead exemption is allowed for real real property that is occupied as a residence by a person 65 years of age or older who is liable either directly or indirectly, excuse me, either directly or in contract by the owner or owners of record. So that I think that the present language does require the present language of the act does require that to be entitled to a homestead exemption, a person must occupy the building as a residence."

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

Jacob John Wolf: "Yes, Mr. Speaker, Members of the House, I would just like to correct the sponsor of the bill on one



statement he made. I'm not opposed to this, I'm for it, but the cooperative, the ruling has been, a cooperative is in fact entitled to a homestead exemption, but only one per piece of property and not in the case of a condominium where each unit is titled in the name of the individual if there are six or seven senior citizens in a condominium, they can each get the exemption. The present ruling is that they if they get a twenty unit cooperative and fifteen senior citizens occupy fifteen of those twenty units, there is only one exemption given for the entire building. Representative Glass's bill will give each family an exemption."

Hon. W. Robert Blair: "Any further discussion? The gentleman care. . .oh, the gentleman from Cook, Mr. Richard Walsh."

Richard A. Walsh: "Will the gentleman yield for a question?"

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

Richard A. Walsh: "Brad, I wonder if you might explain how this would be handled administratively. I understand that under the present law there is an application made with the local assessor and there's an affidavit submitted to him in that he then reduces the what would be the assessment of the property by what would be say \$1,500.00. Now in the case of a I can see that in a condominium unit where there is a separate estimate made on each parcel. How would that take place administratively, insofar as cooperative apartments are concerned?"

Bradley M. Glass: "Ah, Dick, in answering that question, first of all, Representative Walsh is correct that under the pre-



sent law the building would be entitled to only one exemption. Under this bill, the building the building would be entitled to as many exemptions as there were persons over 65 in the building that qualified, and the benefit of that exemption would be passed on to the individual. The way it would be handled administratively is that there is a requirement that there be a copy of the contract or the cooperative agreement filed with the assessor as evidence of the person who has the ultimate legal liability for the ah real estate tax, so that where the cooperative shows that it is passing on the tax liability because the person's living in the cooperative, and that information is filed with the assessor, then there is an additional exemption allowed to the property, that exemption is then passed on to the individual owner. Excuse me, not the individual owner, the individual cooperative. Resident."

Richard A. Walsh: "Ah, Mr. Speaker. . ."

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

Richard A. Walsh: "Mr. Speaker, one more question now. Are you saying then that the disagreement that would be on file with the assessor would specify that the senior citizen is to get the benefit of this reduction and that it's not just to be shared equally by all of the residents of the cooperative."

Bradley M. Glass: "Ah, definitely. That must be filed and on forms that are provided by the assessor so that it is



clear to him before allowing the exemption that it will be provided to the person over 65 rather than the building."

Richard A. Walsh: "Thank you."

Hon. W. Robert Blair: "Any further discussion? The gentleman from Cook, Mr. Glass, to close."

Bradley M. Glass: "Thank you, Mr. Speaker. Ladies and Gentlemen, I urge your support of this bill, which I believe is been given considerable thought and no reason that in my opinion, the, and I think in most of ours, that we should prefer one category of a senior citizen who is entitled to a homestead exemption over another, merely by accident of the fact that he or she resides in a condominium rather than a co-op. This would correct that inequity and provide relief for a number of senior citizens now living in a cooperative apartments and I urge your favorable vote."

Hon. W. Robert Blair: "The question is shall House Bill 3571 pass? All those in favor shall vote 'Yeas', and the opposed 'No'. Have all voted who wished? The Clerk will take the record. O'Brien, 'Yeas'. On this question, there are 146 'Yeas' and no 'Nays' and this bill having received the constitutional majority is hereby declared passed. 3633."

Fredric B. Selcke: "House Bill 3633, a bill for an act to amend Section 11 of an act to revise the law in relation to the state treasurer. Third reading of the bill."

Hon. W. Robert Blair: "The gentleman from . . . all right, with respect to that last bill, it did contain the provision that it would become effective immediately upon its becoming



a law, and having received the required three-fifths vote, it is hereby declared passed. Ah, the gentleman from Cook, Mr. Leon."

John F. Leon: "Mr. Speaker, there is a series of three bills 3634, 3635 and 3637. Inasmuch as House Bill 3637 has been approved in another bill, the substance of it, I request that that bill be tabled."

Hon. W. Robert Blair: "3637?"

John F. Leon: "Yes, sir."

Hon. W. Robert Blair: "All right, we'll table, leave of the House? We'll table 3637. Now, do you want to have 3635 read with 3634?"

John F. Leon: "Yes, yes, please."

Hon. W. Robert Blair: "All right, read 3635."

Jack O'Brien: "House. . ."

John F. Leon: "And -34."

Hon. W. Robert Blair: "Right, we read -34. Okay, we read -33, so read -34 and -35."

Jack O'Brien: "House Bill 3634, a bill for an act to amend Section 6r of the 'Civil Administrative Code'. Third reading of the bill. House Bill 3635, a bill for an act to amend Section 3 of an act to revise the law in relation to the state treasurer. Third reading of the bill."

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

John F. Leon: "Mr. Speaker, Ladies and Gentlemen of the House, these bills were submitted to me by the treasurer of the State of Illinois and they are recommendations of Arthur



Young and Company to simplify the procedure of handling disbursement by the treasurer's office. I believe they will meet with the approval of each member of the House. I have cleared it with both sides of the aisle, and I respectfully support your support of the bills and I am and will be willing to answer any of your questions, if there are any. Thank you."

Hon. W. Robert Blair: "Is there any discussion? The question is shall these three bills pass? All those in favor will vote 'Yeas', the opposed 'No', and the Clerk will take three records. Have all voted who wished? The Clerk will take the record. On these questions, there are 134 'Yeas' and no 'Nays', Ike Sims, 'Yeas', oh, Tim Simms, 'Yeas', and each of these bills having received the constitutional majority is hereby declared passed. For what purpose does the gentleman from Lake, Mr. Pierce, rise?"

Daniel M. Pierce: "Ah, Mr. Speaker, I understand the Cook County Superintendent of Schools, Richard Martwick is in the House and I would like to introduce him. He took over in August as Superintendent of Schools in Cook County. Mr. Martwick."

Hon. W. Robert Blair: "2322."

Fredric B. Selcke: "House Bill 2322, a bill for an act to add Section 11-20.1 to 'The Illinois Public Aid Code'. Third reading of the bill."

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

Peter J. Miller: "Thank you, Mr. Speaker. I was asleep at the



switch. It doesn't happen very often. I'm very happy this morning if the Clerk will read the, . . ."

Hon. W. Robert Blair: "All right, he's already read it."

Peter J. Miller: ". . .Clerk, all right. You all know the intention of this bill, we discussed it like yesterday and we have an agreed amendment. The gentlemen of the other side of the aisle claim that they can live with the bill. I urge your affirmative vote. Thank you, Mr. Speaker."

Hon. W. Robert Blair: "All right, the question is shall House Bill 2322 pass? All those in favor vote 'Yeas' and the opposed 'No'. Have all voted who wished? The Clerk will take the record. The gentleman from Cook, Mr. Mann."

Robert E. Mann: "Mr. Speaker, I'm going to shock my colleague Representative Miller, and vote for this bill and in doing so and I want to say, Pete, Mr. Speaker and Members of the House, that I am not opposed to employment opportunity for the court and I think if the municipalities are able to furnish employment opportunities which are decent and dignified at a wage which is reasonable, I think that this is a move in the proper direction. I just hope we can get the cooperation of labor in not placing any obstacles in front of this kind of program and I also hope we can get the cooperation of industry and also not putting any obstacles in front of this program, and therefore, I would vote 'Yeas'."

Hon. W. Robert Blair: "On this question, there are 130 'Yeas', Dyer, 'Yeas', Ron Hoffman, 'Yeas', Maragos 'Yeas', Tim Simms,



or Ike Sims, 'Present', Colitz, 'Present', 'Yeas', Colitz, 'Yeas', Caldwell, 'Present'. On this question, there are 134 'Yeas', 1 'Nay', 2 'Present' and this bill having received the constitutional ah majority is hereby declared passed. For what purpose does the gentleman from Randolph, Mr. Springer, rise?"

Norbert G. Springer: "Mr. Speaker, Ladies and Gentlemen of the House, I would like to have leave of the House to post Senate Bill 1282 for committee hearing this coming Tuesday, the 10th."

Hon. W. Robert Blair: "Is there objection? All right, the gentleman will have leave then to post that bill for hearing then next week. The gentleman from McHenry, Mr. Lindberg."

George W. Lindberg: "Mr. Speaker, ah, I would like to suspend the appropriate provisions of Rule 38 with regard to House Bill 3740 which is appropriation for the Board of Ethics created under House Bill 3700 if it passes, and I would like to have the bill advanced to the order of second reading without reference to committee and have it read a second time."

Hon. W. Robert Blair: "What's the number on that bill again?"

George W. Lindberg: "3740."

Hon. W. Robert Blair: "3740."

George W. Lindberg: "3740."

Hon. W. Robert Blair: "While we're ascertaining the exact location of that bill, we'll go over to the gentleman from



Bradley, the gentleman from McLean, Mr. Bradley, in connection with his House Bill 3625 which is on third reading. It has been read a third time, then so the gentleman on explanation."

Gerald A. Bradley: "Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, House Bill 3625 was discussed yesterday at quite a length and this morning we have put in agreed amendment, Amendment Number Three to the bill. The amendment was worked out with Representative Clabaugh, Representative Hirschfeld, Representative Dyer, and myself and I believe now that we have a piece of legislation that does what the constitution, the new constitution, directed us as members of the General Assembly, and that is to define 'permanent residents' to qualify for voting. I think what we've also done is clarify to the county clerks and the registrants throughout the State of Illinois, what they shall do when somebody comes in and asks to be registered. In particular, we have addressed ourselves to the student problem that is concerned all of us throughout the state where we have institutions of higher learning in our counties. I don't intend to belabor the question this morning, we took the time of the House yesterday on this question. I'd simply say that we've got a workable bill, a good piece of legislation and I ask for your support."

Hon. W. Robert Blair: "The gentleman from Champaign, Mr. Hirschfeld."

Gerald A. Bradley: "Thank you."



John C. Hirschfeld: "Well, Mr. Speaker and Ladies and Gentlemen of the House. I rise to support this bill. I think all of us in the House have to swallow our pride now and then; and as I would have preferred to see my own bill pass, we have worked out a compromise bill which I feel is acceptable to both sides of the aisle. Let me just briefly take the time of the House to give an example of how this might work and we'll talk about students, because so much emphasis was placed on students. If a student would come in to register, the clerk may still ask him the questions that are permitted under 'The Election Code'. He may still ask him for certain items of identification. But the important distinction is that once this gentleman supplies that information and signs the affidavit, he must be registered and I think this is ultimately fair to the students as we should be ultimately fair. Subsequent to registration, however, the amendment will permit the Clerk to investigate the information on the affidavit to make sure it is correct and that he truly qualifies and if the Clerk has any objection, he then may raise a challenge at that time. So what I think we've done, frankly, is switch the onus of registration in this example to the student to the Clerk, which is where I think it belongs, if we're going to be fair to all those who seek to vote in this State and I trust we'll get a very acceptable roll call on this fine bill."

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



Jacob John Wolf: "Mr. Speaker, I just would like to make a parliamentary inquiry. Have we suspended Rule 47a with requirements for the printed copy on the desks? If we have not, I think we should do it."

Hon. W. Robert Blair: "All right, the amendment has been printed and placed on the desk, but your point is well take that there does need to be a motion to suspend the rules that requires the amendment to be on the table on the desk over night, so the gentleman from Bradley, McLean, Mr. Bradley."

Gerald A. Bradley: "Mr. Speaker, I would like to make that motion that we suspend the appropriate rules regarding the time that the amendment has to lie upon the desk."

Hon. W. Robert Blair: "All right, does the gentleman have consent to suspend the provisions of Rule 47a so that this bill may be heard with the amendment that's been placed on it? All right, now, that's been done. Is there any further discussion? All right, the gentleman from Peoria, Mr. Day."

Robert G. Day: "Would the sponsor yield for a question?"

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

Robert G. Day: "Representative Bradley, now, as I understand it, have we tabled Amendment Number Two?"

Gerald A. Bradley: "No, no, Number Two is still in the. . ."

Robert G. Day: "Number One, Two, and Three. . ."

Gerald A. Bradley: "One, Two, and Three are in it."

Robert G. Day: "I see."

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



Clabaugh."

Charles W. Clabaugh: "Very briefly, Mr. Speaker. I'll answer in the words of a former member of this House when we came out of a conference committee with such a meeting, with such a result as we have today, I am not overwhelmed with joy, but I'm satisfied that we've made some progress in the direction that I wanted to go. I hope we pass this bill."

Hon. W. Robert Blair: "All right, does the gentleman care to close?"

Gerald A. Bradley: "Mr. Speaker and Ladies and Gentlemen of the House, I would simply ask for a favorable roll call."

Hon. W. Robert Blair: "All right, the question is shall House Bill 3625 pass? All those in favor will vote 'Yeas' and the opposed 'No'. Have all voted who wished? The Clerk will take the record. On this question, there are 151 'Yeas' and no 'Nays' and the bill having received the constitutional majority is hereby declared passed. Hanahan, 'Yeas'. 3677."

Jack O'Brien: "House Bill 3677. . ."

Hon. W. Robert Blair: "All right, take it out of the record. 3043."

Jack O'Brien: "House Bill 3043, a bill for an act to add Section 2.1 to an act to provide for the manner of proposing amendments to the constitution, and submitting the same to the electors of this state. Third reading of the bill."

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



Thomas C. Rose: "Thank you, Mr. Speaker. As a co-sponsor of this bill, I will just explain it briefly. It is very simple. Section 3 of Article IX of the new 1970 Constitution provides for initiative on the part of the people of the state to propose amendments to Article IV, the Legislative Article of the Constitution. Ah, the particular section involved in the constitution says that the General Assembly shall provide by law for determining the validity of these petitions. This bill simply says that the state board of elections shall determine that validity. I urge passage."

Hon. W. Robert Blair: "Discussion? The question is shall House Bill 3043 pass? All those in favor of the bill will vote 'Yeas' and the opposed, 'No'. Have all voted who wished? The Clerk will take the record. On this question, there are 139 'Yeas' and no 'Nays' and this bill having received the constitutional majority is hereby declared passed. 3045."

Jack O'Brien: "House Bill 3045, a bill for an act to add Section 4-1 to an act revising the law in relation to county treasurers. Third reading of the bill."

Hon. W. Robert Blair: "The lady from DuPage, Mrs. Dyer."

Mrs. Robert C. 'Giddy' Dyer: "Ah, Mr. Speaker and Ladies and Gentlemen of the House, this is an extremely simple one paragraph bill which implements Section 4e of Article VII of the new constitution. It says very simply that when requested to do so in writing by a local unit of government



the county treasurer may serve as the person designated to collect taxes for that district. It does not go into fees, costs, or anything of that nature. It simply says that he may perform services when requested to do so. I urge your support of this bill."

Hon. W. Robert Blair: "The gentleman from Cook, Representative Palmer."

Romie J. Palmer: "If the sponsor will yield to a question or two. Does this apply to Cook County?"

Mrs. Robert C. 'Giddy' Dyer: "Ah, yes, there is no exception for home rule districts."

Romie J. Palmer: "Will this eliminate the township school treasurers?"

Mrs. Robert C. 'Giddy' Dyer: "No, it doesn't interfere in any way with any system that any county presently has. It simply says that if an area wants wishes if a local unit of government desires that the county treasurer be the person to collect the taxes, then ah he may they may request him in writing to do so."

Romie J. Palmer: "But use the word school districts in there and of course the. . ."

Mrs. Robert C. 'Giddy' Dyer: "Yes, it does."

Romie J. Palmer: ". . . school districts in Cook collector there is the school treasurer, so is that right?"

Mrs. Robert C. 'Giddy' Dyer: "Presumably Cook County would not choose to take advantage of this. It just says that if a school district or a local unit of government wishes



for this to happen, this request, they may ask the County treasurer to do this. Any such request will be transmitted in writing by the government board of a school district or by any unit of local government to the county treasurer. It is completely optional, it picks up absolutely the language of the constitution, and just makes it possible for it to happen in downstate counties where it might be desirable for it to happen."

Romie J. Palmer: "Mr. Speaker, if I might be, if I could address myself, I'm not entirely clear on this thing. You have got a system in Cook of county school district treasurers perform some functions in reference to the collection of taxes for the local schools districts. My question simply is whether or not this bill acts as a repealer by application of other existing legislation of this bill insofar as applies to school districts. I wonder if you'll hold the bill for just a little bit, will you do that?"

Hon. W. Robert Blair: "Take it out of the record. House Bill 3577."

Jack O'Brien: "House Bill 3577, a bill for an act to amend Section 1 of an act in relation to the employment of persons committed to a county jail, house of correction or workhouse. Third reading of the bill."

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

Eugene F. Schlickman: "Mr. Speaker and Ladies and Gentlemen of the House, about a month ago in the City of Chicago, an



eight year old boy who was riding a brand new bicycle was struck and killed by a hit and run driver. The hit and run driver was an individual who had been committed to a Cook County Jail for a misdemeanor and had been placed on work release. On the day in question, the individual had been released from the Cook County Jail at 8:30 A.M. and wasn't required to return until 10:00 P.M. that evening, for the purpose of working two jobs. Unfortunately for this eight year old boy and society, generally, the individual who was supposed to be working, was not working, was engaged in a frolic. Since, the incident has pointed up deficiencies in the administration of the work release program and the purpose of House Bill 3577 is to correct these deficiencies and save the lives of and to protect the welfare of society generally. By this bill, before an individual is allowed to be placed on work release, a presentence report is required. This will correct and eliminate the practice that is now going on, whereby work release is become the subject of pre-trial flee bargaining. The second aspect of the bill would provide that the court is required to appoint either the probation department or the supervisor of the jail to administer and supervise the work release program. I sincerely solicit your support of House Bill 3577."

Hon. W. Robert Blair: "Is there any discussion? The gentleman from Cook, Representative Berman."

Arthur L. Berman: "Would the sponsor yield?"



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

Arthur L. Berman: "Representative Schlickman, how would this bill change the existing procedures concerning authority over work release and who and how what the present time has the determination as to whether a work release program would be allowed?"

Eugene F. Schlickman: "The law at now provides, Representative, that the court in its order of confinement will direct that an individual be placed on work release. We don't change that authority. What we do require and provide is that prior to the court order allowing an individual to be on work release, that the court be provided with a pre-sentence report. This pre-sentence report would indicate to the judge, to the court, whether this individual's background, individual situation, is conducive to the individuals participating in work release."

Arthur L. Berman: "What kind of a volume in increase on the probation department would be would results as the by the passage of this bill?"

Eugene F. Schlickman: "Representative, we do not prescribe what the contents of the pre-sentence report will be. I should say, by the way, that when the work release program went into effect, that on January 1, 1969, mandatorially, that the presiding judge of the first district of Cook County in establishing a procedure, provided for pre-sentence reports, so what we are doing by this bill is to require by statute what was contained in the administrative



rules and regulations established by the presiding judge on January 1, 1969."

Arthur L. Berman: "Has the probation department of Cook County indicated their position on this bill?"

Eugene F. Schlickman: "This bill was developed with the advice and counsel of the John Howard Association and it has been discussed with Winston Moore, the Superintendent of the Cook County Jail. And Mr. Moore has expressed his enthusiasm for this bill and has indicated that by the passage of this bill the work release program in Cook County will be more meaningful and more effective. I should also say that the bill has been submitted to a representative of the County of Cook who has taken it back to Chicago and returned with his statement that there is no objection to the bill."

