

HOUSE OF REPRESENTATIVES

SEVENTY-EIGHTH GENERAL ASSEMBLY

TWENTY-FOURTH LEGISLATIVE DAY

MARCH 8, 1973

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 Richard A. Carter - illness;
Representative Robert L. Dunne - no reason given;
Representative Peter C. Granata - illness;
Representative John J. Hill - death in family;
Representative Robert F. McPartlin - illness;
Representative Peter C. Pappas - illness;
Representative Eugene F. Schlickman - no reason given;
Representative Joseph G. Sevcik - illness;
Representative John F. Wall - illness;
Representative Fred Tuerk - no reason given.



GENERAL ASSEMBLY

STATE OF ILLINOIS
HOUSE OF REPRESENTATIVES

K. Miller: "House will now be in order, and the invocation will be given by Representative Geo-karis."

Geo-karis: "Let us all pray. Dear God, give us the wisdom and the foresight and the objectivity and the compassion to make the right judgements to benefit all of the people in Illinois, in your name, Amen."

K. Miller: "Committee Reports."

F. B. Selcke: "Mr. North from the Committee on Cities and Villages, to which House Bills 171, 238 and 239 were referred, reported sending back with Amendments thereto, with the recommendation the Amendments be adopted and the Bills as amended do pass. Mr. North from the Committee on Cities and Villages, to which House Bill 240 was referred, reported sending back with recommendation the Bill do pass, and be re-referred to appropriations. Mr. North from Cities and Villages, to which House Resolution 48 was referred, reported sending back with the recommendation the Resolution be adopted. Mr. Duff from the Committee on Judiciary II, to which House Bill 169 was referred, reported sending back with amendments thereto, with the recommendation that the amendments be adopted and the Bill as amended do pass. Mr. Randolph from the Committee on Revenue, to which House Bill 140 and 211 were referred, reported sending back with the recommendation the Bills do pass. Mr. Randolph from the Committee on Revenue, to which House Bill 179 was referred, reported sending back with amendments thereto, with the



recommendation the amendments be adopted and the Bill as amended do not pass. Mr. Randolph from the Committee on Revenue, to which House Bill 273 was referred, reported sending back with amendments thereto, with the recommendation the amendments be adopted and the Bill as amended do pass. Mr. Capuzi, from Human Resources, to which House Bills 29, 48, 74, 232 and 292 were referred, reported sending back with amendments thereto, with a recommendation the amendments be adopted and the Bills as amended do pass. Mr. Capuzi, from Human Resources, to which House Bill 227, 276 were referred, reported sending back with the recommendation the Bills do pass. Mr. Capuzi from Human Resources, to which House Bills 228 was referred, reported sending back with the recommendation the Bill do pass, and be re-referred to Appropriations."

K. Miller: "Introduction and First Reading."

F. B. Selcke: "House Bill 549. Porter. Amend an Act concerning Disclosure Source Information to News Media. First Reading of the Bill. House Bill 550. Giglio. Amends the Illinois Purchasing Act. First Reading of the Bill. House Bill 551. LaFleur. Repeals an Act to Regulate the Public Services Stallion in Jackson, Illinois. First Reading of the Bill. House Bill 552. Dyer. Amends Retailer's Occupation, Service Occupation Tax Act. First Reading of the Bill. House Bill 553. Taylor. Amends the Fair Employment Act. First Reading of the Bill. House Bill 554. Giorgi. Makes permanent and continuing appropriation of



all monies deposited in the State Lottery Fund. First Reading of the Bill. House Bill 555. Giorgi et al. Amends the Illinois Lottery Law. 556. Schraeder et al. Amends State Employees' Retirement System Article of the Pension Code. First Reading of the Bill. House Bill 557. Washburn Amends State Finance Act. First Reading of the Bill. 558. Washburn. An Act providing for certain reports by executive agencies to the Appropriations Committee of each House of the General Assembly. First Reading of the Bill. House Bill 559. Washburn. Amends State Finance Act. First Reading of the Bill. 560. Washburn. Creates the Legislative Fiscal Overview Act. First Reading of the Bill. 561. Bradley. Amends School Code. First Reading of the Bill. 562. Schneider. Amends Civil Administrative Code. First Reading of the Bill. 563. Schneider. Amends Act to revise law in relation to Illinois and Michigan Canal. First Reading of the Bill. 564. Schneider. Amends Act relating to Lake Calumet Harbor. First Reading of the Bill. 565. Schneider. Amends Act relating to Illinois and Michigan Canal. First Reading of the Bill. 566. Schneider. Amends Act relating to comprehensive planning for Illinois and Michigan Canal. First Reading of the Bill. 567. Schneider. Amends Act authorizing use of land bordering on Illinois and Michigan Canal. First Reading of the Bill. 568. Schneider. Amends Act authorizing improvements for flood relief. First Reading of the Bill. 569. Schneider. Amends Act authorizing improvements for flood relief. First Reading