Arthur L. Berman: "Ah, well, well, do I gather from your last sentence that the probation department in Cook has indicated their support of the bill?"

Eugene F. Schlickman: "I have not had contacts with the probation department, but I do know that this bill was submitted to the President of the County Board."

Arthur L. Berman: "Well, the reason I raise that question, Mr. Speaker, on the bill, is that at the present time, I believe the work load in the probation department is approximately 300 cases for each probation officers, which is just an unworkable number and if we're going to impose additional restriction, or additional requirements on the probation



department, I think that we ought to have some consideration of the financing and need for increasing our staff and I think that this certainly should be taken into consideration before giving a 'Yeas' vote on this bill."

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

Eugene F. Schlickman: "Mr. Speaker and Ladies and Gentlemen of the House, I have before me a memorandum dated January 30, 1969, which was issued by Eugene L. Wichowski, the presiding judge of the Circuit Court of Cook County, first municipal district, and on page 2, he indicates that it is his thought to use the following methods to determine who shall be subject to this program. 1. That a finding of guilty be made. 2. That the Court order a pre-sentence report from the probation department indicating that the defendant is under consideration for work release. What we are doing by this bill is to put into the statute what the judiciary of Cook County felt that should be done on January 30, 1969. There are three aspects of this bill and the one that is most important is the requirement that there be a pre-sentence report so that only those individuals who are suitable and whose background and activities are conducive to the work release program or else we are going to have repetition of the unfortunate tragic incident that happened one year ago."

Hon. W. Robert Blair: "Further discussion? The question is shall this bill pass? All those in favor vote 'Yeas' and



the opposed 'No'. Have all voted who wished? The Clerk will take the record. On this question, there are . . . McGah, 'Yeas', O'Brien, George O'Brien, 'Yeas', Brenne, 'Yeas', Palmer, all right. Palmer. Redmond, 'Yeas'."

Romie J. Palmer: "Mr. Speaker and Ladies and Gentlemen of the House, the Judiciary Committee II considered this bill very recently and I believe it came out unanimously. There's a work release program in Cook County now, the district, which serves a good and valuable purpose. The question here is trying to tighten somewhat on the procedures and so forth on that work release. Now, I believe this, that if it is not tightened up in perhaps the very mind[?] way that the sponsor of the bill is indicated, and we have many more incidences like we had sometime before, then the program that there will be a public pressure then to eliminate the program. The program itself should not be eliminated. It's a good bill, it doesn't really do anything but tighten up the ah the arrangements a little bit more and I certainly urge a lot more green lights on the board, enough to pass the bill, thank you."

Hon. W. Robert Blair: "Hart, 'Yeas'. Shea, to explain his vote."

Gerald W. Shea: "Mr. Speaker and Ladies and Gentlemen of the House, I've talked to the sponsor about this legislation and suggested a further agreement. He agrees with me and he'd make sure it was put on the bill in the Senate and I think that this bill will be a good piece of legislation and



I'd certainly want to vote 'Yeas' for it."

Hon. W. Robert Blair: "All right, let's take another roll call. Dump that. The question is shall this bill pass? All those in favor vote 'Yeas', the opposed 'No'. The gentleman from Cook, Mr. Schlickman."

Eugene F. Schlickman: "Mr. Speaker and Ladies and Gentlemen of the House, Representative Shea is absolutely correct. Last week he asked if I would entertain an amendment. I said yes. The amendment was offered to me yesterday and I indicated to him that that amendment would be offered in the Senate. I should like to point out that that amendment has nothing to do with pre-sentence reports, it simply provides would provide that under the authority of this bill, the administrator of the county jail would have the opportunity to suspend temporarily an individual's work release program if he violated the conditions of work release and by this amendment there would be the further requirement that the county judge who convicted the individual and sent him to jail be so advised by the superintendent. Thank you very much for your support."

Hon. W. Robert Blair: "Les Cunningham, yes, it's open. Okay. The Clerk will take the record. On this question, there are 144 'Yeas' and no 'Nays' and this bill having received the constitutional majority is hereby declared passed. All right, now back to the gentleman from McHenry, Mr. Lindberg, and he had moved for the suspension of the rules so that House Bill 3740, which is on the Speaker's table could be



having been read a first time could be advanced to the order of second reading without reference to a committee. Now, the gentleman from McHenry, Mr. Lindberg, on his request."

George W. Lindberg: "Ah, Mr. Speaker, this action has been cleared on both sides of the aisle, again it's the appropriation for the Board of Ethics created under House Bill 3700 and Representative Regner, Chairman of the Appropriations Committee will have an amendment after it's been read on second reading."

Hon. W. Robert Blair: "All right, no objection having been heard, the rules will be suspended and the bill will be placed on the order of second reading. All right, we'll we'll get to Regner shortly. 3664."

Fredric B. Selcke: "House Bill 3664, a bill for an act to amend Section 1 of an act to provide for the exercise of the right of eminent domain. Third reading of the bill."

Hon. W. Robert Blair: "The gentleman from DuPage, Mrs. Dyer."

Mrs. Robert C. 'Giddy' Dyer: "Ah, Mr. Speaker and Ladies and Gentlemen of the House, House Bill 3664 implements Section 15 in Article I, the Bill of Rights, of the new constitution, under the right of eminent domain. And it simply this simply says 'private property shall not be taken or damaged for public use without just compensation as provided by law. Such compensation shall be determined by a jury as provided by law.' Now, many of you know that under the old constitution, local governments and forest preserve commissions had to go through this process. That is if they



were taking land, the individual whose land was to be taken had the right to ask for a jury trial in determining the compensation. All that House Bill 3664 does is to extend this provision for lands that are taken by the state. It protects the individual's right to a trial by jury. Either party to the condemnation may ask for the trial by jury. And if neither party asks for this, it simply will be heard by a court with a judge. I urge your support of House Bill 3664."

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

Arthur E. Simmons: "Will the sponsor yield for a question?"

Hon. W. Robert Blair: "She indicates she will."

Arthur E. Simmons: "Would this have any affect on a quick take provision? Ah, property under condemnation?"

Mrs. Robert C. 'Giddy' Dyer: "Ah, no, no, it the timing would be the thing. But this simply gives the person the right to have a jury trial when in the matter of compensation for the land to protect his right of the fair market value."

Hon. W. Robert Blair: "The gentleman from Christian, Mr. Tip-sword."

Rolland F. Tipsword: "Would the sponsor yield for a question, please?"

Mrs. Robert C. 'Giddy' Dyer: "Yes."

Rolland F. Tipsword: "I'm not opposed to your bill, Mrs. Dyer, but I'm wondering why do we need this? I thought we had this right now under eminent domain?"

Mrs. Robert C. 'Giddy' Dyer: "I'm right with you, Mr. Tipsword,



having served on a county board and a forest preserve commission where this privilege was extended, it was a surprise to me to find that under the old constitution, ah the state did not have to go through this to grant this to an individual, and the new constitution simply guarantees the right of an individual to demand a jury trial in determining compensation for all land that's being taken by the state as well as in municipal or local governments."

Rolland F. Tipsword: "Well, Mrs. Dyer, I'm going to vote for your bill. It was my impression under the actions that I handled that they'd always had that right, action by the state, but just to insure it, I'm going to support your bill. Thank you."

Mrs. Robert C. 'Giddy' Dyer: "Thank you."

Hon. W. Robert Blair: "All right, does the lady care to close?"

Mrs. Robert C. 'Giddy' Dyer: "Ah, I believe all of the questions have been answered, I believe this is undeniably a fair protection of individual rights and I should certainly hope that it would have full support from both sides of the House."

Hon. W. Robert Blair: "The question is shall this bill pass? All those in favor vote 'Yeas' and the opposed 'No'. Shaw, 'Yeas'. Have all voted who wished? The Clerk will take the record. On this question, there are 139 'Yeas' and no 'Nays' and this bill having received the constitutional majority is hereby declared passed. Now, where else is she?"



3045."

Fredric B. Selcke: "House Bill 3045, a bill for an act to add Section 4-1 to an act to revise the law in relation to county treasurer. Third reading of the bill."

Hon. W. Robert Blair: "The lady from DuPage, Mrs. Dyer."

Mrs. Robert C. 'Giddy' Dyer: "Oh, ah, Mr. Speaker, in deference to some of the requests for amendments which I think are perfectly valid for House Bill 3045, I would like to request that this be held over for the Spring calendar."

Hon. W. Robert Blair: "Spring calendar. All right, with leave of the House, we'll go to House Bills second reading, House Bill 3060. Take that out of the record. 3748."

Fredric B. Selcke: "House Bill 3748, a bill for an act to add Sections to an act establishing judicial districts. Second reading of the bill. No committee amendments."

Hon. W. Robert Blair: "Any amendments from the floor? Third reading. 3740."

Fredric B. Selcke: "House. . ."

Hon. W. Robert Blair: "Now, this doesn't appear on the calendar, ah. . ."

Fredric B. Selcke: "I've got it here."

Hon. W. Robert Blair: "But we just acted on this matter a few moments ago when it was advanced to second without reference. It has been read a first time a day prior to today."

Fredric B. Selcke: "House Bill 3740, a bill for an act making an appropriation to the Board of Ethics. Second reading



of the bill. No committee amendments."

Hon. W. Robert Blair: "The gentleman from . . . amendments from the floor?"

Fredric B. Selcke: "Amendment Number One, Regner. Amend House Bill. . ."

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

David J. Regner: "Mr. Speaker, Ladies and Gentlemen of the House, this bill in its original form would appropriate \$100,000.00. What this amendment does, it reduces the total appropriation to \$50,000.00 and lines items, the various items, sets up \$36,000.00 for personal services, \$4,000.00 for retirement and social security and \$10,000.00 for operation and maintenance and I move the adoption of Amendment Number One to House Bill 3740."

Hon. W. Robert Blair: "Discussion? All those in favor of the adoption of the amendment say 'Yeas', the opposed 'No', the 'Yeas' have it and the amendment is adopted. What purpose does the gentleman from Cook, Mr. Shea, rise?"

Gerald W. Shea: "May I ask the sponsor of the bill a question?"

Hon. W. Robert Blair: "Of the bill?"

Gerald W. Shea: "Yes."

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

George W. Lindberg: "Well, I was having lunch, but I'll yield."

Gerald W. Shea: "Ah, . . ."

Hon. W. Robert Blair: "Your lunch?"

Gerald W. Shea: "Ah, . . ."



Hon. W. Robert Blair: "All right, the gentleman from Cook, Mr. Shea."

Gerald W. Shea: "Ah, Representative Lindberg, could you explain to me why we need this bill? Why couldn't we just put it in 3700. Why couldn't we just put the appropriation in there?"

George W. Lindberg: "Ah, I'll refer that to Representative Regner, he's probably got the answer to it."

David J. Regner: "I really don't know why Representative Lindberg filed two bills, I just assumed to keep the appropriation out first of all, but also we've done this on several other bills where we had the implementing legislation and the appropriation in separate bills."

Gerald W. Shea: "All right, in light of the ruling by the Chair, yesterday, I think we can now put the appropriation substance in each bill, so I just might want to call it to your attention."

David J. Regner: "We did determine yesterday, Jerry, that when we were discussing that it could be done, but ah Representative Lindberg did file two bills, apparently assuming that you couldn't."

Gerald W. Shea: "All right, the reason I bring that to the attention is that so that we maybe won't cut down the number of bills we have."

Hon. W. Robert Blair: "Well, I take it the gentleman from McHenry doesn't desire to recall 3700 from the Senate, to consider that? All right, ah, third reading. The . . .



2763. House Bills third reading. House Bill 2763."

Jack O'Brien: "House Bill 2763, a bill for an act relating to the sale of franchises; defining terms; providing for a full and fair disclosure of the nature of interests in franchises and for the regulation thereof; and fixing penalties for violations of this act. Third reading of the bill."

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

Brian B. Duff: "Mr. Speaker, Ladies and Gentlemen of the House, one of the most amazing business phenomena of the last few years has been the tremendous upsurge in distributing services through franchising. On a national level, annual sales are estimated at \$90,000,000,000.00 per year. Franchising sales now account for about 26% of all retail sales. Even more amazing than this phenomenal growth is the fact that franchising is a virtually unregulated marketing system. There are no laws in Illinois, federal or state, which regulate franchise offerings. There is no question that some regulation is needed. Various studies of the franchising field, reveal the startling fact that in almost every instance, franchise offering literature is either inadequate, misleading, wholly lacking or even latently false, as to material facts. This is an area, Ladies and Gentlemen of the House, which requires our attention. We hear a lot of talk about consumerism and protecting consumers and things like that, but here we have



an instance where people are literally deprived, defrauded, frequently of their life's savings. Now, we're not talking about the big, sound substantial operations which have been in action for years, nor are we talking about the little \$100.00 operation where somebody on the floor of a department store is selling an orange squeezer or something. We are talking about the situations where a person will come into Illinois and offer through advertising people the opportunity to have their own businesses and then they offer them substantial business support, including the areas of accounting practices, marketing assistance and so forth. This bill sets up a system by which there will be a disclosure given to the Attorney General's Office in Illinois and that facts must be presented, 72 hours in advance, to any person who will have an opportunity entering into one of these contracts. It also offers the opportunity if it is disclosed that the facts are not in accordance with the disclosure, for the person who has invested his savings to withdraw from the contract. It offers the Attorney General the opportunity to investigate and inquire into whether or not the operation is as stated. It also offers the franchisor the opportunity to appeal any hearing, any order, to have a full hearing and then to take that full hearing, if he's not satisfied, with him to court. Further, because we have amended this bill, it requires the Attorney General not to be a judge and jury in and of himself, but to go to court in order to uphold his findings. I think it's very



important for us to pass a bill at a time like this when there is such an obvious need and I think it's timely for us to do so. I do urge the support of the House for this bill."

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

Howard W. Carroll: "Thank you, Mr. Speaker. Can I have a little order, please? Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. We are once again on House Bill 2763. And as we know this is basically a new bill that was presented to us in Amendment Number Five. The offerer of the amendment knows that we have offered to him the availability of myself, our staff and anyone else needed trying to put this bill into shape to pass. We have asked the sponsor of this particular bill and amendment to hold this bill, to hold it until we can sit down with him as we offered to do in the Spring and as we now offer to do again, to go through these various problems. Now, what really is in this bill, from a quick look at this, which is really all we had time to do. This amendment even though the bill was in my committee, the committee that I'm on, this amendment never went through the committee process and it is a whole new piece of legislation. What this amendment does is that it grants to the Attorney General the power to make rules and regulations. In addition to the powers that we are enumerating in this act, we are and that there will be a criminal penalty, there is a potential five year and



GENERAL ASSEMBLY

STATE OF ILLINOIS
HOUSE OF REPRESENTATIVES

\$10,000.00 fine for violation not only of what's in the act, but what the Attorney General, without any provision of prior notice, without any provision for prior hearing, determines to be a rule or regulation as to what is going to be a registration system, that properly belongs in another branch of government. He will have the power to have hearings, he will and I repeat that he will have the power to make decisions in those hearings. He will have investigation powers that are broader, than what we have allowed to the State's Attorneys of our various counties. He will have the power to subpoena, to subpoena books and records, without a court order. He will have all these powers and he will have more. Yes, there will be judicial review, long too late. It will have the executive, administrative, judicial and legislative functions, much beyond what we feel he should properly have. No one is objecting to a proper regulation of a franchise industry. None of us have ever objected to what is legitimate exercise of a power over an industry coming into this state. We would like to see stringent, strong regulations of this particular industry. We recognize the need in this area. All we are asking is that you hold this long enough that we can work this into shape, that we can separate these powers as constitutionally they must be separated. We ask you to hold the bill until next Spring and I would urge everyone to vote 'Present' on this bill."

Hon. W. Robert Blair: "The gentleman from Cook, Representa-



tive Maragos."

Samuel C. Maragos: "Mr. Speaker and Ladies and Gentlemen of the House. I, too, arise to discuss this matter of this amended House Bill 2763, and to point out a few inequities in this amendment that have to be corrected, we are all in favor of the just of this legislation, however, not in the manner that is being provided here. It says on page 13, 'the Attorney General may from time to time by rules and regulations and subject to terms and conditions as he may describe, exempt from this act any franchise or class thereof, if he finds that the enforcement of this act that it is restricted to, is not necessary. Secondly, that is not in the public interest and being for the protection of a franchisees by reason of a small amount involved.' We see by this amendment that the Attorney General does make findings without hearings, without proper disclosure, and by the whim of one man he can not only restrict, but he can also waive anyone's rights to be heard on this question. And if there is a complaint about a franchisor, the from this language the Attorney General has the right to exempt this franchisor from this from the effects of this bill. Therefore, I think it is too loose, the language isn't tight enough to do the job it is reported to do and again I'm with the remarks of the previous speaker. It has not had a full hearing before the Judiciary I committee which heard the original bill and I respectfully ask that we vote 'Present' on this matter until this bill is put in the final



GENERAL ASSEMBLY

STATE OF ILLINOIS

HOUSE OF REPRESENTATIVES

form and a better form to do the job that it is reported to do."

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

Gerald W. Shea: "Mr. Speaker, will the sponsor yield for a question?"

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

Gerald W. Shea: "Ah, Mr. Duff, I understand that you brought this bill back from third reading to second reading and struck everything after the enacting clause and then put a new bill in it?"

Brian B. Duff: "Representative Shea, this same matter was discussed at the amendment stage when we did this and you will recall, I am sure, that this effort was directly because of the conversations held with you and others who have discussed this bill. This is not ah a totally neither is it an unexpected nor is it. . ."

Gerald W. Shea: "But did did you strike everything after the enacting clause? And put in a whole new bill?"

Brian B. Duff: "No, it puts it in if you want to call it a whole new bill, it strikes everything after the enacting clause because of the request for rewriting. Furthermore, this bill this amendment has been available to you and to others now better than a week and a half and ah everybody who was discussing it this morning, to my knowledge, is completely aware of what's in it."

Gerald W. Shea: "This bill in its present form has not had a



committee hearing, has it?"

Brian B. Duff: "The substance of the idea, the definition of the Attorney General's role, all of that has been discussed in Committee. The words and the fact that it has become more simple and the fact that we have clarified a great deal has not been heard before committee, that's true. Similar to many other amendments that are not heard before a committee."

Gerald W. Shea: "Well, well, well, I certainly think that you and the Attorney General are to be commended for your efforts in this area, I would like to support the bill, but until I find out a little bit more what's in it, I think I'll have to vote 'Present' and ask the members to do likewise."

Hon. W. Robert Blair: "The gentleman from Cook, Representative B. B. Wolfe."

Bernard B. Wolfe: "Ah, Mr. Speaker and Ladies and Gentlemen of the House, I think that Representative Duff has done a yeoman's job in attempting to bring the contents of the amendment, which is 27 pages long, into some acceptability. But, there's a wide gap between substance and execution. Presently on the books of this state are laws that protect the consumer in the areas that we are speaking about, fair advertising laws, the criminal fraud statutes. The departments are maintained by the Attorney General in the consumer fraud division, by the State's Attorneys of the various counties fraud department. It would seem to me that the bill requires further evaluation and correction in many



areas of due process of law and of separation of the administrative power. Now, I have supported consumer legislation there is presently on our statutes the land installment that is a consumer bill in the Department of Education and Registration and enforced by that department, and I'm wondering whether, and that covers now not only installment land sales, but all land sales within the State of Illinois from outside real estate developers that have to pass a certain test. Now, it would seem to me that in this area we don't know unless some committee or group evaluations it, which of these franchise corporations should or should not be under regulation and the extent of the regulation. My experience has been with large franchisors going broke and bankrupt and destroying the life savings of certain consumer people who have contracted for a franchise. So that in that area I feel that this bill is effective and that if it's rereferred to committee and put on the Spring calendar, that we could come up with a practical, realistic piece of legislation to do the kind of job that the chief sponsor wants done, and I would suggest that we vote 'Present' and not vote in support of the bill."

Hon. W. Robert Blair: "Is there further discussion? If not, the gentleman from Cook, Representative Duff, to close the debate."

Brian B. Duff: "Mr. Speaker, Ladies and Gentlemen of the House, I do appreciate the efforts of those who have spoken against this bill to attempt to try to accomplish something



Because it's a realization of a need. The need is there. We all agree that the need is there. This amendment is not so new or startling. It's the direct result of conversations and efforts of persons who became aware in committee hearings of this very urgent need. There is a penalty to be sure for people who are fraudulently cheating others. And there is a hearing for that penalty and there is a necessity for going to court and not just simply arbitrarily do it by oneself. There is neither judicial or legislative effect in this bill. But there is also an administrative determination. How else may we handle such a matter? Now, many many months we have talked over this matter and the time to act is now. The people of Illinois deserve our consideration. They deserve to have this bill passed. Those who would say let's wait longer, I don't think they are really recognizing the urgency of the need of the people of Illinois. We hear much protest to the fact that we must do something and yet for all these many months no alternative bill, no alternative idea has been proposed to this. I've discussed this, as a matter of fact, with the Attorney General, to determine whether or not it might be reasonable to wait longer. It's our very strong feeling that in spite of the very kind words of the opponents of the bill, it is time to be heard, to stand up for the protection of the people and be counted. I would urgently support your support of this bill."

Hon. W. Robert Blair: "The question is shall House Bill 2763



GENERAL ASSEMBLY

STATE OF ILLINOIS

HOUSE OF REPRESENTATIVES

pass? All those in favor signify by saying 'Yeas', the opposed by voting 'No'. The gentleman from Cook, Representative Shea, to explain his vote."

Gerald W. Shea: "May I be recorded as 'Present' on this, please."

Hon. W. Robert Blair: "Record Representative Shea as voting 'Present'. The gentleman from Cook, Representative Carroll."

Howard W. Carroll: "Mr. Speaker and Ladies and Gentlemen of the House, the effective date of this act is July 1, 1972, and I'm sure that these problems can be worked out, as I'm sure that Representative Duff is as willing to work on it as he has in the past. They will be worked out. We will have more than enough to have an emergency type legislation in the Spring and for that reason I'm voting 'Present'."

Hon. W. Robert Blair: "Record Representative Carroll as voting 'Present'. Representative Choate as voting 'Present'. Gentlemen, if you come up to the Clerk's desk, he'll vote you as 'Present' and we'll save an awful lot of time. Have all voted who wished? Take the record. Take the record. On this question, the 'Yeas' are 67, the 'Nays' are 0 and this question having failed to received the constitutional majority is hereby declared lost. House Bill 2829."

Jack O'Brien: "House Bill 2829, a bill for an act to amend Sections 6a, 6a-1, 6a-4, and 6d of an act in relation to state finance. Third reading of the bill."

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



Philip W. Collins: "Ah, Mr. Speaker and Ladies and Gentlemen of the House, House Bill 2829 as amended deals with the disposition of so-called overhead funds in the universities. In light of recent events in the past couple of recent years, there were those that thought that such funds should be lapsed into the general revenue fund of the state to provide some adequate accounting controls over these funds. Ah, initially I was one of those who felt that way. However that would deprive universities of money that they that was granted to them by the federal government or granting agencies and the thought was that it would be better to take such funds and deposit them in the university's own income fund. Thus, these funds would still be available to the university, and at the same time the General Assembly would have some knowledge, could provide some accountability for these funds and would be able to exercise the necessary appropriation procedures and controls. Ah, in light of that House Bill 2829, was introduced, originally to deal with all outside funds, but as amended, to deal only with the overhead funds. I would attempt to answer any questions of the membership and I would urge a 'Yes' vote of this bill."

Hon. W. Robert Blair: "Is there any discussion? The gentleman from Champaign, Representative Clabaugh."

Charles W. Clabaugh: "Mr. Speaker and Members of the House, as far as I can remember, nobody in the University of Illinois or any other universities has even spoken to me concerning this bill, but frankly I don't like to see these



overhead funds put in the operating fund. Now, they are not an appropriated funds in the first place. They are an funds that have been left over from various projects such as federal or scientific projects, various research projects, sometimes from private corporations and so on, and I don't believe that the Board of Trustees has complete control of them and I know of no case at all, in fact, the Director of the Budget, has told me that they were handled well at the University of Illinois, and I just, my colleague has just called to my attention that the University did take a position of opposition to this bill. I don't think they're ones of great import, but I think the universities should be permitted to handle use those funds as they see fit through their Board of Trustees and and they dole them out to various faculty research people who have a project of some kind, and I don't believe it is necessary legislation.

Hon. W. Robert Blair: "Is there further discussion? If not, the gentleman from Cook, Representative Collins, to close the debate."

Philip W. Collins: "Ah, Mr. Speaker, just to set the record straight. Representative Clabaugh said he doesn't think these funds are of great import, I might point out that at the University of Illinois alone they total upward to \$12,000,000.00 and the ah the ah I do think that while they are not appropriated funds initially, they are the negotiated funds which are the result of so called indirect cost which are generated by these projects. Ah, he is absolutely



correct that in many instances they are handled correctly, but yet they are having a correct leave to provide projects that should have come through the General Assembly and should have been appropriated items. Just to refresh the memory of the House and to give some instances of when they were not handled properly, we're all aware, of course, of the million-dollar mansion that was built at the campus at S. I. U. Carbondale campus. These are the funds that were poured in the \$2.5 million dollars worth were poured into the Mississippi River festival in Edwardsville, they have been used to retire revenue bonds, which I would suggest is an incorrect use of these funds. There was a loan of \$200,000.00 from one campus in the state to another, in these funds, which again I would suggest is improper use. Ah, they were used to provide memberships in private clubs in St. Louis and Springfield and I believe in Chicago for university officials. They have been used to buy football tickets for professional football teams in St. Louis, and yes, they were even used to buy flowers for funerals. Ah, I think that it's time that the General Assembly had some knowledge, not only to the existence of these funds, but as the amounts of money that are being spent without any control here in the body that is charged with appropriating funds for our state universities. I don't say take the money away, let's account for it, let's provide, let's demand accountability from our universities and let us appropriate the funds necessary to provide the services for



GENERAL ASSEMBLY

STATE OF ILLINOIS

HOUSE OF REPRESENTATIVES

within the universities' structures. I think this is a very sorely needed legislation, a long overdue legislation, and I would urge your support of House Bill 2829."

Hon. W. Robert Blair: "The question is shall House Bill 2829 pass? All those in favor signify by voting 'Yeas', the opposed by voting 'No'. The gentleman from Cook, Representative R. Walsh."

Richard A. Walsh: "Mr. Speaker, Ladies and Gentlemen of the House, just in briefly explaining my vote, ah, it seems to me there's just no reason whatsoever why these overhead funds should not go into the university income funds. And this, I don't believe, is intended to be a slap at one particular university or one governing board. The General Assembly appropriates the money to pay the salaries of the university employees, to pay all the expenses incurred in operating the universities and to pay all the expenses incurred in connection with these projects for which overhead funds are received. If the General Assembly is appropriating the money to generate the income, it seems to me that the income should be deposited in state university income funds, funds over which the General Assembly would have authority and not just the Board of Trustees or the governing boards of these various universities. I think this is an excellent bill, especially with the amendment and I urge the support of the House."

Hon. W. Robert Blair: "The gentleman from Moultrie, Representative Stone, to explain his vote."



Paul Stone: "Ah, Mr. Speaker and Ladies and Gentlemen, I think that we should defeat this bill, because the funds that we are talking about here are the funds that come from the federal governments, for grants, to certain departments, certain professors, and that are used for overhead of the university. I think that there has been unfortunate, it has been unfortunate in the past that some funds at some universities have been misused. I believe that the discrepancies will not happen again because of corrections that have been made in the operation of universities, especially the one involved, and by the Board of Higher Education and by the trustees of the various universities. I think where by passing this bill would be like cutting off our noses to spite our faces and I think we should vote 'No'."

Hon. W. Robert Blair: "Have all voted who wished? The gentleman from Cook, Mr. Phil Collins, to explain his vote."

Philip W. Collins: "Ah, Mr. Speaker, very briefly in explaining my vote, I believe that the House has been misled. These overhead funds are not of the funds that we're talking about are not the funds that have been granted to pick up the overhead of in the grant project. This is the unexpended portion of that. Overhead for the revocation of the House, is a negotiated figure that sensibly is generated in overhead costs by these grants, by these research projects. Then, the portion that is not expended is left over for the university to do with as they will. The federal government has a very loose audit procedure of them, whereby



if the money is expended within the university structure somewhere, it is all right with the federal government. The state statutes specify that the universities can keep these funds within their own treasuries. So we who are charged with appropriating the funds every year for the operation of the universities, are unaware of these vast sums that are being used or can be just used for projects and expenditures which we should be appropriating money for, so therefore, this is just a little, it's a large windfall for the universities that they've been playing with. As I said, in some instances, they have done it quite well, in other instances they've done it quite poorly. The bill must have some merit, it was suggested to me by the University of Illinois, that they would be willing to accept this bill in an amended form if we'd leave 25 per cent of these funds for working capital. Well, I would think that if they're willing to go that far, that's really an admission that perhaps these funds have not been handled properly in the past and they'd like to only mishandle 25 per cent of these funds from here on in. Ah, I have every reason to believe that the Board of Higher Education looks upon this bill with sympathy. I have not received any statement of endorsement from them as of yet, but I am hopeful that they will endorse this policy in the near future. I think this is much needed legislation and I would ask for a few more, about 19 more 'Yes' votes."

Hon. W. Robert Blair: "The gentleman from Macon, Representa-



tive Borchers, to explain his vote."

Webber Borchers: "Mr. Speaker, fellow members of the House, in explaining my vote, I'd like to point out that there is around \$12,000,000.00 involved here and for the life of me I can't see any harm in having a check up on the use of that money. Now, I personally do not care that I was would be for one individual for all of us here even for a small amount. But I do not like the idea that I am contributing to the membership in private clubs of certain university professors or doctors or presidents and boards of trustees, I just resent this, let them pay their own, the membership to these clubs. That's just one instance. There are many more of the misuse of these funds. The idea that one university has straightened this up and are good boys right now, fine I have no objection to that, but this is no guarantee that it won't happen again and somewhere else in a few years. It's only common sense and horse sense that we should ask for an accounting and to have a little care of how these funds are spent, and I see no reason why this House should not request and support this bill. Request that these funds be more carefully taken care of and support this bill."

Hon. W. Robert Blair: "The gentleman from Stark, Mr. Nowlan."

James D. Nowlan: "Mr. Speaker and Members, I can see that this doesn't have support of a constitutional majority at this time but I just would hope that the universities will take note of the fact that whenever they make an imprudent



or indiscreet expenditure from this indirect cost money fund, it becomes all the more difficult for those of us to generate the support which they on the other hand deem necessary for the development of our university system in this state. Just a couple of examples of how money from indirect funds have been expended. One university expended \$27,000.00 for the publication of a book to acclaim the inauguration of a former President of the university. Another university expended \$1,000,000.00 from the direct funds for the construction of a building which would house a nuclear accelerator which that same university later decided not to accept and thus the building has been constructed from indirect funds, rather than from authorization of the General Assembly, a building which will have to be used for a separate purpose at this time and though also I don't think this legislation would have a major impact one way or the other on universities, I hope they do become aware that over time we will become more knowledgeable through our appropriations process of the ways in which they extend money and that they will have to become more accountable to these legislative processes."

Hon. W. Robert Blair: "The gentleman from Lee, Representative Shapiro."

David C. Shapiro: "Mr. Speaker, Ladies and Gentlemen of the House, there has been much said on this particular bill and the controls that supposedly the various boards throughout the state have over these funds. I'm going to make my pre-



sentation very short and state to me that in one investigation of which I was a part of, the president of this particular board stated that he did not know how this money was being spent and was surprised when it was pointed out to him how some of the funds had been expended. I think the bill should be supported."

Hon. W. Robert Blair: "Have all votes been wished? Take the record. Phil, do you want. . . Representative Collins, for what purpose do you rise, sir?"

Philip W. Collins: "Mr. Speaker, I ask leave to postpone this for the Spring calendar."

Hon. W. Robert Blair: "Does the gentleman have leave? Hearing no objections, House Bill 2823 will be put on the Spring calendar. House Bill 3677."

Jack O'Brien: "House Bill 3677, a bill for an act to add Section 14.2 to an act to provide for the exercise of the right of eminent domain. Third reading of the bill."

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

Leland H. Rayson: "Thank you, Mr. Speaker and Members of this House, House Bill 3677 amends 'The Eminent Domain Act', by suggesting that the condemning authority who picks up a piece of property, as far as cost of condemnation go, pay title costs. Now, the problem arises in many instances when settlements are affected and wards are entered and then in order to collect your money you have to come up with an A-4 title policy, which extends quite often in not commensurate



with the amount of funds involved. Now, this bill was put in at the request of the Chief of the Condemnation Section of the State's Attorneys Office of Cook County. And he said that this would be eminently fair to all parties concerned and that I do believe it's a good bill and I ask for a favorable vote."

Hon. W. Robert Blair: "The gentleman from Franklin, Representative Hart."

Richard O. Hart: "Well, Mr. Speaker, I can't understand the need for this bill, nor can I understand the equity or justification for shifting the burden of carrying the title from the land owner to the petitioner. The way I read the bill it could include partition suits, quiet title suits and all attorneys fees, court costs and so forth, and I don't believe that it would be profitable or equitable and I don't believe you could justify the expense of state money or public money for the purpose of curing a title in that regard. If it's a problem that the State's Attorney of Cook County wants, I suggest that it be limited to if it can't, if it has any merit at all, it should be limited to cure that problem and not to involve what I can envision to be thousands and even hundreds of thousands of dollars eventually of public money spent for, to me, an unnecessary purpose."

Hon. W. Robert Blair: "The gentleman from Macon, Representative Borchers."

Webber Borchers: "Mr. Speaker, I'd like to ask the sponsor



of the bill a question, please."

Hon. W. Robert Blair: "He indicates he'll yield."

Webber Borchers: "Ah, in relation to this condemnation this is just strictly in relation to property being condemned by public entity, is that correct?"

Leland H. Rayson: "Yes that is."

Webber Borchers: "I would like to speak in favor of this bill

In our community, we have an urban renewal and I know of some instances where the cause of the families of the families involved, old people staying in their homes, and ah the partition suits necessary and so on, the giving a title was far in excess of what they should receive ultimately by the city taking over the urban renewal project, the land involved, and I really think there's a need for this. It seems to be obvious that when unusual legal expenses are before by such a condemnation suit, which is not at the request, remember, of the land owner or the house holder, but by governmental authorities, and surely when this is forced upon the householder, the land owner, the authority that is enforcing it should bear the expense. So, I would like to suggest that we support this bill."

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

Bradley M. Glass: "Mr. Speaker, will the sponsor yield for a question?"

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

Bradley M. Glass: "Ah, Representative Rayson, ah I was on the



committee that heard this bill and I'm a little bit confused by Representative Hart's opposition, when he referred to the costs, including attorneys fees, that might be involved. Now, it is my understanding that this bill simply places upon the state the cost of the title policy is that correct?"

Leland H. Rayson: "Exactly. And not other costs."

Bradley M. Glass: "Well if I if I may speak to the bill briefly. As I said, if that is the case, it was the feeling of the majority of the committee in Judiciary I that this is the proper cost to be born by the state. In other words, when a person's ah land is taken by the state ah and then later he discovers that he is being billed for the title charges, it causes some consideration and some confusion and it's a matter that should be cleared up in the law one way or the other, and I believe it's our feeling that it's if it just involves the exact title policy cost, the state should bear this cost, in that it's a reasonable expense for the state, so I'm infavor of the bill."

Hon. W. Robert Blair: "Is there further discussion? If not, the gentleman from Cook, Representative Rayson, to close the debate."

Leland H. Rayson: "Well, thank you Mr. Speaker. I believe as the last gentleman spoke, it is a bill to allow title costs to be a cost, title cost meaning the title cost to procure a title policy and in Cook County meaning the cost of an A-4 policy which is required of the authority disbursing



the funds. Ah, the cases arise out of situations in the State's Attorneys Office where there is a \$500.00 settlement on a small piece of property and they get a title bill from the Title and Trust Company of Chicago perhaps \$250.00 to \$500.00 and the title bill is not commensurate at all to the settlement involved, but perhaps to their work involved to fixing this A-4 policy. That's all. With reference to any cost to be born by the State or the counties involved that might be condemning authority, the State's Attorneys office in Cook County assured me that the condemning authority would take this into consideration when they affect the settlement. The purpose of this bill is that the poor owner who arrives to get settlement and he finds out a last minute cost he's never countenanced, is a big fat title bill and it's to apprise him of this by settlement time and if the condemning authorities are astute, there shouldn't be any loss to the condemning authority, and I suggest it's a good bill, it should be supported. Thank you."

Hon. W. Robert Blair: "The question is should House Bill 3677 pass? All those in favor signify by voting 'Yeas', the opposed by voting 'No'. The gentleman from Franklin, Mr. Hart, to explain his vote."

Richard O. Hart: "Ah, Mr. Speaker, in answer to some of the statements about this bill and in answer to Representative Glass, it isn't confined to title insurance, the bill could say that, I guess, but I've had a little experience with



ah with eminent domain cases in the State of Illinois and in every case under the Department of Public Works and Buildings, title policy is purchased from the Chicago Title or some other title insurance company. Now, what this is going to do, I mean they have these as routinely in the Department of Public Works, I don't know about the State's Attorneys Office in Cook County. But, this bill contemplates a filing of a suit. It would talk about the petitioner and if the petitioner requires evidence of merchantable title, well that means that you're in a law suit. Now evidence of merchantable title could mean a court decree, rather than a title insurance policy and many times I could put in a plug for title insurance companies that I'm connected with, but many times the reason for a large fee for title insurance is to cover risks, not just a commercial rate, or maybe an additional fee charge for an unnecessary or the assuming of some risks that the petitioner wouldn't take. I believe that this bill goes much too far and I believe that there is some misunderstanding about the nature of it and it does not in my judgment limit itself to title insurance, it goes much farther than that and I believe it could incur indebtedness or expense of public money in large sums."

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

Bradley M. Glass: "Well, Mr. Speaker and Ladies and Gentleman, having had no experience in real estate transactions that did not involve title policies, I refer to Representative



Hart's observations. Ah, and I think the purpose of the bill as I see it is simply this. That in any real estate transaction the cost of providing title evidence of clear title or title insurance can be agreed upon by the parties and usually it is the seller that provides that information. Now, where a person's land is being taken involuntarily, it seems to me that it's reasonable to place that cost on the taking authority, the condemning authority. On the other hand, if the point is not clear on that point, it goes beyond what it is supposed to provide and would in fact incur additional costs and costs of litigation for the state, I suggest that maybe an amendment would be in order to prevent that from happening."

Hon. W. Robert Blair: "The gentleman from Moultrie, Representative Stone."

Paul Stone: "Mr. Speaker, Ladies and Gentlemen, I think this is a good bill and should pass. Representative Borchers hit upon every point that we should be concerned with here in my judgment and that merely is and his main points were that if a citizen owns a piece of property or thinks he owns a piece of property and is very happy with it, wants to keep it, he should be able to do that in most instances. Now, if the state or any other government body comes along and says we want that property that you're satisfied with and we'll pay you so much money for it and then they find out that this fellow didn't have title good enough to sell it or to suit the state or condemning agency and then they



can require some evidence of merchantable title and charge it to that poor fellow who was sitting there satisfied with what he owned and wanted to keep it. Representative Borchers is entirely right in this and this bill should pass."