of the Bill. 569. Schneider. Amends Act relating to watercraft obstructions in public and navigable waters. First Reading of the Bill. 570. Schneider. Amends the Chicago Regional Port District Act. First Reading of the Bill. 571. Schneider. Amends Act relating to levels of Lake Michigan. First Reading of the Bill. 572. Schneider. Amends Act providing for certain water terminal facilities. First Reading of the Bill. 573. Schneider. Amends Act relating to development of Kaskaskia River Watershed. First Reading of the Bill. 574. Schneider. Amends Act relating to rivers, lakes and streams. First Reading of the Bill."

Jack O'Brien: "House Bill 575. Schneider. Bill for an Act to amends Sections of an Act in relation to the Construction, Operation and Maintenance of deep water and waterways and power plants, sanitary districts of Chicago. First Reading of the Bill. House Bill 576. Pierce et al. An Act to Amend Sections of an Act in relation to Jury Commissions. First Reading of the Bill. House 577. Schlickman et al. An Act to Amend Section 29 of the State Printing Contract Act. First Reading of the Bill. House Bill 578. Rayson et al. An Act in relation to the Liquidation and an Act in relation to the Legislation and rights of children. First Reading of the Bill. House Bill 579. Rayson et al. An Act to Amend Sections of the Paternity Act. First Reading of the Bill. House Bill 580. Rayson et al. An Act to Amend Sections of the Probate Act. First Reading of the



Bill. House Bill 581. Rayson Et al. An Act to Amend Sections of the Election Code. First Reading of the Bill. House Bill 582. K. Miller et al. An Act to Amend Sections of the Illinois Municipal Code. First Reading of the Bill. House Bill 583. Arnell et al. An Act to Amend Sections of an Act to revise the law in relation to Counties. First Reading of the Bill. House Bill 584. LaFleur et al. An Act to Amend Sections of the School Code. First Reading of the Bill. House Bill 585. Yourell et al. An Act to Amend Sections of an Act to require payment of interest by lessors of residential real estate, security deposits made by leasees. First Reading of the Bill. House Bill 586. Clabaugh et al. An Act making an appropriation to the Department of Local Government Affairs in relation to certain personal property tax collections. First Reading of the Bill. House Bill 587. McPartlin et al. An Act to Amend Sections of the Illinois Pension Code. First Reading of the Bill. House Bill 588. Deuster. An Act to amend Sections of an Act to revise the law in relation to notices. First Reading of the Bill. House Bill 589. Schlickman. Amend Illinois Income Tax Act. First Reading of the Bill. No further introductions."

K. Miller: "Next order of business will be Messages from the Senate."

Jack O'Brien: "Message from the Senate by Mr. Fernandes, Secretary. Mr. Speaker - I am directed to inform the House of Representatives the Senate has adopted the following



Senate Joint Resolution and adoption of which I am asked concurrence of the House of Representatives to wit. Senate Joint Resolution 22. Adopted by the Senate March 7, 1973, Edward E. Fernandes, Secretary of the Senate.

K. Miller: "Representative McDonald now moves that the House recess until 10:00 AM. We are now adjourned.

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

Doctor Johnson: "We pray. Lord, God and Father, for the full measure of your love and the depths of your mercy, for the breath of your wisdom and the extent of your goodness, we offer our thanks to your name. We ask of you and you invite us into your holy presence. We call upon you and you answer us. We seek your face and you do not turn away from us, even though because of our unworthiness, we have no right even to breathe your name. We thank you for all the things we so frequently take for granted, the miracle of sight and hearing, of sense and touch, of a sound mind and of a sound body. Teach us know in gratitude to offer you the praise of lives that are dedicated to serve you and those for whom we are assembled in this House, not only this day but in all of our sessions. And now we commend to your keeping, Representative Robert McPartlin and Fredricka, the wife of Representative Bruce Douglas, who tomorrow will undergo surgery. Keep them, Oh Lord, under



the shadow of your wing and according to your mercy deal with them with healing grace. And now keep us and uphold all of us to the honor of your name. Amen."