Hon. W. Robert Blair: "Have all voted who wished? Take the record. On this question, the 'Yeas' are, Representative Barry, for what purpose do you rise, sir?"

Tobias Barry: "To explain my vote and to change it from 'No' to 'Present', please."

Hon. W. Robert Blair: "Record Representative Barry as voting 'Present'."

Tobias Barry: "Everything that Paul Stone said was exactly right, except that this bill is poorly drafted and it applies only to a situation where an eminent domain case has been filed and then there's a subsequent settlement before a trial. It's a good idea, it's a good bill, but it's so poorly drafted that it only applies to a very limited number of situations."

Hon. W. Robert Blair: "Record Representative R. Carter as voting 'Yeas' and Representative Mann as voting 'Yeas'. On this question, the 'Yeas' are 101, the 'Nays' are 15, 1 answering 'Present' and this bill having received the constitutional majority is hereby declared passed. House Bill 3678."

Jack O'Brien: "House Bill 3678, a bill for an act to add Section 14.3 to an act to provide for the exercise of the right of eminent domain. Third reading of the bill."



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

Leland H. Rayson: "Mr. Speaker and Members of the House, this too is another bill amending the eminent domain act. It's requested by the head of the condemnation section for the state's attorneys office of Cook County, it has the support of the state's attorney of Cook County and it suggests with reference to the proration of real estate taxes on the settlement that the taxes should be prorated as of the date of the petitioner or the condemning authority is entitled to possession or earlier if the court so orders. The purpose of this is to remove another unfairness when the State or the county gets a quick take order, and that it takes them perhaps two or three years to affect a settlement, either voluntarily or through a court award, at which time the tax proration would relate back to the quick take order and the county or the state would lose a fair amount of funds. Now, equity would suggest that if the owner was in possession and using this property, that the proration should be effective at the time of the settlement or earlier at whatever court otherwise might say and it's to remove a problem of unfairness in the law and I suggest it's a good bill and it should be passed."

Hon. W. Robert Blair: "Is there any discussion? The question is shall House Bill 3678 pass? All those in favor signify by voting 'Yeas', the opposed by voting 'No'. Have all voted who wished? Take the record. On this question, the



'Yeas' are 119, the 'Nays' are 1 and this bill having received the constitutional majority is hereby declared passed. House Bill 2645."

Jack O'Brien: "House Bill 2645, a bill for an act to amend Sections 3.4, 6, 11, 12 and 15 of 'The Professional Service Corporation Act'. Third reading of the bill."

Hon. W. Robert Blair: "The gentleman from Lake, Mr. Matijevich. Representative Matijevich, sir, we just called your bill, sir."

John S. Matijevich: "Excuse me, I thought that bill was going to be held over, but I'd just as soon it be called. Hold on there."

Hon. W. Robert Blair: "Ah, do you want it to be. . ."

John S. Matijevich: "Ah, yes, Mr. Speaker. Ah, House Bill 2465, 2645 is a bill that was introduced by the Illinois Dental Society. It has the support of both the Illinois Dental Society and the Medical Society allowing dentists and physicians to join in corporations for rendering professional health services. The reason for the bill is that they may provide comprehensive health care services. There is no opposition to this bill and I'd appreciate your support."

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

Henry J. Hyde: "Mr. Speaker, would the gentleman yield for one question?"

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

John S. Matijevich: "Yes."



Henry J. Hyde: "Mr. Matijevich, in the event of a mal-practice suit, say the physician or dentist was guilty of serious negligence, would you be able to sue the physician directly or would you have to sue the corporation?"

John S. Matijevich: "Ah, I'm not certain who you sue, Henry, all I am told by the professions that gave this, that I talked about this bill, that they are liable for any mal-practice that may come up."

Henry J. Hyde: "Well, of course, the problem with corporations is that they are liable to the assets that are in the corporation, whereas if you sue the individual, his personal assets become liable, but. . ."

John S. Matijevich: "My all right, my guess is, Henry, that you would sue the individual for the personal mal-practice."

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

John Jerome Hill: "Mr. Speaker and Ladies and Gentlemen of the House. This particular bill has been heard on the floor of the House in the last session, and I opposed it then and I opposed it then and I opposed it now. It is a form for the dentists to do exactly what Representative Hyde said, to get from underneath the mal-practice suits and to get a break on both the state income tax and the federal income tax. I resent this move, I was against it then, it never got enough votes, I believe when it started out it got about 91, it got down to about 70 or so. And it wasn't passed then. Representative Bruce Douglas was the sponsor at that time and spoke for it and I'd appreciate a 'No' vote on this



piece of legislation."

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

Bernard E. Epton: "Mr. Speaker, Ladies and Gentlemen of the House, if I may speak on the question raised by Representative Hyde. I initially handled the passage of the professional corporation act and in answer to the question posed by Representative Hyde, the personal liability on the part of the dentists, the doctors or any professional man in a corporation still exists, so that I'm sorry that Representative Hill wasn't apprised of that. The fact is that this does not in any way take away from the personal responsibility of the dentists or the doctor. Specifically our initial act prevented a merger such as this so that in any instance when groups wanted to do this particular thing, they would have to come back to the legislature to get approval, and as the previous sponsor indicated the reason it prompted our desire to do this was because there are many areas which just can not provide sufficient medical care unless they group. Initially we opposed, I say we, the Judiciary Committee, opposed any such mergers. We found that the compelling reason in this case prompted us to make an exception. It is a rare exception, I doubt if it will be repeated and I think that in all fairness to our citizens that we should pass this legislation."

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

Samuel C. Maragos: "Mr. Speaker, Members of the House, I rise in opposition to this bill. I have the highest regard for



Mr. Epton and the previous speakers on this question, however we are setting the bad precedent regarding professional ethics. For such result each profession and in their ethics legislation and rules, they've all stated that no profession shall co-mingle funds, so shall do anything whatsoever except insofar as what other members of their same profession. And throughout the history of professionalism we've always watched each profession be strictly responsible for its acts and non-acts. Now, we are because of the question of taxation and other things that have come in the fold in the past five or ten years, to give some relief to the professional man to come under the corporate veil to become a beneficiary under these tax benefits, we now are crossed with the lines to also remove the exceptions and restrictions pertaining to cross officialism. How about the question of splitting and becoming into effect here with dentists and doctors? And if we pass this in spite of what my respected colleague Bernie Epton said, if we start now instead of a case of having doctors and dentists joining corporate entities, what would prevent the accountants and lawyers, what would prevent the engineers and architects later on, ad infinitum? And I think this is going to be left any vestige of professionalism and singleness of purpose in a professional capacity, I think we should defeat this measure because we are opening a new era which I think will hold no will for the state and for the public at large. Therefore, I ask that we defeat this bill. I don't



care, I hate to do this to my friend, Matijevich, but I did it with Douglas and I did it when Pierce had it and I have to do it with Mr. Matijevich, the chief sponsor, but for these reasons, these are compelling reasons and I ask your defeat of the bill."

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

Arthur L. Simmons: "Will the sponsor yield to a question?"

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

Arthur L. Simmons: "Representative Matijevich, can you tell me why the chief sponsor, Representative Douglas, asked to be removed as the sponsor of this bill?"

John S. Matijevich: "I think he explained on the floor of the House because there may be a conflict in his profession, he removed himself from this bill and another bill that had to do with the dentistry profession."

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

Harold A. Katz: "Ah, very briefly Mr. Speaker, Ladies and Gentlemen of the House. I support this bill for the following reasons. An individual human being has various parts of his anatomy, teeth, kidneys and so forth, and if you want to go to one place to have all of your medical and dental problems solved, it seems to me that it is to the advantage of the individual human being, our constituents, if they desire to do so, to go to a single medical facility which will take care of the medical and dental problems of the individual. We are not saying to our constituents that you



have to, but we're saying that if you want to join a medical-dental plan, under which all of your medical and dental problems will be taken care of at a single place, that that is not against the public policy of the state and you may do so. As far as the arguments made against it, one argument made against it is that it is a tax gimmick. I think the federal government can handle their own tax gimmick problems, believe me. I know that they are quite capable of making sure that people pay taxes on their income. As far as the other question raised, the mal-practice, any physician or dentist who renders treatment is liable for mal-practice suits in Illinois. It seems to me that this is a forward step, that it permits individuals to join plans that will provide total medical-dental care. I don't think we should stand in the way of it, I think we should encourage it accordingly. I will support the bill."

Hon. W. Robert Blair: "All right, the gentleman care to close?"

John S. Matijevich: "Yes, all right, Mr. Speaker, Ladies. . ."

Hon. W. Robert Blair: "Oh, wait, the gentleman from Sangamon, Mr. Gibbs."

W. Joseph Gibbs: "Will the sponsor yield to a question?"

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

W. Joseph Gibbs: "It's my understanding that you have the professional corporation under the Internal Revenue Code now which authorizes the forming of a corporation and if that's true, what is the need, the purpose of this particular act?"



John S. Matijevich: "Representative Gibbs, I'm not sure if the doctors and dentists are covered by that act and all I can say is that those professions feel that in order to be able to combine to provide these comprehensive health services, they need this bill."

W. Joseph Gibbs: "Thank you."

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

John S. Matijevich: "Mr. Speaker and Ladies and Gentlemen of the House, ah I'll only say in closing that this the purpose of this bill wasn't as a tax gimmick as you know. I was a sponsor of a bill prohibiting fee splitting and surely I wouldn't be a part of a bill to avoid the intent of my particular bill. The reason for this particular bill is to allow these physicians and dentists to provide total health care. This is a thing of the future, I'm sure many of you have heard of the Health Maintenance Organizations which are popping out all over the country because of the lack of health care services, and those of you in rural areas, I'm sure, have realized the paucity of these professions and have really been detrimental to the health cares of the of your communities, so I think that we in Illinois ought to pass this type of legislation to allow these professions to combine their services so that people can get better health care and I think another thing that is so important is preventive health care and I think we need this legislation to provide for it and I urge your passage of House



Bill 2645."

Hon. W. Robert Blair: "The question is shall House Bill 2645 pass? All those in favor vote 'Yeas' and the opposed 'No'. Have all voted who wished? The gentleman from Cook, Mr. B. B. Wolfe."

Bernard B. Wolfe: "Briefly, to explain my vote, Mr. Speaker. I think that most of the members are either misinformed of the bill or have misconceived this. This only permits the grouping of professional people in a group which permitting clinic or a group operation under a limited professional services corporation. It will not murder the ethics of any profession. They will still be controlled by the separate ethics of each profession. It will not destroy the liability of mal-practice. As a matter of fact, it would preserve and increase that liability, because then you could then add the professional corporation in addition to the individual doctor. I see no bad effects of the bill and I only see good in it in that it will permit these clinics to be organized, the group organization, where an individual, a patient may go and secure total and complete services within the framework of one group and I see nothing of an ill nature in that type of a of an operation, it's permitted now in various professions, as Representative Epton explained and now this now permits really the joinder of two professions within one operation."

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

Bernard E. Epton: "Mr. Speaker, Ladies and Gentlemen of the



House, in explaining my vote I certainly will agree with many of you who feel that perhaps this may not be the most important bill to face us in the legislature. But I think you should recognize the fact that perhaps most of you do, but allow me to lecture you, reemphasizing, that today a doctor and a dentist can practice in the same office and can do the very things we're talking about. There is no law, ethically or morally which would prohibit that today. Now, if this doctor incorporates himself as he can do under our act today, if this dentist incorporates himself as he can do today, they can again say stay in that same office and provide the services. All this bill does, however, it simply avoids the cost of two separate corporations. There isn't a thing that the doctor or the dentist can do today that they couldn't do without the benefits of this bill, but this bill saves a needless expense and all of you are so well aware of increasing costs of health care, whether insured or otherwise, that anything we can do to cut down expense has merit and I suggest that in this case that those who are failing to vote perhaps are doing it for fear of being known rather rather than any valid reason."

Hon. W. Robert Blair: "Have all. . .the gentleman from Cook, Mr. Mann."

Robert E. Mann: "Mr. Speaker and Members of the House, I would also like to express my support for this bill. One of the problems in the medical field today is the tremendous cost of hospitalization. Many people are going to



hospitals because they can not get preventative care and they can not get preventative care because we do not have group facilities which are available to address themselves to the total needs of the patient. I know of cases where people have gone to an individual practitioner with a perhaps an injury involving a a wound or something and where there is serious bleeding involved, to later find out that the patient also had diabetes, but the diabetes is not treated, only the symptom or only the wound is treated. Frequently, we find people with dental problems who have medical problems that are related, and all we're saying here is let's try to utilize the comprehensive health care which is available to all of the patients as a result of the totality of our expertise in the medical field and therefore I would urge that you vote 'Yeas' for this bill."

Hon. W. Robert Blair: "The Clerk will take the record. On this question, there are 81 'Yeas' and 12 'Nays' and this bill having failed to receive the constitutional majority is hereby declared lost. 1725."

Jack O'Brien: "House Bill 1725, a bill for an act to amend Section 3 of the 'Use Tax Act'. Third reading of the bill."

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

Michael J. Madigan: "Mr. . . ."

Hon. W. Robert Blair: "Do you desire to have 1726 heard at the same time?"

Michael J. Madigan: "Yes, Mr. Speaker."

Hon. W. Robert Blair: "Is there objection? All right, read



1726."

Jack O'Brien: "House Bill 1726, a bill for an act to amend Section 2 of the 'Retailers' Occupation Tax Act'. Third reading of the bill."

Hon. W. Robert Blair: "All right, the gentleman from Cook, Mr. Madigan."

Michael J. Madigan: "Mr. Speaker, the purpose of House Bill 1725 and 1726 is to provide an exemption for vending machine operators from the provisions of the Illinois Retailers Occupation Tax. The justification offered for these bills is simply this. The retailers' occupation tax is collected for the use of a bracket system, which is used so that the tax money will be collected even penny amounts and also to avoid the use of fractional tokens. There is a minimum figure for which there is no tax collected. The bracket system and the ranges within this bracket system allowing normal retailers to make up the tax loss below the minimum collection amount somewhere within the ranges. However, a vending machine operator is distinguished from normal retailer does not have this advantage to him. The net effect of this is to place the vending machine operator at a competitive disadvantage for two reasons. It does not have the benefit of the ranges within the system to make up the tax loss below the minimum and number two he cannot combine two or more sales to make up for tax losses below the minimum. This problem has been recognized by 24 other states which have passed remedial legislation in this area. Mr.



Speaker, I would ask for a favorable roll call."

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

Henry J. Hyde: "Well Mr. Speaker, Ladies and Gentlemen of the House, I rise reluctantly to oppose these bills because the facts of life are that this would cause a revenue loss of \$8.5 million dollars to the state and about \$2 million dollars to local government and at these times when the desperate search is for increased revenue to pay the mounting bills of welfare and medical care, mental health, education, both elementary and high, why we can ill afford to lose \$8.2 million dollars statewide and local governments can ill afford to lose \$2 million dollars revenue. So, for those reasons I urge a red light on these two bills. Thank you."

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

Roman J. Kosinski: "Mr. Hyde, Majority Leader, I can understand your reluctance to rise. In terms of the problem that confronts us today, our loss of revenue through these bills is insignificant as to the loss of revenue through other ill-advised legislation. I think we can absorb this if we are very careful in our general budget."

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

Brian B. Duff: "Will the sponsor answer a question, please?"

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

Brian B. Duff: "Ah, Representative Madigan, this is proposed on the basis that it is burdensome to the vending machine operators, is that right?"



Michael J. Madigan: "Mr. Duff, no, Mr. Duff, it is proposed on the grounds that the present system results in a position of competitive disadvantage for the vending machine operator, who is a retailer, as opposed to the normal retailer. The vending machine operators is not in a position to make up the tax loss for sales made below the minimum."

Brian B. Duff: "In other words if I come down Route 66 and I stop at a gas station and the only way that I can get a coca cola is through a vending machine and they charge me 20¢ for a 10¢ drink, ah, is this a burdensome thing that they would have to pay tax out of that? I mean do you have any figures for example on the cost or the profit on a vending machine and then lower ranges? Do you have any cost or profit figures that would relate to this tax burden that you're talking about?"

Michael J. Madigan: "Representative Duff, I believe that the best approach to take to the problem is simply to view it from the dichotomy that I have tried to use. View it from this perspective. Imagine a retailer operating a small store along any street in Springfield who makes a \$1.00 sale. At the time he makes the \$1.00 sale, he is allowed to charge the five per cent retailers' occupation tax to the consumer and therefore he collects the tax from the consumer. Now, that \$1.00 sale may have been composed of several 5¢ and 10¢ items, and if the same sale had been made by vending machine operators, all of the items below, 5¢, 10¢, all of the items below 15¢ would not be any, the



vending machine operator would not be in a position to collect tax from the consumer who was the original object of the tax. The tax was originally designed to tax the consumer, not the retailer."

Brian B. Duff: "Well, now, Mr. Speaker, may I speak to the bill?"

Hon. W. Robert Blair: "Yes."

Brian B. Duff: "Now, while there is surely an objective to tax the consumer there is no question historically these taxes in Illinois have been placed on the retailer. It's a retailers' occupation act. The reason being, of course, that at the time the sales tax was unconstitutional. So, the argument that we're trying to tax the consumer while even it might ultimately have some basis in attention is not at all true in fact. And here you have a particular type of marketing system that has an advantage over other types of marketing systems in their particular locations. The profits of which are far in excess of the profits of other kinds of marketing systems on a similar item. Consequently, I see no burden at all that should be absolved by any legislation and I see clearly that I speak against the bill."

Hon. W. Robert Blair: "The gentleman from Winnebago, Mr. Simms."

W. Timothy Simms: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of the Majority Leader's position on these bills. It would seem to me with the financial con-



dition of the State of Illinois, the request for additional welfare funds, additional monies to replace those that have been lost by the personal property tax, upon the loss of certain other taxes to local government, at this time to pass these bills them seem inopportune. It would seem better to wait until the Spring session of the General Assembly and take a more comprehensive look at the overall tax structure, the financial picture of the State of Illinois, before we start removing some taxes on specialized industry. There has been some discussion in the last few days concerning certain businesses and corporations were having a definite tax break, and I do notice that many legislators felt that this was unfair. Well, this is nothing but specialized legislation for a few select and this will be a loss to the State of Illinois and I urge that these bills be defeated."

Hon. W. Robert Blair: "Any further discussion? The gentleman from Cook, Mr. Madigan, to close."

Michael J. Madigan: "Mr. Speaker in closing to the Majority Leader, I sincerely appreciate your great reluctance. To Mr. Duff, I must insist that we are not attempting to lift a burden from the vending machine operator, we are simply attempting to rectify a position of competitive disadvantage. On the one hand, one retailer pays the tax collected from the consumer, on the other hand, another retailer pays the tax from what should be his profit. I see no justification for this and therefore I solicit your support. Thank



you, Mr. Speaker."

Hon. W. Robert Blair: "The question is shall these two bills pass? All those in favor vote 'Yeas', the opposed 'No' and the Clerk will take two roll calls. Have all voted who wished? The Clerk will take the record. The gentleman from Cook, Mr. Hyde."

Henry J. Hyde: "Mr. Speaker, yesterday there was a bill up there that affected lawyers and the gentleman from Winnebago made the comment and it was quite proper I thought that lawyers not be involved. I noted that he voted for this, however and I therefore feel that his sensitivity to conflict of interest is very selective."

Hon. W. Robert Blair: "Londrigan, 'Yeas'. Tipsword, 'Yeas'. On this question, there are 51 'Yeas' and 28 'Nays' and these bills having failed to receive a constitutional majority are hereby declared lost. All right, we're about at the end of the bills that were requested to be heard. If there are any that we haven't addressed ourselves to on House Bill third, if you'll let us know here, we'll consider those. The gentleman from Cook, Mr. Palmer."

Romie J. Palmer: "Mr. Speaker, with leave of the House, I'd like to table, just 2406. Ah, that's it."

Hon. W. Robert Blair: "All right, is there objection? All right, then with leave we'll table. 3696."

Jack O'Brien: "House Bill 3696, a bill for an act to amend Section 14-3.2 of 'The Election Code'. Third reading of the bill."



Hon. W. Robert Blair: "I understand there is desire to have this bill called back to the order of second reading for purposes of considering an amendment? All right, take it back to second and the Clerk will read the amendment."

Jack O'Brien: "Amendment Number One, Shea. Amend House Bill 3696, in lines 1 and 5, by striking 'Section 14-3.2' and inserting in lieu thereof 'Sections 13-1.1 and Sections 14-3.2'; and in line 6, by striking the word 'is' and inserting in lieu thereof the word 'are'; and by inserting between lines 7 and 8 the following: 'Section 13-1.1. In addition to the list provided for in Section 13-1 or 13-2, the chairman of the county central committee of each of the two leading political parties shall submit to the county board a supplemental list or lists, arranged according to precincts in which they are to serve, of persons available as judges of election. . .'"

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

Gerald W. Shea: "Mr. Speaker, Ladies and Gentlemen of the House, I think this is an agreed resolution between the sponsor of the bill and myself. This makes it applicable statewide and I would move for the adoption."

Hon. W. Robert Blair: "Is there discussion? All those in favor of the adoption of the amendment say 'Yeas', the opposed 'No', the 'Yeas' have it and the amendment is adopted. Are there further amendments? Third reading. 3699."

Jack O'Brien: "House Bill 3699, a bill for an act to amend sections of 'The Election Code'. Third reading of the bill."



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

Philip W. Collins: "Ah, Mr. Speaker, Ladies and Gentlemen of the House, House Bill 3699 merely would amend 'The Election Code' to allow that the polls would remain open one hour longer from it would extend the time from 6:00 A.M. to 7:00 P.M. Ah, it is felt that by many that an hour longer to vote on voting day would give people coming home late in the evening a better opportunity to vote. This bill has the support of the State Federation of Labor, the A.F. of L.-C.I.O., and those of you who receive their news letter this week saw that on the in their letter they did editorialize concerning the bill and I would ask your favorable consideration."

Hon. W. Robert Blair: "The gentleman from Peoria, Mr. Carrigan."

James D. Carrigan: "Will the sponsor yield to a question, please?"

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

James D. Carrigan: "Phil, has there been any provision made that the judges of election will receive any more money for that extra hour?"

Philip W. Collins: "Ah, no, there's nothing in the bill that would provide for any more compensation."

James D. Carrigan: "A lot of them are going to be very unhappy."

Philip W. Collins: "Ah, that may be. I do believe that there are many voters who are unhappy when they are closed out at



6:00 A.M. also, Jim."

James D. Carrigan: "Thank you."

Philip W. Collins: "Or 6:00 P.M."

James D. Carrigan: "Well, we close them out at 6:00 A.M., too."

Hon. W. Robert Blair: "Is there further discussion? The gentleman care to close?"

Philip W. Collins: "No."

Hon. W. Robert Blair: "All right, the question is shall House Bill 3699 pass? All those in favor vote 'Yeas', the opposed 'No'. Have all voted who wished? This bill has the provision that it will become law upon its passage, so it will require 107 votes. Have all voted who wished? The Clerk will take the record. On this question, there are 120 'Yeas' and 4 'Nays' and this bill having received the constitutional three-fifths vote is hereby declared passed. House Bill 3696."

Jack O'Brien: "House Bill 3696, a bill for an act to amend Sections 13-1.1 and 14-3.2 of 'The Election Code'. Third reading of the bill."

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

Philip W. Collins: "Mr. Speaker, Ladies and Gentlemen of the House, this is a bill that was amended a short time ago. The agreed amendment with the Assistant Minority Leader and myself. The bill would merely provide for supplemental lists of election judges to be provided by the Chairman of the respective political parties to boards of election com-



missioners and now to county clerks throughout the state. I would ask for your support of this bill."

Hon. W. Robert Blair: "All right, the question is shall. . . did you uh suspend the rules so that we could ah hear it? Yes, all right, is there objection? All right, leave is given so that this bill may be considered even though the amendment was just adopted one bill ago. The question is shall House Bill 3696 pass? All those in favor will vote 'Yeas' and the opposed 'No'. Have all voted who wished? The Clerk will take the record. On this question, there are 140 'Yeas' and no 'Nays' and this bill having received the constitutional majority is hereby declared passed. House Bill 2."

Jack O'Brien: "House Bill 2, a bill for an act to amend Sections of 'The Election Code'. Third reading of the bill."

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

Daniel M. Pierce: "Mr. Speaker, Ladies and Gentlemen of the House, this bill won't cost the state anything. It may cost a few of us our jobs. This bill this bill would change the primary date from the third Tuesday of March which next year would be March 21, to the fourth Tuesday of May. The filing dates instead of early December would become the middle of February, the filing dates for all state, national and county candidates. Ah, the bill is needed to shorten the campaign period. Many of us feel that a one year campaign is far too long, we're out in our counties now trying to round up county candidates for the November, 1972



election. In October and November of 1971, because they have to print their petitions and file them early in December. People aren't concerned with that election now, and it's very hard to find good candidates a year in advance. Also, in northern part of the state, especially, we campaign in very poor weather in January, February and March and often in snow and blizzards, and we'd often be better off with a May primary. If we had the fourth Tuesday of May primary, the primary would be May 23 of 1972. This bill has been discussed before, we're all familiar with the primary elections and I would therefore ask for a favorable vote on House Bill 2. We've had plenty of time to consider it, it was pre-filed November 30 of 1970, before we started this session, so we've all had plenty of time to study the bill."

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

Philip W. Collins: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition, not so much as to the date set by the bill, but to any change at the present time. In recent years, we've experienced April primaries, we've had June primaries, and now it's suggested that we switch to May. Ah, I think that an argument can be made for every month of the year if you care to advance one. Ah, I believe at the present time it would be better for us to leave the primary at the present date, let's give it one more chance we can consider it again next year. There are candidates who are anticipating campaigns who have already printed



petitions and are circulating them at the present time. I think that it would be unwise at this time to make a change of the primary date. As I say, I don't oppose the principle or the month. I think that you can advance valid arguments and objections for almost any anticipated change, so let's leave it where it is for the present. If it is proven that the majority are in opposition to the March primary after next year, then perhaps we can consider May or whatever month may be advanced by others who have suggested changes in the primary date. At the present time, and at this late date I certainly think that it would be ill-advised to make this change and I would urge the House to object this bill at this time."

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

Thomas J. Hanahan: "Mr. Speaker and Members of the House, I too oppose this bill and reasons may be selfish, but let's face it, the members of the General Assembly will be in session more than likely for the months of April, May and June, on the budget. We're talking about handling \$6 billion dollars or thereabout and I think that the people elected us a year ago to be down in Springfield deciding the budgetary activities of this state and if we change this primary date to the date of May, we would certainly be in conflict with many members of the General Assembly, both in the House and in the Senate that will have primary contests in trying to run a campaign back home in a district and being down here



worrying about budgetary matters. I urge its defeat because of that reason."

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

Henry J. Hyde: "Well, Mr. Speaker, I'd like to echo the sentiments, as seldom I do, of the distinguished gentleman from McHenry. Ah, what when May comes we will be in the very center of a hard working session, we'll be in the middle of next session's legislative work, we're giving our opposition an opportunity to campaign against us and to point with pride or view with alarm at our voting record down here while they're back campaigning, we're down here tied to our desk. So, in a blatant and somewhat unfashionable appeal to self-interest, I suggest we leave the primary just where it is in March. Thank you."

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

Daniel M. Pierce: "Mr. Speaker, I've always felt that the best thing we could do to get re-elected was to do a good job down here for our people, so maybe that's where we should be before the primary rather than back home explaining why we didn't do what we should have done. I would say in answer to Mr. Collins, this bill, and no one seemed to bring this up, this bill would give the March primary another chance, because there is no emergency clause on this bill and with our present rules it wouldn't be effective until July 1, 1972, and therefore would affect the 1974 primary which we're all so vitally concerned with now, but would not affect the 1972 primary. It would do this. It



GENERAL ASSEMBLY

STATE OF ILLINOIS

HOUSE OF REPRESENTATIVES

would leave a vehicle in the Senate in case some court froze the legislative or congressional reapportionment up for grabs. They could put an emergency clause on by a three-fifths vote, and we could concur if we had to delay the primary because some court interfered with our legislative prerogative in reapportionment, or with the commission. I urge that we send the bill over to the Senate with 89 votes and you will have another chance then for the March primary and I ask for a favorable vote on House Bill 2."

Hon. W. Robert Blair: "The question is shall House Bill 2 pass? All those in favor vote 'Yeas', the opposed 'No'. Have all voted who wished? Have all voted who wished? The Clerk will take the record. On this question, there are 71 'Yeas' and 60 'Nays' and this bill having failed to receive the constitutional majority is hereby declared lost. The gentleman from Perry, Mr. Cunningham."

William J. Cunningham: "Personal privilege, sir."

Hon. W. Robert Blair: "Proceed, slow."

William J. Cunningham: "Mr. Speaker, slowly, you say? Mr. Speaker, Ladies and Gentlemen of the House, I hate to bring it up but there's a piece of personal property missing from my desk and I know it was removed by mistake. I'd appreciate a check of your desk maybe, for I.D. purposes, it's a black bag, it contains some personal property, some personal paper, including a voting requirement as set forth by the mayor of my hometown, too, and I notice that under House Bill 3700 that passed by this House, us insurance



men won't be able to sit here anymore, but it didn't say anything about thieves and I noticed that cash transactions are not restricted, either. And while I can't extend the cash, some kind of a cash gratuity for my black bag, then I might be pressured into returning certain purloined private property of the some of the minority leadership if a compromise could be worked out on this thing. Thank you, sir."

Hon. W. Robert Blair: "3559."

Jack O'Brien: "House Bill 3559, a bill for an act to amend sections of 'The Illinois Public Aid Code'. Third reading of the bill."

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

Monroe L. Flinn: "Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, House Bill 2559 amends the Illinois Public Aid Code. It removes the provision requiring a lien on all real property and security interests on mobile homes and trailer coaches of the aged, the blind and the disabled persons who are on public aid receiving public aid. I solicit your support."

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

Henry J. Hyde: "Mr. Speaker, Ladies and Gentlemen of the House, I oppose this bill. This does more than simply affect mobile homes. It affects all real property because of the way the bill is drafted and what this bill does is take away any lien that the department has on property from



an aid recipient and it doesn't benefit the aid recipient one bit. All it would be would be the windfall for the heirs of the recipient. Now, under current practice the department does not enforce this lien when the recipient is living. If the recipient of the aid has passed away, the department does not enforce the lien against the living spouse or dependent spouse or a dependent child in the home-
stead. As a matter of fact, the existence of a lien requires the department to make sure the taxes are paid, that fire insurance is on the premises and necessary repairs are made to meet the health and safety standards of the community and needs of the family. In addition, the passage of this bill would reduce income to the state's general revenue fund by approximately \$650,000.00 and about 50 per cent reduction in the \$502,000.00 that is collected from the states. Now, this bill is not going to help the recipient of aid, the surviving spouse or the dependent child, but simply be a windfall for the heirs of such a recipient. It is not a sound bill fiscally, nor in theory. I think something should done for the taxpayers and the passage of this bill would be a disservice to them, so I urge your red vote."

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

James G. Krause: "Mr. Speaker and Ladies and Gentlemen of the House, I rise in support of this piece of legislation. The Majority Leader has read from a report from a position



paper put out by the Department of Public Aid. I don't know, Henry, what your position paper says, but mine says \$650 million a year, yours says you said \$650,000.00. Now, I'm going to assume that the \$650 million probably is the figure and it amazes me even if it was \$650,000.00 it amazes me that we should be putting the lien on the property of the aged, the blind and the disabled. Now, we make downpayments for public aid recipients to buy a home, we pay the payments if they're paying for a home on bond for deed and after we've made a downpayment, we make the monthly payments on it with no lien attached, but when it comes to the old people, the blind people, then we seem to think that we ought to have a lien. The people that have worked all their lives to obtain a small little house someplace have to allow a lien to be put on their house, because they happen to need some help, because they're old, they're blind or they're disabled. To me this is a great injustice. Now, when we talk about the money that's going to be lost to the state and my paper says \$650 million. Now, that's half, that's more than half of the entire budget for the Department of Public Aid. Now, it's amazing to me that we would take the old people and the blind people and make them pay half of the budget of the Department of Public Aid. I've heard cries all over that there isn't any money from the income tax, because Public Aid takes all the money. And I'll tell you something else. I voted for the income tax, I'm the only Democrat south of Chicago who voted for



the income tax, so I believe in income tax, but I don't believe in taking that \$650 million away from the poor people, the old people and the blind people. To me this is a terrible thing. I just got a phone call yesterday where a lady was taken off of aid because of the cut back that has happened in aid for the past couple of months. She's a diabetic, she's old and they decided that they should take her off of aid. I suppose if she owned a house they would have kept her on aid so they could have filed a lien on her house. But she didn't own a house. Mr. Speaker and Members of the House, I hope this bill passes. It's long past due. Thank you."

Hon. W. Robert Blair: "The gentleman from Macon, Mr. Borchers."

Webber Borchers: "Mr. Speaker and Fellow Members of the House I'd just like to make two points. One is been ably tested on by the Representative Hyde. Now, this is a debt that is owned on that property for the care and the money that the state through its good heartedness has given to support this particular person, blind, old, whatever it may be. There's another angle involved, and I won't retouch on that, it was well done, but this other angle that evidently has not been thought about. And right now in Decatur on a street in the south part of Decatur is the home of a Mrs. Gee who is now dead, she was blind for many years. Her children no more cared for that person. They did not visit her. Ah, the breakdown of the ownership was rather messed up because of or the heirship because some of



the children are now in various parts of the country, they don't even respond to the requests of the Attorney of this particular estate to reply that some settlement can be made and probably be turned over to the state so this by this means it is possible that a clear title can be secured, because the state's lien by the state in exercising this lien can turn over a clear title at the public sale of this particular house. And I think it's only just that the people receive back a modicum of the monies that they have expended in the aid of Mrs. Gee in Decatur, so I think that we should vote against this bill."

Hon. W. Robert Blair: "The gentleman from Vermilion, Mr. Craig."

Robert Craig: "Mr. Speaker and Members of the House, this is one bill that I feel rather strongly about. I'd like to see all the green lights up there and I'm going to tell you the reasons why I feel the way I do. I've been in these old peoples homes that needed help that didn't want to go on relief, they didn't want to get state aid, because they had a little very modest home, if you please, and they didn't want to sign that home over to the State of Illinois. Now, as far as dollars and cents, I've been in some of these homes and I'll tell you this, you wouldn't you'd probably want to burn them down if you had them anyway. But that home to those people meant a lot. Maybe it meant just as much to them as your mansion or section of land, because they'd worked their life time and wired this little home



and another thing you talk about eyesores and probably property being run down, it doesn't give them any incentive or their children any incentive to help in anyway to keep this home at any reasonable means, because they realize when they do that, all they're doing is going to make more money for the State of Illinois, because they're going to get it, and I realize full well that the Illinois Taxpayers Federation, the Illinois Agriculture Association and all the other organization probably are very much opposed to this, but I'll also have to inform you that everyone of those associations have lobbyists, paid lobbyists down here, paid good and paid well, to present their side of the story, to present their interests to the members of this General Assembly and these old people in town don't have anyone down here lobbying for them and I think it would behoove us to at least have our hearts and our sympathies for these few old and aged and blind people to at least leave their homes with them as long as they live without us feeling like we have to go out here and take a lien the minute we do something for them. I'd appreciate a green vote."

Hon. W. Robert Blair: "Any further discussion? The gentleman from Winnebago, Mr. Simms."

W. Timothy Simms: "I move the previous question."

Hon. W. Robert Blair: "All those in favor say 'Yeas', the opposed 'No', the 'Yeas' have it and the previous questions been moved. The gentleman from St. Clair, Mr. Flinn, to



close."

Monroe L. Flinn: "Thank you, Mr. Speaker. I'll try to answer a couple of questions here. The first one I'll try to answer is Representative Borchers raised the question about the children's love. I'm not trying to get a bill passed that will make the children love their parents anymore or any less. We talked about the other day when we were talking about this subject, that we couldn't legislate that sort of thing. The whole purpose of this thing is to remove a very bad psychological effect on the old people, the blind people and the disabled, and that they're being treated less fairly than those people who pay rent are those people who have a bond for deed mortgage. Try to put yourself in the place of those people at night when they lay down, it doesn't make any difference if it's a one room home, two or three, that's still his castle, but if he's had to go on the public aid and give a lien on his house, he may have after several years laid down at night and looked the ceiling and say we are now sleeping in a mortgaged house. Now, during this session, the other side of this legislative body last week decided that they would blow \$6 million dollars on election of county board members. Today we are debating whether or not we are going to let some people, who in my opinion, deservingly have a right to live in peace their last days and as the distinguished Majority Leader mentioned, it will cost about \$1 million. This is one tenth of one per cent of the entire public aid



cost for the State of Illinois. It is one per cent of the entire cost for this type of aid to the blind, the old and the disabled. I actually was not aware that there was such an unfair law until a few weeks ago, and it was called to my attention and I couldn't believe that it was so, so I had to check the statutes to see. Now, the only thing different is that now they these people own their own homes and are required to give a lease on them. They are otherwise eligible and the Department of Public Welfare's got a letter out here that leads me to believe that if I didn't know better that there's a long line of people who are not on public aid but just waiting for some law to be passed so they can go in and apply for public aid. This in my opinion is not true, I think it's a discredit for the Department to try and even make me believe so or anyone else who receives a copy of this letter. I know it's been a long day and I don't intend to take any more time. I ask all of you for a favorable vote. Thank you."

Hon. W. Robert Blair: "The question is shall this bill pass? All those in favor will vote 'Yeas' and the opposed 'No'. The gentleman from Cook, Mr. Hyde."

Henry J. Hyde: "Well, Mr. Speaker, in explaining my vote, I want to say that the chief sponsor of this bill has been accurate but some of the other people who spoke on it, I don't think understand what the bill does. The imposition of this lien does not harm the aid recipient at all, it helps the recipient, because the state then becomes respon-



sible for seeing that the taxes are paid on the old homestead, that repairs are made on the old homestead and that fire insurance exists on the old homestead, all the passage of this bill would do would give a windfall to the heirs who could live in Ohio or Tanganyika. This doesn't do a thing for the aged. Now, our concern for the aged ought to and the blind and the disabled ought to cease when they're lowered into the ground. Why what do we care about the heirs of the disabled? I'm not talking about a dependent child, they still can live in the homestead and not have this lien enforced. Now, let's have a little concern for the living to what the taxpayers, the most abused and underrepresented segment of society and at the same time maintain our care for the aged, the blind and the disabled. This bill is nothing but a windfall for heirs and ought not attack the public pocket. Thank you."

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

Arthur E. Simmons: "Mr. Speaker, I would like to oppose this bill and remind the legislature that the reason this was put on which hasn't been for many years, that when old people applied for to go on welfare, they have to show that they don't have a lot of cash or a lot of property. And it used to be that if a person wanted to go on welfare, they were forced to sell their homestead or their house and spend the money down to about \$500.00 and when they were just about broke then and only then could they get on welfare, and I believe it was Representative Carroll, now Sen-



ator, that sponsored this bill to say let the old people stay in their house and not be counted as an asset while applying for welfare, and then when they die the state could recover the money that they had advanced. I think this is a bad bill and should be defeated."