Hon. W. Robert Blair: "Roll Call for attendance. Committee Reports."

F. B. Selcke: "Mr. McMaster from the Committee on Counties and Townships, to which House Bill 134 was referred, reported sending back with the recommendation the Bill do pass. Mr. McMaster from Counties and Townships, to which House Bills 296 and 371 were referred, reported sending back with the amendments thereto, with the recommendation the Amendments be adopted and the Bill as amended do pass. Mr. J. J. Wolf, from Veterans Affairs, Personnel and Pension, to which House Bill 171 was referred, reported sending back with Amendments thereto with the recommendation the amendments be adopted and the Bills as amended do pass. Mr. Wolf from Veterans Affairs, Personnel and Pension, to which House Bill 390 was referred, reported sending back with the recommendation the Bill do pass. Mr. Wolf from Veterans Affairs, Personnel and Pension, to which House Resolution 4 was referred, reported sending back with the recommendation the Resolution be adopted."

Hon. W. Robert Blair: "Introduction, First Reading."

F. B. Selcke: "House Bill 590. Grotberg et al. Amends Vehicle Code. First Reading of the Bill. House Bill 591. Arrigo et al. Appropriates \$1,664,900 to the Illinois Historical Library. First Reading of the Bill. House Bill



592. Deuster. Appropriation to Department of Transportation. First Reading of the Bill. House Bill 593. Fenessey et al. Amends an Act relating to State Revenue Sharing. First Reading of the Bill. House Bill 594. MacDonald et al. Amends local library Act. First Reading of the Bill. House Bill 595. Palmer et al. Amends Library Systems Act. First Reading of the Bill. 596. McGah, et al. Amends Limitation on Indebtness Act. First Reading of the Bill. 597. Philip et al. Amends Vehicle Code. First Reading of the Bill. 598. DiPrima et al. Amends Military and Naval Code. First Reading of the Bill. 599. DiPrima et al. Amends the Downstate Policemen's Pension Fund. First Reading of the Bill. House Bill 600. Ebbesen et al. Amends an Act relating to composition and election of county boards in certain counties. 601. Krause et al. Appropriates \$712,500 to the St. Louis Metropolitan Area Airport Authority. First Reading of the Bill. House Bill 602. Barnes et al. Amends Fair Employment Practices Act. First Reading of the Bill."

Hon. W. Robert Blair: "Agreed Resolutions."

F. B. Selcke: "House Resolution 92. Berman. House Resolution 93. J. J. Wolf et al. House Resolution 94. McMaster et al. House Resolution 95. Choate et al. House Resolution 96. Berman. House Joint Resolution 19. McPartlin. House Resolution 97. DiPrima et al."

Arthur Telcser: "Gentleman from Cook, Representative W. D. Walsh."



Walsh: "Mr. Speaker, Members of the House, these are the Agreed Resolutions. House Resolution 92 by Representative Berman commends the Zioness Organization of America on their 75th Anniversary. And House Resolution 93 commends the Russian Republic for becoming a free and independent State. House Resolution 94 commemerates the 111th anniversary of the historic victory of the monitor over the meramac, which will be observed on March 9. House Resolution 95 by Representative Choate commends Doug Collins, the Senior Guard at Illinois State University, for his outstanding career at that school. And House Resolution 96 shouldn't be on the Agreed Resolution List. It's a duplicate of 92. House Joint Resolution 19 by Representative McPartlin requests that the Health Care Licensure Commission report on April 30 instead of March 15, I believe, which was their original reporting date. The reason for this, Representative McPartlin explained to me today was that the appointments weren't made timely. Senate Joint Resolution 12 commends the Urban Education Commission, it doesn't commend them - It requests that they be permitted to report on June 1 instead of an earlier date. House Resolution 97 by Larry DiPrima commends Wayne E. Hilgaford, who joined the Illinois Veterans Commission 25 years ago, and has served ably since then. And I move the adoption of the Agreed Resolutions."