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

James G. Krause: "Mr. Speaker and Ladies and Gentlemen of the House, I'd just like to answer the Majority Leader a little bit when he talks about this being a windfall for the heirs that after the aged or the disabled or the blind was deceased. I want you to know Representative Hyde that right now today we make downpayments on houses, we make monthly payments on houses for people on public aid and we don't have a lien on those houses. We only put the lien on the aged, the blind and the disabled, to people who have worked all their lives to get their house, and they finally get their house paid for and the State of Illinois comes along and puts a lien on it because they need some help."

Hon. W. Robert Blair: "The gentleman from Vermilion, Mr. Craig."

Robert Craig: "Mr. Speaker, Members of the House, again I want to say that while they're talking about windfalls, they're talking about a lot of these homes that they aren't hardly worth burning down and another thing I'd like to recite to some of the gentlemen that talked about they had to get down to \$500.00, but it so happens that not everybody's



covered under our Code of Ethics and if you want to be a real sharpie, you can sell your property, you can get rid of all your money and cash, there's not much they can say or do with it and they turn in and they've only got \$500.00 so when I get on aid, state aid, they'll set me up in a good, modern apartment, if you please and pay my rent and also pay these things to these people and they can live a lot better than the people who are proud of this little, modest home that they have, if you please, but they live in this modern home, but the sharp operator, he sells out prior to the time he's going to go old age and he can have his money in a sock or something else and he can live a lot better. It's for the people that I'm talking about that are proud of their little homes, the same as you are of your big home or farm or what have you and I would like to urge enough green votes to pass this bill."

Hon. W. Robert Blair: "The gentleman from Macon, Mr. Borchers."

Webber Borchers: "Mr. Speaker and fellow members of the House. These people are dead. That if the state acts against their house, they have no more a need for pride in their little home. They're gone, but the house remains. They're completely eliminated from the scene. I can't understand why anyone can't simply see when the state gives someone you, for example, money, why the state hasn't got a right, just like a bank to get it back and not have the people bear the severe some more unnecessary costs that we are continually confronted with with welfare."



Hon. W. Robert Blair: "Have all voted who wished? The Clerk will take the record. The gentleman from St. Clair, Mr. Flinn."

Monroe L. Flinn: "Mr. Speaker. In explaining my vote, I would like to take the opportunity to answer Mr. Borchers, or Representative Borchers again. I would be willing to have an amendment put on this bill, to have an amendment put on it, with nothing but dead people to sign the lien. He knows ever so well that we're not talking about dead people. We're talking about old people who are in their last days on this earth. We're talking about disabled people who are not able to make a living any other way and must go on public aid. We're talking about blind people who are not employed and must go on public aid. That's exactly what we're talking about. We're not talking about dead people at all. We're not talking about their children. We're talking about the psychological affect we have on these people in their last days on this earth."

Hon. W. Robert Blair: "Have all voted who wished? The Clerk will take the record. On this question, there are 87 'Yeas' and 40 'Nays'. The gentleman from St. Clair, Mr. Flinn."

Monroe L. Flinn: "Mr. Speaker, I respectfully request a poll of the absentees."

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

Jack O'Brien: "Arrigo, Bluthardt, Burditt, Capuzi, P. W. Collins, Conolly, Les Cunningham, Douglas, Downes, Dyer, Epton, Fleck, . . ."



Hon. W. Robert Blair: "Fleck, 'Present'."

Jack O'Brien: "Granata, Hall, Hart, Henss, G. L. Hoffman, Holloway, Houde, Janczak, Kahoun, Karmazyn, Katz, Kipley, Kleine, Klosak, Lauterbach, Lindberg, McCormick, McDevitt, Meyer, K. W. Miller, P. J. Miller, Murphy, North, Palmer, Pappas, Philip, Rose, Schlickman, Sevcik, Simms, William W., Springer, Telcser, J. W. Thompson, Tip sword, . . ."

Hon. W. Robert Blair: "How is the gentleman recorded? Tip sword?"

Jack O'Brien: "Not voting."

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

Jack O'Brien: "G. . ."

Hon. W. Robert Blair: "The gentleman from Sangamon, Mr. Londrigan."

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

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

Jack O'Brien: "The gentleman is recorded as voting 'Nay'."

James T. Londrigan: "Change it to 'Yeas'."

Hon. W. Robert Blair: "Change it to 'Yeas'."

Jack O'Brien: "G. . ."

Hon. W. Robert Blair: "For what purpose does the gentleman from Kane, Mr. Waddell, rise?"

R. Bruce Waddell: "Mr. Speaker, how am I recorded?"

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

Jack O'Brien: "The gentleman is recorded as voting 'No'."

R. Bruce Waddell: "Change it to 'Yeas'."

Hon. W. Robert Blair: "Change the gentleman's vote from 'No'



to 'Yeas'. For what purpose does the gentleman from Cook, Mr. Jaffe, rise?"

Aaron Jaffe: "How am I recorded as voting?"

Hon. W. Robert Blair: "How is the gentleman recorded as voting?"

Jack O'Brien: "The gentleman is recorded as voting 'Yeas'."

Hon. W. Robert Blair: "Proceed with the roll call, or whatever we're doing. The absentees."

Jack O'Brien: "Genoa Washington, Williams, J. J. Wolf, Zlatnik."

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

Henry J. Hyde: "Mr. Speaker, I would ask to verify the affirmative roll call."

Hon. W. Robert Blair: "All right, the members will be in their seats. Proceed to verify the affirmative vote."

Jack O'Brien: "Alsup, Barnes, Barry, Bartulis, Berman, Boyle, Bradley, Brandt, Brummet, Caldwell, Calvo, Capparelli, Carrigan, Carroll, J. Y. Carter, R. A. Carter, Chapman, Choate, Colitz, O. G. Collins, Corbett, Craig, W. Cunningham, Davis, DiPrima, Duff, Ewell, Fary, Fennessey, Flinn, Friedland, Gardner, Garmisa, Giorgi, Graham, Hamilton, Hanahan, Hill, Houlihan, Jacobs, Jaffe, Keller, Kennedy, Klosak, or excuse me, Kosinski, Krause, Laurino, Lechowicz, Lehman, Lenard, Leon, Londrigan, M. J. Madigan, Mann, Maragos, Markert, Matijevich, McClain, McDermott, McGah, McLendon, McPartlin, Merlo, Nowlan, D. J. O'Brien, O'Hallaren, Pierce, Rayson, Redmond, Ropa, Scariano, Schisler,



Schneider, Shaw, Shea, Ike Sims, Smith, Soderstrom,
 Stedelin, Stone, Taylor, Terzich, R. L. Thompson, Tip-
 sword, VonBoeckman, Waddell, H. Washington, R. J. Welsh,
 F. C. Wolf, B. B. Wolfe, Yourell."

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

Henry J. Hyde: "Mr. Speaker, Mr. W. Cunningham?"

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

Henry J. Hyde: "Mr. Ewell?"

Hon. W. Robert Blair: "He's not here, take him off the record."

Henry J. Hyde: "Mr. J. W. Thompson?"

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

Jack O'Brien: "The gentleman is recorded as not voting."

Henry J. Hyde: "Mr. Boyle?"

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

Henry J. Hyde: "Mr. Bartulis?"

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

Henry J. Hyde: "Mr. Jim Carter?"

Hon. W. Robert Blair: "Take him off the, I don't see him,
 take him off the record."

Henry J. Hyde: "Mr. DiPrima?"

Hon. W. Robert Blair: "There, he's there."

Henry J. Hyde: "Mr. Garmisa?"

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

Jack O'Brien: "The gentleman is recorded as voting 'Yeas'."

Hon. W. Robert Blair: "Take him off the record."

Henry J. Hyde: "Mr. Keller?"

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



Henry J. Hyde: "Mr. Markert?"

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

Henry J. Hyde: "Mr. McClain?"

Hon. W. Robert Blair: "Take Mr. McClain off the record."

Henry J. Hyde: "Mr. Scariano here?"

Hon. W. Robert Blair: "Yep."

Henry J. Hyde: "Mr. Jacobs?"

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

Henry J. Hyde: "Is Mr. Schneider here?"

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

Henry J. Hyde: "Is . . ."

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

Harold A. Katz: "Would the Clerk record me as 'Yeas', Mr. Speaker, please?"

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

Jack O'Brien: "The gentleman is recorded as not voting."

Hon. W. Robert Blair: "Record the gentleman as 'Yeas'. Ah, the gentleman from Tazewell, Mr. VonBoeckman."

James VonBoeckman: "How am I recorded Mr. Speaker?"

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

Jack O'Brien: "The gentleman is recorded as voting 'Yeas'."

James VonBoeckman: "Thank you."

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

Richard A. Carter: "Mr. Speaker, how am I recorded?"

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

Jack O'Brien: "The gentleman is recorded as voting 'Yeas'."



Hon. W. Robert Blair: "All right, put Carter back on the roll call. On this question, all right, McClain is back. Put McClain back on. On this question, there are 89 'Yeas' 40 'Nays' and 1 answering 'Present', the gentleman from St. Clair, Mr. Krause."

James G. Krause: "Mr. Speaker, having voted on the prevailing side, I now move the vote by which House Bill 3559 was passed be reconsidered?"

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

Richard A. Carter: "Mr. Speaker, I move that motion lie on the table."

Hon. W. Robert Blair: "All right, on that question there'll be a roll call. All those in favor of the motion to table vote 'Yeas', the opposed 'No'. Have all voted who wished? The Clerk will take the record. On this question, there are 87 'Yeas' and 63 'Nays' and the motion to table prevails. 3061."

Jack O'Brien: "House Bill 3061, a bill for an act relating to the right of inmates in the Illinois State Penitentiary to receive visitors. Third reading of the bill."

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

R. Bruce Waddell: "Mr. . . ."

Hon. W. Robert Blair: "Oh, Mr. Cunningham. The gentleman from Lawrence, Mr. Cunningham."

Roscoe D. Cunningham: "Mr. Speaker and Members of the House. Compassionate, humanitarian, forward looking, these are the



adjectives that should properly describe 3061. This is an opportunity to move Illinois into the front rank of those who believe that the prime purpose to cherish gold, the worthy cause of incarceration is rehabilitation. Let us not shrink from this opportunity to move Illinois in that direction. Very simply and distinctly, 3061 permits a good conduct penitentiary inmate to have the right to have members of his family, defined as parents, wife, children and step-children visit him in the penitentiary six hours a month in private facilities. There was no substantial opposition to this bill in the committee, it passed 11 to 1, it is recommended by many penologists, it is the thing that we should that we should recognize, it's an idea whose time has come. The chaplain at Menard Penitentiary, Father Hanson McSport, there are many others who made a study of this problem that are for it. Certain suggestions have arisen, unfortunately the outset it included members from the jail and for that reason the Sheriff's department was against it. But after that was removed from the bill, the Sheriff~~s~~ were mollified, I'm here to assure you that I know of not a single Sheriff in the State of Illinois that is presently opposing this bill. There was some discussion as to whether the cost would be involved. We all know that there are many rooms in these penitentiaries, those of you who have been in the penitentiary, has voluntarily the know that there are many rooms there that are available for this purpose. It's no argument to say that any cost is involved.



You could have four or five mobile homes both at Statesville and Menard and solve this problem on that particular score. Now, the Department of Corrections in the State of Illinois makes a very fine effort in this direction and you will recall in the Spring we passed a bill that authorized penitentiary inmates to go home during the last year of their sentence, but that's the reason that that bill doesn't go far enough in the right direction. It only applies, thank you Charles, it only applies to those who have one year to go. What about the time before then and I think it's a mistaken notion for anyone to think that a dedication to law and order requires you to turn your back on the realities of life. Why make the members of the family suffer? Why not create a situation where those in society says that it must be incarcerated to maintain the proper relationship with the family back home that will then make the person incarcerated make it possible for him to return to society as a good citizen. I would welcome the support of all of you who find it in your heart to vote with a green light and I'd welcome particularly the support of those of you who feel as I that this is the thing that needs to come. If you have kind words to say in that department, why please do so now."

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

Harry Yourell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, there's three reasons that I'm going to support this bill, and the one of course is that Roscoe ad-



vises me that I owe him a vote and the second reason is that in the interest of love and the third reason with the passage of the ethics legislation, I really don't know where I'm going to be next year, so I'm going to vote 'Yeas'."

Hon. W. Robert Blair: "Any further discussion? The gentleman from McHenry, Mr. Hanahan."

Thomas J. Hanahan: "I, too, join with the sponsor in the crying need of prison rehabilitation. The facts remain that today we put inmates away and we forget all about them they're hidden from our view, but that doesn't make them any less a man or a woman. The Sheriff of McHenry County, our Sheriff Durrell, has written to Roscoe and in his letter to Roscoe Cunningham, he pointed out that the need of prison rehabilitation along with prison reform so that we don't constantly have the pressures of manhood being confronted with homosexual activities in prisons is a needed thing. This is a compassionate bill. I join with Roscoe in a much needed reform in the area of prison rehabilitation. I hope we even go further than this in the future with prison reform so that we treat people who are incarcerated with some sort of rehabilitation program. I think this bill will put Illinois in a step in the right direction towards this. I join with you, Roscoe."

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

Arthur E. Simmons: "Will the sponsor yield to a question?"

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

Arthur E. Simmons: "This inmate is serving say a five or ten



year sentence. He's been in a couple of years and the inmate happens to be a married woman and her husband comes to visit her and because of the visit she becomes pregnant and has a child. What will happen?"

Roscoe D. Cunningham: "No, Fred, if I may. Friend Arthur, it doesn't apply to women, it applies only to the men in the penitentiary. Hold it just a . . . maybe I didn't understand your question. Who is the inmate? Hold it there? Who is the inmate?"

Arthur E. Simmons: "Wife."

Roscoe D. Cunningham: "Well, it doesn't apply to them by the definition. I stand by my original answer. It applies to Statesville and Menard and that's the way that the statute is read. I gave away my only copy to Charles Fleck, who is holding it there, I hope to enlist in the cause. But I assure you it does not apply to women by the definition under the statute of an Illinois State Penitentiary."

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

Charles J. Fleck: "Ah, Roscoe, the way I read your only copy it says every person incarcerated in a penal institution."

Roscoe D. Cunningham: "No, no, just a moment, you go ahead and read the definition of the Illinois State Penitentiary. Your correction is superficial and inaccurate. There is no I state my license on this, Ladies and Gentlemen, it . . . will you put yours beside it? The question is involved the question involved here is, . . ."

Arthur E. Simmons: "Mr. Speaker, if I might speak to the bill



and not ask Roscoe another question. For six months now, I've been standing here, listening to Representative Dyer, Representative Chapman, Representative Hall strike blows for the women's lib, I've heard other persons strike blows for several other liberation movements. Now, we come upon this bill, which in essence provides for conjugal visits which I think is a very good thing if you're married, but now I'd like to strike a blow for the bachelors. I think this this bill militates against their interests and I think it is very very unfair to have a married man receive visits from his wife, six hours a month, and you have a bachelor for twenty-four hours reading a Playboy magazine. I think it is very unfair and we should vote against it."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. James Y. Carter."

James Y. Carter: "Mr. Speaker, and Ladies and Gentlemen of this House, I'm thoroughly in accord with what Roscoe hopes to achieve. In 1946 I had occasion to be in Mexico City and was invited by a Police Inspector to go to the federal penitentiary. Shortly after I arrived, this was a sight-seeing visit, gentlemen, shortly after I arrived, promptly at the stroke of 8:00 the gates were opened and in came families, single women to visit their boyfriends and I was told by that inspector, here we treat our prisoners like men and women. He said we don't make homosexuals out of our males or our females. He said we allow them full family privileges on a Sunday and we keep all of our homosexuals



locked up in one ward and believe you me we know who they are. I think this is a good piece of legislation."

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

Roscoe D. Cunningham: "Yes, Mr. . . ."

Hon. W. Robert Blair: "Oh, so, . . . just a minute. . . the gentleman from Cook, Mr. Shaw."

Edward J. Shaw: "Mr. Speaker, Ladies and Gentlemen of the House, I believe I put in more time in the penitentiaries visiting them when our commission and as I read here permits prisoners one six hour visit with the family per month in private surroundings. Now, I have never seen any private surroundings in the prisons. We'll have to have some new private surroundings built for that purpose. And I believe the sponsor of this bill failed to put in a fiscal notice because it will cost the taxpayers some money to build this with running water, baths, towels and what not. Have you filed a fiscal responsibility here, Mr. Cunningham, for that purpose?"

Hon. W. Robert Blair: "All right, the gentleman from Lawrence, Mr. Cunningham, to close."

Roscoe D. Cunningham: "Ladies and Gentlemen, so many times the easy way out in these solutions and these problems is just to ah laugh a bill to death, but we need to consider for just a moment the seriousness of the problem presented. I would like to answer some of the questions that have been raised here, the last question whether or not there was a fiscal note. As I explained to you initially, there is ab-



solutely no use for a fiscal note because there's no expense of any size involved. It is sheer utter nonsense to say that an institution as large as Statesville or Menard there'd be any difficulty whatsoever in setting aside a half a dozen rooms for the carrying out of the purpose of this bill. Now, I have not emphasized the intimacy aspect of the bill that seems to attract so many of you. I would remind you I would remind you of the slogan from the Order of the Garter, "evil to him who evil thinks." I would ask you rather to recognize that there are other things in life besides your preoccupation this matter and that's the family relationship that we seek to preserve. If you are generally dedicated to the notion that the basic purpose of incarceration of of one in the penitentiary is his rehabilitation, create the means, create the situation where that is possible. That's what is involved here. You need apologize to none if you believe as I believe that it's wrong, it's wrong, as wrong as wrong to be, it's wicked, to create a situation where a man's life ends as a possible member of a free society because he is jailed and to throw away the key. When he comes back after a sentence of four or five years, it's impossible for him to regain the thread of life when you have destroyed all semblance of an orderly connection between the life that was, the life that he had in the penitentiary and a resumption of that. I will welcome your green lights on this particular issue and you'll be proud you voted for it."



Hon. W. Robert Blair: "The question is shall House Bill 3061 pass? All those in favor vote 'Yeas', the opposed 'No'. Have all voted who wished? The Clerk will take the record. Fleck, 'Yeas'. O'Brien, 'Yeas'. Dyer wants to explain her vote."

Mrs. Robert C. 'Giddy' Dyer: "Ah, in explaining my vote, I want to say that I think Representative Cunningham has summed up the reasons for the bill very, very beautifully. I want to remind you that we did pass out of this House overwhelmingly House Bill 3044 which affirms as our policy in Illinois that the aim of our present system is to restore the citizen to, the person to useful citizenship. I think this is a step in that way and I want to remind some of you who were worried about the cost, that countries that were not as well off as the United States already do this, France, Italy and Mexico, have all been able to work this out. I, we just need a couple more votes, it is a good step in the right direction."

Hon. W. Robert Blair: "Harpstrite, 'Yeas'. Graham, 'Yeas'. Shapiro, 'Yeas'. Hill, 'Yeas'. On this question, there are 92 'Yeas', 18 'Nays' and this bill having received the constitutional majority is hereby declared passed. 3018."

Jack O'Brien: "House Bill 3018, a bill for an act to relation to the questioning and determination of the ability of the Governor to serve or to resume office. Third reading of the bill."

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



Giorgi."