Arthur Telcser: "Is there any discussion? Gentleman has offered to move the adoption of the Agreed Resolutions.



All in favor, signify by saying 'aye', opposed 'no'. The Resolutions are adopted."

F. B. Selcke: "Senate Joint Resolution 22."

Arthur Telcser: "Gentleman from Cook, Representative W. D. Walsh."

Walsh: "Mr. Speaker, this is the Adjournment Resolution and it says that when the House adjourns today that we will convene on Tuesday, March 13, at 9:30 AM in Perfunctory Session and at ten O'clock in Regular Session, and I move the adoption of Senate Joint Resolution No. 22."

Arthur Telcser: "Is there any discussion? If not, the gentleman has offered to move the adoption of House-Senate Joint Resolution 22. All in favor, signify by saying 'aye', the opposed 'no'. The Resolution is adopted. The Consent Calendar, Second Reading."

F. B. Selcke: "For the Record, House Resolution 97 was incorrectly numbered, and it should be 96. O'kay."

Arthur Telcser: "Consent Calendar, Second Reading."

F. B. Selcke: "House Bill 130. Bill for an Act to amend the title and Sections 1, 2, 4 and 5 of an Act in relation to laymen taxes. Second Reading of the Bill. House Bill 144. Bill for an Act to amend Section 2 of and add Section to the Illinois Insurance Code. Second Reading of the Bill. One Committee Amendment. House Bill 187. A Bill for an Act to add Section 1-159.1 and so forth of the Illinois Vehicle Code. Second Reading of the Bill. One Committee Amendment. House 248. A Bill for an Act to amend Section 1 of an Act



to prevent nonresidents from serving or acting as deputy sheriff or special policemen. Second Reading of the Bill. One Committee Amendment. House Bill 249. A Bill for an Act to Amend Sections 58.1 of an Act which provides law in relation to Counties. Second Reading of the Bill. No Committee Amendments."

Arthur Telcser: "Third Reading. Consent Calendar, Third Reading, Third Day."

F. B. Selcke: "House Bill 33. An Act to amend an Act ratifying and approving the Midwest Nuclear Compact, and providing for administration thereof. Third Reading of the Bill. House Bill 55. Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill. House Bill 57. An Act to Amend the Vehicle Code. Third Reading of the Bill. House Bill 237. An Act to Amend Section 1 of an Act to provide law in relation to jails and jailers. Third Reading of the Bill. Senate Bill 39. An Act to implement the Constitution of 1970. Third Reading of the Bill. Senate Bill 40. An Act to amend Section 1 of an Act to authorize the attendance of the National Conference of Legislative leaders. Third Reading of the Bill. Senate Bill 41. An Act to amend Section 2 of the Space Needs Act. Third Reading of the Bill. Senate Bill 42. An Act to amend Section 4 of an Act relating to operation of the General Assembly. Third Reading of the Bill. Senate Bill 43. A Act to repeal an Act creating the Senate Chambers maintenance commission. Third Reading of the Bill. Senate Bill 44. An Act to



Amend Section 10 of an Act in relation to State Finance. Third Reading of the Bill. Senate Bill 46. An Act to amend Section 1 of an Act to provide for and fix the compensation of the members of the General Assembly. Third Reading of the Bill."

Arthur Telcser: "Question is, shall these Bills pass? All those in favor, signify by voting 'aye', the opposed by voting 'no'. We'll take one roll call and the Clerk will make the required number of copies for the Journal. Gentleman from Franklin, Representative Hart."

Hart: "Mr. Speaker and Ladies and Gentlemen of the House, among these Bills on the consent calendar are certain bills to reorganize the Senate. I have no objection to the Senate running its own affairs, reorganizing in any way that it sees fit. But recently, the Senate increased the salaries for its secretary and in so doing, I lost my secretary, whom I've had ever since I've had my office open. I resent the Senate tactics of increasing the Senate secretaries salaries to the ridiculous salary..... I want you to hear this, the Senate is paying their secretaries \$710 a month. We're paying our secretaries, I think it is \$510 a month. They're not doing anymore work, matter of fact they only work for two, where our secretaries work for three. Our secretaries, in my opinion, are receiving a fair and just compensation for their work. It's my judgment that the Senate is irresponsible in its action in paying the secretaries \$710 a month. However, I'm not



objecting to them running their own affairs, but what they have done, they have created a morale problem among the secretaries of the House. They are dissatisfied now, or many of them are, and they're not all dissatisfied. Many of them are dissatisfied because of the difference in pay for the same amount of work. Secondly, they have treated us as second class citizens and I resent it. I've resented it ever since I've been down here. Members of this House are entitled to just exactly the same as the Senate is, and for these reasons, I want to be recorded as 'present' on those Bills which apply to the reorganization of the Senate and 'aye' on the rest of them."