E. J. Giorgi: "Mr. Speaker, House Bill 3018 has been worked out by both sides of the aisle by the Committee on Constitutional Implementation and the bill provides as required by the constitution, Section 6, Article V, a mechanism for determination of the ability of the governor to serve. The Commission created the Lieutenant Governor, Attorney General, Secretary of State, Comptroller, Director of the Budget, Treasurer, and anything they might do is supervised by the Supreme Court, so I urge your support."

Hon. W. Robert Blair: "Is there further discussion? Care to close? The question is shall House Bill 3018 pass? All those in favor vote 'Yeas' and the opposed 'No'. The gentleman from Stark, Mr. Nowlan."

James D. Nowlan: "Mr. Speaker, Members, the new constitution requires that the General Assembly shall specify by whom and what procedures the ability of the Governor to serve shall be determined and I believe that House Bill 3018 with Representative Giorgi, the minority spokesman on the constitutional implementation committee, which has been worked on diligently in committee and sub-committee and with excellent staff input from both sides is a responsible answer to the requirement of the constitution. It provides that the elected constitutional officers, plus a member from the Executive Branch shall sit as a commission to determine the disability of a Governor in an unfortunate situation where such may come into judgement, and that



the action of this commission if not a unanimous decision concerning this ability shall be reviewed by the state Supreme Court. It seems that we place great burden on the disability commission to prove disability as should be the case, and at the same time we do have a procedure for self-determining disability, and I believe that this merits the support of both sides of the aisle."

Hon. W. Robert Blair: "Have all voted who wished? The Clerk will take the record. On this question, there are 127 'Yeas' and no 'Nays' and this bill having received the constitutional majority is hereby declared passed. All right, with leave of the House, we'll go down to consideration postponed, I believe that takes care of House Bills third. On consideration postponed, appears House Bill 1274. The gentleman ask consideration to have that placed on third reading, it's been read a third time. The gentleman from McLean, Mr. Bradley."

Gerald A. Bradley: "Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, House Bill 1274 is the television and radio licensing act that we addressed ourselves to last Spring and I put it on postponed consideration because Representative Cunningham, Lester Cunningham had asked about the fiscal note that would apply to the bill if it was passed, and I checked with the Director of Regulations and Registrations and find that the we do indeed create this act the cost would be approximately \$2,000.00 or \$3,000.00 to initiate the act. We didn't have that



determination at the time. We anticipate possibly as many as 10,000 television and radio repairmen would be eligible for licensing. The bill takes care of the annual fee of \$10.00 per year, which multiplies into a \$100,000.00 per year income into the state. The cost would go up as the program increased up to about a year and a half period. The total cost to regulation and registration at that time would be somewhere around \$30,000.00 where the income would more than take care of the costs. So the cost would not be great to the state. I consider this a consumer protection bill. We're all aware of the need for this piece of legislation. Six other states have enacted similar legislation and our state neighboring on the east Indiana has had the bill and law in operation for a period of some three or four years and has been very successful. I don't intend to belabor the point at this late hour, but I would appreciate a favorable roll call."

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

Harold A. Katz: "Mr. Speaker and Ladies and Gentlemen of the House, I rise in opposition to this bill. This is the same bill that you failed to pass before with good reason. What they want to do here is to give the seal of the State of Illinois to all of the poor tv salesmen all over the state. They then would be licensed. There is no requirement that all of the bad men that are engaged in doing this would be any better repairmen next week than they are now. The fact is that this kind of licensing is not brought about by any



consumers here, by your constituents. This is a simple desire on the part of the people who are engaged here in the industry, in my opinion, to try to make it so that they will be able to charge people even more. I think the normal forces of competition that operate in all the other areas of business activity ought to continue to operate here and I would hope that you would remember the good judgment you showed and the consideration you also displayed to your constituents, who are engaged in needing tv repairmen occasionally and don't want to pay any more for them than they are now and that you vote red or not vote as you did before when this matter was called."

Hon. W. Robert Blair: "Further discussion? The gentleman care to close? The gentleman from McLean, Mr. Bradley."

Gerald A. Bradley: "Mr. Speaker in closing for the very reason as stated by the former speaker, ah I believe that this will regulate fee charged by radio and tv repairmen so that the consumer will know what prices he can expect to pay for services rendered. We I know that his position on licensing is a valid one in many instances, but I do think that in this field, the members of the associations that have talked with me and indicated that they would appreciate very much our having in the state of Illinois a piece of legislation such as we have before us today. I would appreciate a favorable roll call."

Hon. W. Robert Blair: "All right, the question is shall House Bill 1274 pass? All those in favor will vote 'Yeas' and



the opposed 'No'. Have all voted who wished? Have all voted who wished? The Clerk will take the record. On this question, there are 49 'Yeas' and 24 'Nays' and this bill having failed to receive the constitutional majority is hereby declared lost. 1331, with leave of the House, we'll take that back to third reading. It's been read a third time. The gentleman from Cook, Mr. Glass."

Bradley M. Glass: "Thank you, Mr. Speaker, Members of the House. House Bill B31 would establish a working cash fund for townships. This bill has been discussed at length with members from across the aisle and I believe has been amended to cure many objections that have been raised. Now, very briefly the advantage of a working cash fund for any governmental organization is that it avoids the necessity of paying interest on tax anticipation warrants and therefore is definitely a taxpayers bill. By avoiding the necessity of paying that interest, there are monies saved to the taxpayers. What I have done very briefly in the amendments to the bill is provide that the working cash fund may not the amount of it may not exceed in the aggregate 60 per cent of the tax levies of the townships of the last proceeding levy so that which was reduced from 75 down to 60 to limit the size of it. Secondly, we have provided that the taxes when collected must be applied to the reimbursement of the working cash fund. In other words, they can not be used for paying any outstanding anticipation warrants, but must be used to pay the working cash fund and



GENERAL ASSEMBLY

STATE OF ILLINOIS

HOUSE OF REPRESENTATIVES

finally we made it a very simple matter for the voters to obtain a referendum, a backdoor referendum on the issue by reducing from 20 per cent to 5 per cent the number of voters required to ask for this backdoor referendum, so I submit to you that there are all the necessary protections in this bill, it is a good taxpayer bill and it permits townships to establish a working tax fund in order to avoid paying interests on warrants. I solicit your support."

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

James G. Krause: "Will the sponsor yield to a question?"

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

James G. Krause: "Representative Glass, ah, who requested this bill?"

Bradley M. Glass: "Ah, this bill was specifically requested by persons in Northfield Township in Cook County."

James G. Krause: "By your supervisors?"

Bradley M. Glass: "Yes."

James G. Krause: "May I speak to the bill?"

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

James G. Krause: "Mr. Speaker, and Ladies and Gentlemen of the House, Representative Glass and I worked on this bill quite extensively, but there's some bad features still in the thing. Any township that would use this particular working cash fund would not be able to sell any anticipation warrants. Now, this could then work in reverse of the for



the townships and I think that if Representative Glass would agree just to take his bill out, hold it until the Spring, I think we can work it out for them."

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

Bradley M. Glass: "Ah, I'd be happy to do that work with Representative Krause if I have leave to do so, Mr. Speaker."

Hon. W. Robert Blair: "Ah, yes, you can just take it out of the record and have it put on the Spring calendar."

Bradley M. Glass: "Thank you."

Hon. W. Robert Blair: "1576."

Jack O'Brien: "House Bill 1576, a bill for an act to add Section 1-1-9 to and to amend Section 8-5-1 of the 'Illinois Municipal Code'. Third reading of the bill."

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

Romie J. Palmer: "Mr. Speaker, Ladies and Gentlemen of the House, at the annual convention of the Illinois Municipal League held in Peoria, not long ago, at which several distinguished members of this body attended, including the distinguished Minority Leader, Assistant Minority Leader, there was discussed one of the points of legislation that the league did want to have passed during this session of the legislature. That bill, one of the bills is House Bill 1576, the one that is now under discussion. This bill will allow non-home rule municipalities to buy ordinance and without referendum, to levy a to incur indebtedness up to .5 of 1 per cent of the assessed evaluation within the corporate boundary. There's nothing unusual about this



type of thing. Park Districts have it now and have had it for a number of years. Besides that, your home rule municipalities of 25,000 and under has that authority. So in that respect, it is consistent in two ways. It puts the non-home rule municipality on the same basis in this respect as a park district and as a home rule municipality of 25,000 or under. It also removes the limitation of indebtedness by the striking of that language as you see in 1576, which is the five per cent limitation. Now, the framers of the 1970 constitution did that for home rule municipalities. The only thing we're doing here is doing it for non-home rule municipalities, believing that were referendums required the amount whether or not it passes, depends on the amount that is wanted the purpose for which it is sought and whether or not the people will go for it. Which means that there will be an adequate safeguard as far as the people is concerned. Now, that's what this bill does. I think it's a good bill, there's people, there's municipalities all over the state, mayors and everyone else who would like to have this bill passed. It is a good bill, it was their recommendation, it is the Illinois Municipal League bill and it is one that they have discussed all over the state. I would appreciate your favorable consideration."

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

Harold A. Katz: "Would the gentleman yield to a question?"



Is there a division that as I read the bill, I guess you are trying to give to non-home rule units the kind of powers that the constitution gives to home rule units, is that correct?"

Romie J. Palmer: "Ah, that would, yes, that would be true, Harold, with the exception that we're trying to give to non-home rule units the same power that exists so far as incurrence of indebtedness as park districts have."

Harold A. Katz: "All right, now, the constitution provides that if the voters in the home rule unit are not satisfied with the home rule unit, they can have a referendum and vote it out. Is there a referendum on here where the voters in the district, if they are not satisfied, with what is being done about the incurring debt or similar things, can have a similar right to vote out the authorities and change?"

Romie J. Palmer: "The repeal would have to be by legislation as I see it. That means it's. . ."

Harold A. Katz: "In other words, the voters in the district would have no choice at that point."

Romie J. Palmer: "Oh, yes, they could vote anything out."

Harold A. Katz: "But. . ."

Romie J. Palmer: "That's the essence of our democracy, spelled with a small 'd'."

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

Gerald W. Shea: "Representative Palmer will you yield to a question?"

Romie J. Palmer: "Yes."



Gerald W. Shea: "And as I read the bill now and I think I was confused before, are we not limiting the indebtedness of non-home rule units of local government to just one half of one per cent of their assessed property?"

Romie J. Palmer: "This is by ordinance. We can do that, but if this bill passes by ordinance you can incur indebtedness up to one half of one per cent. Now, that's the same as your home rule units of 25,000 or under or your park districts."

Gerald W. Shea: "Well, no, well, as I understand it. . ."

Romie J. Palmer: "Maybe I misunderstood it."

Gerald W. Shea: "As I understand it a home rule unit may incur indebtedness up to five per cent or three per cent depending on its size, without referendum. And then it has no limitation after that. Since these are non-home rule units, you are now limiting the debt of a non-home rule unit to one half of one per cent."

Romie J. Palmer: "Without referendum."

Gerald W. Shea: "Well, where do you have any authority to go into debt with referendum. As I read this you've removed all authority of a home rule unit or a non-home rule unit even by referendum of going into debt, because there is no statutory authority from the General Assembly to incur debt up to any limited amount and even if the people would so by referendum authorize the debt, there is no statutory authority for a non-home rule unit and even so to incur that debt."



Romie J. Palmer: "I think that you will find that in the various sections of the statute which authorizes indebtedness for the particular purposes. Now, the if you're referring here to the language here that's stricken to 8-5-1, if that's what you're referring to, that simply takes out the debt limitation of five per cent."

Gerald W. Shea: "Well, yeah, is there anyplace else if we've taken out the debt limitation what I'm fearful of is without that debt limitation, there's no statutory authority to incur debt other than up to a half of a per cent and we you know we may be giving every municipality a new half of one per cent to play with, but I hate to find out that what we've done is only give them the new half of one per cent and limit them from going into debt any further even by referendum, and particularly what bothers me is that we're now because of the new E.P.A. requirements are going to force municipalities into issuing bonds to meet these requirements and if we don't have the statutory authority, I'm not, I want to vote for the bill, but I just want to find out if we do have a problem."

Romie J. Palmer: "I have never heard of that being that point being posed before in any discussions of this. Again I would say that the authority to incur debt for a particular purpose will be found in special statutes to that effect. Now, I would say this to you and I would urge your distinguished remarks and in Peoria, which I thought were very good. I would say this that perhaps we can get this



bill over to the Senate and take another look at it."

Gerald W. Shea: "Well, I'll try to help you but I raised that question."

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

William D. Walsh: "Mr. Speaker, Members of the House, the sponsor of the bill mentioned putting municipalities in the same situation as park districts are now in. I am somewhat familiar with the way the park districts arrived at that situation and that was because previously there was kind of an unrealistic requirement that park districts of under \$25,000.00 would have to have a referendum for the issuance of bonds and those over 25,000 population I meant would not and those with over 25,000 population could issue bonds up to two and a half per cent of their assessed evaluation. The bill that provides for the one half of one per cent simply made them all the same and did it for, I think, a purpose that might be a little better than the purpose in this act and that was for requiring recreational land and facilities. A municipality, it would seem to me, would have not nearly the need for land and recreational and other facilities as a park district, and I therefore think that maybe we're going too fast here in trying to bring non-home rule units up to home rule units, I think that perhaps we ought to let it let's see what happens in the next year or two years before we go into something like this that may be very regrettable for the taxpayers in the



non-home rule units. I suggest you vote 'No'."

Hon. W. Robert Blair: "Further? The gentleman from DuPage, Mr. Redmond."

William A. Redmond: "Would the sponsor yield to a question? How many non-home rule units are there in Illinois, do you know?"

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

Romie J. Palmer: "Ah, I have been told that there are 1,200."

William A. Redmond: "And how many of those are now at their statutory five per cent limit?"

Romie J. Palmer: "That I do not know?"

William A. Redmond: "Has there been any need demonstrated by the non-home rule units for this piece of legislation?"

Romie J. Palmer: "I would assume that this is the fact. The Illinois Municipal League did make a study of this and did come up with this legislation. Of course, it represents municipalities throughout the state."

William A. Redmond: "May I speak to the bill, Mr. Speaker? I have some familiarity with several non-home rule units and I can assure you that none of the non-home rule units that I have anything to do with are in need of this legislation. It seems to me that we should keep faith with the people. When we presented the new constitution, the new constitution provided that municipalities of more than 25,000 would be home rule units and that certain debt limitations would be raised and that municipalities under 25,000 were not home rule units and the suggestion was made cer-



tainly by interns that the existing debt limitation would remain. We hardly wait until the new constitution has been adopted and we're down here trying to circumvent the provisions and the protection of this new constitution. It would seem to me that the least we should do is wait and see how it works. I don't really believe this is necessary and I don't think that it's incumbent on this General Assembly at this time to change the debt limitation which non-home rule communities enjoy and therefore I believe this bill should be defeated."

Hon. W. Robert Blair: "Any further discussion? The gentleman from Cook, Mr. Palmer, to close."

Romie J. Palmer: "This bill has never been viewed as a circumvention of the new constitution. I have been advised that the figure of 25,000 is a figure of demarcation between home rule units and non-home rule units and was an arbitrary figure. There are plenty of municipalities with the figures between 20,000 and 25,000 population. There have been resolutions that I know of that have been sent by many non-home rule units to enact this legislation. Now, Mr. Speaker, Ladies and Gentlemen, insofar as the corporate authorities and the people within the non-home rule municipalities are concerned, respecting debt limitation, I think we'll find them as some of the most conservative, fiscally conservative people around, and I'm certain that they're not going to and perhaps not have the money to go into great extensive referendums and something that they



might need where a one half of one per cent ordinance would do the chore. This bill has been studied extensively, it was presented in this form and I would recommend to the membership that it is a good bill and ask for your favorable consideration."

Hon. W. Robert Blair: "All right, the question is shall House Bill 1576 pass? All those in favor vote 'Yeas', the opposed 'No'. Have all voted who wished? The Clerk will take the record. On this question, there are 45 'Yeas' and 22 'Nays' and this bill having failed to receive the constitutional majority is hereby declared lost. 2142."

Jack O'Brien: "House Bill 2142, a bill for an act to amend sections of the 'Illinois Municipal Code'. Third reading of the bill."

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

John S. Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 2142 adds language to existing special municipal tax statutes that clarifies that these taxes are in addition to the general corporate tax rate. This bill does not alter in any way the existing referendum requirements. If a referendum is required under these statutes, it will still be required if this bill passes. This bill was made necessary by a Supreme Court decision to the effect that without this language this special tax rates must in effect be deducted from the general tax corporate rate. As an example, during the 1967 session the legislature granted



to cities and villages the power to levy a two mill rate to meet the costs of a state order to chlorination of sewerage. The state ordered a cost legislature permitting additional funds to meet the imposed costs. It was not our intention to permit additional funds with one hand only to have the general corporate funds to be reduced by the same amount. House Bill 2142 is now necessary to implement our original intention. And I might just add that we had enough votes for this during the General session, but we got hung up on the matter of the referendum because some were confused. This does not open that up at all. If the present statute requires a referendum, it is still required. I solicit your support for the House Bill 2142."

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

Harry Yourell: "Thank you, Mr. Speaker. Will the gentleman yield for a question?"

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

Harry Yourell: "Ah, will this ah the levies made for special purposes or special uses, will those, will that levy or levies be included in the village tax levy and will it be all inclusive, or will they appear separately on the tax bill?"

John S. Matijevech: "They'll appear separately."

Hon. W. Robert Blair: "Further discussion? The gentleman from DuPage, Mr. Redmond."

William A. Redmond: "The will the sponsor yield for a question?"



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

William A. Redmond: "Would you tell me what special purposes are included in this exclusion from general corporate rate?"

John S. Matijevich: "Some of them are the fire protection, the municipal band, great separation, construction of city hall, fire or police departments, when destroyed by fire, school crossing guards, water works systems, building or repairing levees where there's danger of flooding, I think maybe there are a couple of others."

William A. Redmond: "Municipal bands is now over and above the corporate tax isn't it and isn't that pursuant to a referendum?"

John S. Matijevich: "If it's pursuant to a referendum, Bill, it doesn't change, this doesn't change it at all."

William A. Redmond: "No, I mean the municipal bands is authorized by special referendum."

John S. Matijevich: "By special referendum, that's right."

William A. Redmond: "So that is in over and above the regular rate now, isn't it not? How about these others, I'm not too familiar with, these special taxes that we're talking about. How about the school guards, that's authorized now, isn't it?"

John S. Matijevich: "Ah, it's authorized by a referendum and as I say this doesn't change anything as of a requirement of a referendum."

William A. Redmond: "There's no referendum on a school guard."

John S. Matijevich: "No, not on the crossing guard."



William A. Redmond: "But what we're doing here, in effect, taking out some of the of the municipal functions that are now authorized and included in the rate, we're taking those away from the general rate, isn't that correct?"

John S. Matijevec: "No, I don't think so, Bill, because I think what we are saying that when the legislature by by statute said that municipalities shall be mandated to provide these services that they shall not of necessity come out of the general corporate fund. In other words, I think the general legislature many times imposed upon municipalities that they must provide certain services and I think if we so mandate and if the municipalities do provide such services, I think we ought to provide the means to provide the services, also."

William A. Redmond: "Do you know what the total rate of these specials services would be? What they would amount to?"

John S. Matijevec: "No, I don't Bill."

William A. Redmond: "Mr. Speaker, Ladies and Gentlemen of the House, I dislike to appear to be the village fool, but once again I think that this is an effort to circumvent the present law. Some of the functions which have been enumerated here are not mandated by the General Assembly. There is no mandate for the municipality to furnish school guards for instances. They're authorized to do it. They're authorized to use motor fuel tax funds to do it and the same thing is true about many of these other uses and it seems to me that what we are in all likelihood doing in here, is



authorizing a municipality to triple its rate without any reference to a referendum or without having to ask for the approval of the people. I think it's a very dangerous procedure. It seems to me that these functions that have previously been within the general corporate rate should stay there and if you want to have a referendum for it and ah make it additional, that's the way to proceed, but it should done be done locally by referendum and it certainly had not ought to be done by the General Assembly, and I'm sure that this would result in tripling the municipal taxes throughout the State and I think it should be defeated."

Hon. W. Robert Blair: "All right, is there further discussion? The gentleman from Lake, Mr. Matijevich, to close."

John S. Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House, only in asking your support I say that in deference to what Representative Redmond had said, this bill will implement a supreme court decision which has stated very specifically that these are taxes are in addition to the general corporate tax rate and I therefore would ask for your favorable support of House Bill 2142."

Hon. W. Robert Blair: "All right, the question is shall House Bill 2142 pass? All those in favor vote 'Yeas', the opposed 'No'. Have all voted who wished? The Clerk will take the record. On this question, there are, Barry, 'No', on this question, there are 32 'Yeas' and 16 'Nays' and this bill having failed to receive a constitutional majority



is hereby declared lost. 633."

Jack O'Brien: "House Bill 633, a bill for an act to add Sections to 'The School Code'. Third reading of the bill."

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

J. Glenn Schneider: "Thank you, Mr. Speaker. House Bill 633 has been discussed extensively before. It has been a bill of many lives and today I hope we can decide up or down on it. Essentially it allows the local school board to retain its authorities to deal with problems, questions that affect its local unit. I suggest that failure to pass such a bill would mean that we as legislators become the interveners of the school districts and the state in an act to attempt to enact the kinds of things that many school districts would like to have but can not handle on their own level, so I hope that those of you who support the motion of local governmental control and believe in direction of school systems at a local angle will support this bill."

Hon. W. Robert Blair: "The gentleman from Champaign, Mr. Clabaugh."

Charles W. Clabaugh: "Mr. Speaker, I tried to make a deal with the sponsor of the bill on the basis that if he would not call it I wouldn't oppose it. We had a bill that caused a lot of fun a good many years ago that Peter Granata's probably the only one that remembers, called the cat bill, it had nine lives and it finally died by a Governor's veto. This is the fourth time, I believe, that we've met on this



bill. It's been changed some and it has been changed at all, it's been changed a little to the worse, as a result of the amendment. This bill seriously would reverse what has been the practice in Illinois for a century and a half on the basis that public schools was operation was a function of the state legislature and the school districts and school boards had only those powers and authorities which this legislature specifically gave them. And then they would administer as the school district as an arm of the state. This reverses all of that and says that this the school districts have all the powers and authorities that the need or want, and there could be a question mark after the need, except those powers which we specifically prohibit to them. Now, we're getting over \$1 billion a year to the public schools of this state. It's a lot of money. And the only way in the world this legislature could control and teach the schools of this state, 1,100 and some districts now, on any kind of a standard basis, would be if we could look in the crystal ball and imagine what some school boards would like to do and if we didn't like it ahead of time, then pass some act against it. I would say this is a very bad bill, despite my feeling of friendship with the sponsor, but it just does something that we shouldn't do that would be absolutely no uniformity whatsoever in the state and school boards would be at the complete mercy of the pressure of teachers, janitors, employees, parents, etc. Think this is a bad bill and I trust that for the fifth



and last time that we will defeat it."

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

Anthony Scariano: "Mr. Speaker and Ladies and Gentlemen of the House, all this bill does for schools is what we already allow municipalities of over 25,000. That is for home rule. The state is contributing only 35 per cent of the money we spend on our public schools, yet they want 100 per cent of the say. There's nothing in this bill that says any school district must do anything, it just provides that if that school district wants to do it and it's not prohibited, they may go ahead and do it. All this legislature has to do if they don't like what school boards do is to go ahead and enact prohibition. I think that inasmuch as this is local money we ought to have local control of what we do with that local money and if we want to do it on the suggestion of Representative Clabaugh's suggestion, I would suggest that the state have only 35 per cent of the say and the local school districts have 65 per cent because that's the ratio of the proportion of money that's being spent by the state with respect to total amount spent by the public schools. I think the school districts are capable of managing their own affairs as much as villages and cities are capable of managing their own affairs. I repeat that if there is anything that the gentleman from Champaign, Mr. Clabaugh doesn't want the schools to do, all he needs to do is come in with a prohibitory act, but there is a great deal of confusion today as to what's going to happen



and as to what or what not the school districts can do. And although the general rule says that you can't do it unless it's in the school code, the courts differ with respect to what may or may not be done and usually it's the court's opinion of what the school code says, either expressly or by implication. This causes a great deal of confusion and school districts do not know where they are. I think it's incumbent on the legislature to tell these school districts what they may not do and permit them to do what is not prohibited. I think that they certainly have as much judgment, as much discretion as people in municipalities and I would urge your support of this bill."

Hon. W. Robert Blair: "All right, the question, the gentleman care to close? Mr. Schneider."

J. Glenn Schneider: "Thank you, Mr. Speaker. I think most of the ideas have been covered before. I think Representative Scariano has clarified some of the confusion over the bill and I would then again ask the support of the House."

Hon. W. Robert Blair: "All right, the question is shall House Bill 633 pass? All those, it's on third reading. All those in favor will vote 'Yeas' and the opposed 'No'. Have all voted who wished? The Clerk will take the record. Carroll 'Yeas'. On this question, there are 60 'Yeas', 35 'Nays' and the bill having failed to receive the constitutional majority is hereby declared lost. On the Speaker's table appears House Joint Resolution 101."

Jack O'Brien: "House . . ."



Hon. W. Robert Blair: "The gentleman from Wayne, Mr. Blades."

Ben C. Blades: "Mr. Speaker, Ladies and Gentlemen of the House, for those who are not familiar with the proceedings contained in House Joint Resolution 101, the Southern Illinois Medical Center is proposed by a group of individuals who are willing to invest \$43 million in a medical center in Mt. Vernon, Illinois. They want no state funds, they want no federal funds, no help or federal funds, it's all private money. They have applied to the Department of Public Health for permit and have been denied. Now, I merely propose in this resolution that they have overstepped their authority, that authority granted them by the General Assembly. I do not find fault with the Department of Public Health implementing health and construction standards, which is the authority which they do have. But I do not think that they have the authority, nor should they have to tell you or me or anyone else where they can build or invest their money. More especially when we who are in southern Illinois where millions of dollars of state and federal monies has been heretofore placed giving an encouraging and giving an encouraging and making possible hospitals and improving health standards. We are certainly elated when any group of individuals or any one wants to invest \$43 million in that area and would like for the Department to reconsider and issue the permit that these gentlemen have applied for. I respectfully solicit your support."

Hon. W. Robert Blair: "Is there any discussion? All those in



favor of the adoption of the resolution say 'Yeas', the opposed 'No', the 'Yeas' have it, the resolution is adopted. On the Speaker's table, conference committees, appears H.B. 117, 1800 on which the Chair recognizes the gentleman from Peoria, Mr. Day, who asks that the House concur in the Senate's request for a conference committee to be appointed. All those in favor say 'Yeas', the opposed 'No', the 'Yeas' have it and the conference committee 1800 will be Day, Rose, Hirschfeld, Krause and Ray Welsh, and 1121, the gentleman from Winnebago, Mr. Simms, has a similar motion, the Senate has requested a conference committee. All those in favor of concurring with the Senate of the appointing of a conference committee say 'Yeas', the opposed 'No', the 'Yeas' have it and the conference committee will be Hudson, Kipley, Tim Simms, Chapman and McClain. Resolutions."

Jack O'Brien: "House Resolution 452, Schoeberlein. House Resolution 453, O'Hallaren. House Resolution 454, Schneider. House Resolution 455, J. J. Wolf. House Resolution 457, Schoeberlein. House Resolution 458, Harold Washington."

Hon. W. Robert Blair: "All right, the gentleman from White-side, Mr. Miller."

Kenneth W. Miller: "Mr. Chairman, these agreed resolutions. House Resolution 415 by Schoeberlein and Jack Hill commemorates the 100th anniversary of the Old Second National Bank of Aurora. House Resolution 453 is a congratulatory resolution to our colleague here, Representative Robert



McPartlin on his 45th birthday anniversary which was on November 2nd. House Resolution 454, Schneider, et.al., is a congratulatory resolution to some responsible citizens in Downers Grove, Peter and Janet Foy and their sons, Justin, Bernard, Vincent, David, Paul and Gregory. And House Resolution 455 is a congratulatory resolution for meritory service to Gerald Michael Yerly of Spring Valley, Illinois for rendering meritory service to the Illinois State Police since 1961. And House Resolution 457, Schoeberlein and Hill are the sponsors and it is a congratulatory resolution to Father Joe of St. Peter's Parish in Aurora. And House Resolution 458, Harold Washington, et. al., is a congratulatory resolution to for the Chicago Urban League recognizing its operation and good will in the area since 1916. Mr. Speaker, I move the adoption of these agreed resolutions."

Hon. W. Robert Blair: "All those in favor say 'Yeas', the opposed 'No', the 'Yeas' have it and the agreed resolutions are adopted. Further resolutions?"

Jack O'Brien: "House Resolution 456, Koffman."

Hon. W. Robert Blair: "Introduction and first reading of House Bills."

Jack O'Brien: "House Bill 3749, Choate, et.al. An act to amend 'The Probate Act'. First reading of the bill. House Bill 3750, Carroll, et.al."

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



Howard W. Carroll: "Mr. Speaker, if I may. House Bill 3750, which we are not asking leave to suspend the rules so we can have a vehicle on the Spring calendar to deal with the area of franchising. As we said, on this side of the aisle on the debate of House Bill 2763. We ask that it be introduced and put in the Spring calendar. Thank you."

Jack O'Brien: "An act relating to the sale of franchises; defining terms; providing for a full and fair disclosure of the nature of interests in franchises and for the regulation thereof; and fixing penalties for violations of this act. No further."

Hon. W. Robert Blair: "Messages from the Senate."

Jack O'Brien: "A message from the Senate by Mr. Wright, Secretary: Mr. Speaker, I am directed to inform the House of Representatives that the Senate has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the House of Representatives, to-wit: Senate Bill 1286, Senate Bill 1287, Senate Bill 1299."

Hon. W. Robert Blair: "The gentleman from Champaign, Mr. Clabaugh."

Charles W. Clabaugh: "Mr. Speaker and Members of the House, the House sponsors of these three Senate bills that were passed today asked me if I would handle them, Representative Choate, Representative Chuck Campbell and I'm House sponsor of 1299. Now, these are the bills that were worked out between the Senate, Senators representing the district at the universities and the Governor's Office to take care of this



much complained about reduction in personal services to the universities. These bills are all satisfactory to the universities, they are all approved by the Bureau of the Budget, the Governor's Office, we all worked together on them. They give the universities what they want in the matter of additional purposes and services and they do not go beyond the Governor's budget estimate and I would like to have unanimous leave, Mr. Speaker, to advance these three bills to second reading, without reference, at which time reference to committee, at which time they can be discussed fully."

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

Thaddeus S. Lechowicz: "Ah, Mr. Speaker, Ladies and Gentlemen of the House, as we all know the Appropriations' Committee will be meeting Tuesday. I think we'll have time to sit down, reevaluate and look at these bills. I've talked to the Chairman of the Appropriations' Committee and also my co-spokesman on a committee and we all come to an agreement that maybe what we should do is sit down and review these bills as well. And in all deference to the sponsor, I know as far as his feelings on this measure, he, on these three bills and also with the Bureau of the Budget, I still think that we have a good committee system and I'd like to uphold it."

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

Clyde L. Choate: "Well, certainly Mr. Speaker, I didn't realize that the members of the Appropriations' Committee wanted



to work that hard. Ah, they have worked hard in the past session and I would assume that this is not the first time they have asked for appropriations matters not to be bypassed, so, I'll take mine out, Charlie. Let mine go to committee."

Charles W. Clabaugh: "Since there is objection to it and that is Tuesday that the committee will be meeting? What time? Well, I wonder, I thought he might know."

Hon. W. Robert Blair: "Well, no, the, right as of right now, the Appropriations' has not had any bills referred to it and so none are set for hearing next Tuesday. The gentleman from Cook, Mr. Lechowicz."

Thaddeus S. Lechowicz: "Thank you, Mr. Speaker. Yes, there has been a bill set for the Appropriations' Committee as a \$250,000.00 for a special lunch program. I know that's one bill and I think. . ."

Hon. W. Robert Blair: "Has it been set? The gentleman from Cook, Mr. Berman."

Arthur L. Berman: "Yes, Mr. Speaker, it was my understanding that Senate Bill 1284 which came over here earlier this week had been set in the Appropriations' Committee and then it was set over for the next week because they weren't able to meet earlier."

Hon. W. Robert Blair: "The gentleman from Lee, Mr. Shapiro."

David C. Shapiro: "Ah, Mr. Speaker, Ladies and Gentlemen of the House, this is one appropriations committee member that was informed that the meeting which was posted for that



school lunch program was postponed indefinitely and no future date was set."

Hon. W. Robert Blair: "We've sent for the Chairman. The gentleman from Union, Mr. Choate."

Clyde L. Choate: "As you know, Mr. Speaker, I was discussing with the appropriations' committee chairman another matter as far as the appropriations' committee meeting was concerned, and he advised me at that time that he was going to have a meeting, however, he was only waiting until after the session this afternoon to post the various bills, because there would be more coming over from the Senate."

Hon. W. Robert Blair: "Well, the gentleman from Champaign, Mr. Clabaugh."

Charles W. Clabaugh: "Well, the doorkeeper just handed me a posting notice he was just ask to post for the Appropriations' Committee for 2:00 P.M. on Tuesday, the 9th. Of course, that's the school lunch bill, . . ."

Hon. W. Robert Blair: "Which is what number?"

Charles W. Clabaugh: "1284. I have nothing to say about the disposal of the other two bills. The one at the University of Illinois is so very simple, that in twenty seconds we could tell all there is to tell about it that there is, I hate to move to suspend the rules, Mr. Speaker."

Hon. W. Robert Blair: "Well, as I understand, you have asked to suspend, you have asked for consent so that these Senate Bills could be advanced to second without reference?"

Charles W. Clabaugh: "I asked for unanimous consent, but I . . ."



Hon. W. Robert Blair: "Right, right. Well, on which bills now?"

Charles W. Clabaugh: "I'm supposed to handle all of them, but I can't go against the statement of the sponsor, the gentleman from Union, of 1286, because. . ."

Hon. W. Robert Blair: "All right, 1286 is out of his of his request for unanimous consent. The gentleman from Union, Mr. Choate."

Clyde L. Choate: "I only said one thing, Mr. Speaker, that when Representative Lechowicz objected, after talking to the Chairman of the Appropriations' Committee that this is not the first time they have done it and I have no objections to my bill going to committee."

Hon. W. Robert Blair: "All right, so the Senate Bill 1286, all right, now 1286 will be on the calendar then on first reading, ready for assignment on Tuesday of next week. 1287 and 1299 he's asked for unanimous consent to advance to second reading without reference to committee. The gentleman from Cook, Mr. Shea."

Gerald W. Shea: "Well, Mr. Speaker, 1286 and I might be a little confused, came over and was read a first time today, and could be assigned to committee, is that correct, today?"

Hon. W. Robert Blair: "No, when Senate Bills come over, they come over on messages, then they're placed on the calendar on first reading and the sponsors are then assigned to the bills, and when they request them to be read a first time, they are then read a first time. Look on your calendar,



you'll see that that's the way it is. Now, the gentleman from Champaign, Mr. Clabaugh."

Charles W. Clabaugh: "Well, I'm not going to ask anything if there's going to be objections, is there objections to 1299 being put on the calendar on second reading without reference to the committee? It's really a . . ."

Hon. W. Robert Blair: "Is there objection? All right, there is objection. What about 1287? Same way, all right?"

Charles W. Clabaugh: "Spend a couple hundred dollars of the state's money bringing these university people in here, but that's all right."

Hon. W. Robert Blair: "All right, to put validity into the Chairman of the Appropriations' Committee message today, I will now assign from the Speaker's table, 1269, 1284 and 1285, where they've been. There've been no assignments by me to Appropriations, but I am now making that assignment and they will be set as the Chairman just indicated to me. Ah, the gentleman from Champaign, Mr. Clabaugh."

Charles W. Clabaugh: "I would like to ask is there anybody that knows whether there is going to be this meeting of the Appropriations' Committee on the 9th?"

Hon. W. Robert Blair: "Yes, I. . .The gentleman from Cook, Mr. Regner."

David J. Regner: "Mr. Speaker. . ."

Charles W. Clabaugh: "Do we need a rule relative to posting to have these bills on the calendar, or on the committee hearing that same date?"



Hon. W. Robert Blair: "All right. Now, you're if you want to do that, you're going to have to suspend the rules and to have these bills which have come over on messages read a first time today and then suspend the rule for posting. And then if the Chairman of the Committee upon your request sees fit he'll set those bills for hearing."

Charles W. Clabaugh: "Is there objection, Mr. Speaker, to that?"

Hon. W. Robert Blair: "All right, does the gentleman have leave for that purpose with regard to 1299 and 1987? The gentleman from Union wants equal treatment, 1286. All right, the rules have been suspended. Read 1286, 1287 and 1299 a first time."

Jack O'Brien: "Senate Bill 1286, a bill for an act amending sections 1, 2, 5 and 6 of Public Act 77-300, an act to provide for the ordinary and contingent expenses of Southern Illinois University. First reading of the bill. Senate Bill 1287, a bill for an act to amend Sections 1, 2, 6, 7 and 8 of an act making appropriations and reappropriations to the Board of Governors of State Colleges and Universities. First reading of the bill. Senate Bill 1299, a bill for an act to amend Sections 1 and 6 of an act making certain appropriations and reappropriations to the Board of Trustees of the University of Illinois. First reading of the bill."

Hon. W. Robert Blair: "All right, those bills are referred to the Appropriations' Committee. All right, the gentleman from Cook, Mr. Caldwell, has a request with regard to 1301."



Would you read 1301 a first time, it's on the calendar."

Jack O'Brien: "Senate Bill 1301, a bill for an act to provide for the ordinary and contingent expenses of the Equal Education Opportunity Department in the Office of the Superintendent of Public Instruction. First reading of the bill."

Hon. W. Robert Blair: "All right, now, the gentleman asks for the notice rules to be suspended so that Senate Bill 1301 if the Chairman sees fit can be set for hearing on Tuesday. All right, is there leave for that purpose? All right, ah, 1301. Read Senate Bill 1282 a first time."

Jack O'Brien: "Senate Bill 1282, a bill for an act to amend sections of the Illinois Pension Code. First reading of the bill."

Hon. W. Robert Blair: "We've already previously suspended the rules on that one, so it can be heard in Pensions next week. The gentleman from Cook, Mr. Shea."

Gerald W. Shea: "Does Representative Wolf the sponsor on that bill?"

Hon. W. Robert Blair: "No, ah, . . ."

Gerald W. Shea: "I've got it straightened out, Mr. Speaker. Thank you."

Hon. W. Robert Blair: "We took action on that on the motion of Mr. Granata earlier today. It it has been read a first time now in any event. All right, the gentleman from Cook, Mr. Hyde."

Henry J. Hyde: "Well, Mr. Speaker, I now move that this House



do stand in recess until Tuesday at the hour of 10:00 A.M. Now, we will be in perfunctory session tomorrow and Monday and we will have a plenary session on Tuesday. That is to say that everybody be here at 10:00 A.M. on Tuesday morning."

Hon. W. Robert Blair: "All those in favor of the adjournment message say 'Yeas', the opposed 'No', the 'Yeas' have it and we stand adjourned."

Adjournment at 4:40 O'Clock P.M.

11/4/71
skn.