Arthur Telcser: "All right, will the Clerk please record Representative Hart as voting present on Senate Bills 39, 40, 41, 42, 43 and 44. Also 46. The gentleman from Cook, Representative W. D. Walsh."

W. D. Walsh: "Well, to briefly respond to the gentleman. The Leadership is aware that there is this discrepancy in the salaries between the secretaries in the Senate and the secretaries in the House. It is our feeling that the Senate is unconscionably high in their salaries and that the salaries paid to the secretaries in the House is reasonable and indeed generous. Ah.... they compare very favorably with the secretaries of people working in other state agencies in Springfield. However, we are aware of the difference, and we are talking now with the President of the Senate. I might point this out, that there is this



distinction. The secretaries that we have in the House are hired as full-time people. The ones in the Senate are hired through June 30. Now there is the possibility that this time will be extended, but as of now, they're hired through June 30, so there is this difference, but to reiterate, we are working on the problem."

Arthur Telcser: "Gentleman from Cook, Representative Harold Washington."

Washington: "Mr. Speaker, I concur with the remarks of Representative Dick Hart, and I also wish to be recorded as voting 'present' on the organization of the Senate. I might add one thing and that is that the secretaries in the Senate are divided up for one for every two Senators, whereas in the House, it's one for every three, so the girls over here have a much bigger case load. I wish to be recorded 'present' on that Bill."

Arthur Telcser: "Do you wish to be recorded 'present' on all of those Senate Bills, Representative Washington?"

Washington: "All the reorganization Senate Bills, and those alluded to by Richard Hart."

Arthur Telcser: "Record the gentleman as voting 'present'. The gentleman from Cook, Representative J. J. Wolf, wishes to be recorded as voting 'present'. Gentleman from Cook, Representative R. Hoffman."

Hoffman: "Mr. Speaker, Members of the House. I agree with Representative Hart. He has an excellent point, and I think it bears repeating. I disagree with Representative Walsh



I think our secretaries over there are extremely qualified and extremely overworked at this point, and I think it's going to get worse. We're dealing with a proliferation of Bills here and we are trying to be responsive and answer the inquiries to the District, and for some of these girls, that are doing work for three representatives, they have more than their work load. And when we indicate, as Representative Walsh indicates, that these gals are very well paid, we also have to refer to the requirements made upon them by the House, that they be here as long as we're here. If we are here until midnight, according to the memo that was circulated to the secretaries, they are required to be here. Now I think the salary that they're being paid of \$550 a month is an affront to the talent and the ability that they have and the work that they are doing, and I would ask the Membership of the House and join with me in an effort to upgrade the situation and correct the disparity between the secretaries of the Senate and the secretaries of the House. Now I personally think that a Joint thinking on this can solitify this and make it an amiable situation so that when these gals are loaded up and are required to stay late, they will at least feel that they are justly compensated. Thank you."

Arthur Telcser: "Gentleman from Bureau, Representative Barry."

Barry: "Present on that same series of Bills as voted 'present' by Representative Hart, and I might add for Bill Walsh's



ears, that if he thinks the Senate Membership is going to fire their secretaries on July 1, he's had less experience around here than I have."

Arthur Telcser: "Record the gentleman as voting 'present'. Gentleman from Madison, Representative Walters."

Walters: "Thank you, Mr. Speaker, I would like to thank Representative Hart for bringing this to our attention. I was wondering when these Bills were going to be called. And I think there were some good points brought up, but I ah.... would like not to be recorded present, but I would like to be recorded as voting 'no' on those Bills, and I think our Leadership should take a look that we should have one secretary for every two legislators, and I would like to be recorded as voting 'no'."

Arthur Telcser: "Record the Gentleman as voting 'no'. Gentleman from Cook, Representative Barnes."

Barnes: "Thank you very much, Mr. Speaker. I would like to ah.... add my thanks to Representative Hart for bringing this to the attention of all of the Members. I concur totally with what has been said here, and I think this will afford the Leadership an opportunity to sit down and reflect on what has taken place in terms of the secretaries between the House and the Senate and I would like to be recorded as voting 'present'."

Arthur Telcser: "O'kay, the gentleman from Cook, W. D. Walsh, at the proper time will request that these Senate Bills be put on postponed consideration. I'm the Sponsor, Bill, and



I'm stuck up here. Would you kind of do that for me? Otherwise, we'll be taking up the whole two hours this morning on 'present' votes. We can pass the rest of them on the consent calendar. We'll take those Bills out of the Record. Is that a proper? Are there any objections to that? Put them on Postponed Consideration. Either way makes no difference. I would like to save some time this morning. Gentleman from Cook, Representative R. Walsh."

R. Walsh: "The gentleman has just indicated that maybe five members will request that they be removed from the Consent Calendar, and I would like to add my name to those red lights."

Arthur Telcser: "All right, five members have indicated that these Bills should be taken from the Consent Calendar, put on the Order of Third Reading or Postponed Consideration, whichever is proper. The question.... Are there any objections to House Bills 33, 55, 57 or 237? The question is, shall the House Bills on the Consent Calendar, Third Reading, Third Day, pass? All those in favor, signify by voting 'aye', the opposed by voting 'no'. The gentleman from Cook, Representative Shea."

Shea: "Now, Mr. Speaker, what you're asking for is a vote on House Bills, 33, 55, 57 and 237, and the next 7 or 8 House Bills are now being taken off the Consent Calendar."

Arthur Telcser: "They're Senate Bills."

Shea: "They're Senate Bills, taken off the Consent Calendar and put on the Regular Calendar."



A. Telcser: "Yes. Gentleman from Cook, Representative Palmer."

Palmer: "Mr. Speaker, will you vote me yes on ah.. the House Bill with the exception of 57 which I want to vote 'no' on."

A. Telcser: "Record Representative Palmer as voting 'no' on House Bill 57. Have all voted who wish? Gentleman.. record. Representative Berman as voting 'present' on all four House Bills. Have all voted who wish? Take the record. Lady from Lake, Representative Geo-Karis to explain her vote."

Geo-Karis: "Am I in order to state that I would like to be marked as voting 'yes' on the House Bills ah.. 3355, 857, 837 and of course, I'm not.. just voting 'present' on the Senate Bills."

A. Telcser: "No one is voting on the Senate Bills."

Geo-Karis: "All right. Thank you."

A. Telcser: "Gentleman from Kankakee, Representative Beaupre."

Beaupre: "Mr. Speaker, I'd like to be recorded as 'yea' on the last vote."

A. Telcser: "Record Representative Beaupre as voting 'yes' on House Bills.. On this question, 109 'ayes', four 'nays' except on House Bill 57 where there are 108 'ayes' and five 'nays' and there are two voting 'present'. And these bills having received the constitutional majority are



hereby declared 'passed'. House Bills, Second Reading."

F. B. Selcke: "Ah.. House Bill 6. Bill for an Act to amend Section 17 of an Act that provides law in relation to promisory notes, bonds, due bills and other instruments in writing. Second Reading of the Bill. No Committee Amendments."

A. Telcser: "Are there amendments from the floor?" Third Reading. Representative Getty, for what purpose do you rise, Sir?"

Getty: "I'd like to inquire how I'm recorded on the last vote?"

F. B. Selcke: "The Gentleman is recorded as not voting."

Getty: "May the Record reflect an 'aye' vote?"

A. Telcser: "Record Representative Getty as voting 'aye' on the consent calendar. Representative Ewell, for what purpose do you rise, Sir?"

Ewell: "May I ask how am I recorded on the last calendar?"

A. Telcser: "How was Representative Ewell recorded?"

F. B. Selcke: "The Gentleman's recorded as not voting."

Ewell: "Mr. Speaker, I should like to be recorded 'present'.

Simply for the reason that I feel that those girls in the Senate will be about as temporary as taxes."

A. Telcser: "We didn't vote on the Senate Bills, Representative Ewell."

A. Telcser: "Representative Pierce, for what purpose do you rise?"



Pierce: "If I'm not recorded on the Consent Calendar that was passed ah.. due to confusion, I'd like leave to be recorded as votin 'aye' on the Consent Calendar today."

F. B. Selcke: "The Gentleman is recorded as not voting."

A. Telcser: "Record the Gentleman as voting 'aye'." Representative Leinenweber, for what purpose do you rise?"

Leinenweber: "How am I recorded, Mr. Speaker?"

F. B. Selcke: "The Gentleman is recorded as voting 'aye'."

A. Telcser: "Any other Members who wish to make inquiry about the consent calendar, come up to the Clerk's desk. We're now on House Bills, Second Reading. Your inquiries are not really timely."

F. B. Selcke: "House Bill 10. A bill for an Act to amend Section 3.405, the Illinois Vehicle Code. Second Reading of the Bill."

A. Telcser: "Mr. Clerk, the sponsor is not on the floor. I don't know if there are any amendments or not."

F. B. Selcke: "No Amendments."

A. Telcser: "Well, there may be.. he may have some amendments. I don't.. let's leave that on Second Reading." House Bill 12."

F. B. Selcke: "House Bill 12. Bill for an Act to amend the Illinois Vehicle Code. Second Reading of the Bill. No Committee Amendments."

A. Telcser: "Are there amendments from the floor? Third Reading."



F. B. Selcke: "On House Bill 12, Amendment Number 1, Gibbs.

Amend House Bill 12 on page 4, below line 4 by inserting the following. Section 2, this amendatory act takes affect January 1, 1974."

A. Telcser: "Gentleman from Sangamon, Representative Gibbs."

Gibbs: "Mr. Speaker, I believe there's Amendment Number 2 also, has been filed."

A. Telcser: "We'll get to that after Amendment Number 1."

Gibbs: "The Amendment Number 1 is just to put in effect a date of January 1, 1974 to give the municipalities and counties in the state enough time to erect signs in certain areas where they don't want to allow a right hand turn on a red light."

A. Telcser: "Is there any discussion? Gentleman's offered to move the adoption of Amendment Number 1 to House Bill 12. All in favor of adoption, signify by saying 'aye'. The 'opposed' no. The amendment is adopted. Are there further amendments?"

F. B. Selcke: "Amendment Number 2. Juckett. Amend House Bill 12 on page 2, line 17, by inserting after the word 'ordinance' and so forth."

A. Telcser: "Gentleman from Sangamon, Representative Gibbs. I'm sorry. Gentleman from Cook, Representative Juckett."

Juckett: "Thank you, Mr. Speaker. This is an amendment which we discussed in the Committee. It permits the State of Illinois to make local options in cutting out



right turns if they are too dangerous. It also permits a left turn on a one-way street onto a one-way street. And it also changes the law in regard to pedestrians in that pedestrians would have to ah.. abide by traffic lights. I might add that Channel Five has run TV spots on this and they've received ah.. over 2,000 letters. And there are only three people opposing it. It's very similar to the California and Washington system. And I would move for the adoption of Amendment #2."

A. Telcser: "Is there any discussion? Gentleman from Cook, Representative B. B. Wolfe."

B. B. Wolfe: "Mr. Speaker, and Ladies and Gentlemen of the House. I rise to support this amendment. I've traveled in states which have this rule applicable. And there has been no problems with reference to safety. I think it's a good rule of law. As a matter of fact, I had returned recently from a state that had the regulation and made a right turn on a red light here in Illinois and was stopped by a police officer. It would make it much easier if we had this kind of rule. Thank you."

A. Telcser: "Is there further discussion? The Gentleman from Macon, Representative Borchers."

Borchers: "Mr. Speaker, fellow Members of the House. I've received a communication from the City of Decatur that they would like to see this ah.. sort of law.. bill become law. They are in support of this resolution. I just



think you should know."

A. Telcser: "Is there further discussion? Gentleman's offered to move the adoption of Amendment #2 to House Bill 12.

All in favor of the adoption signify by saying 'aye'.

The opposed 'no'. The amendment is adopted. Are there further amendments? Third Reading. House Bill 14."

I don't see Representative Pappas on the floor, Mr. Clerk.

So let's not call that bill. House Bill 15."

F. B. Selcke: "House Bill 15. Bill for an Act to amend the Illinois Income Tax Act, Second Reading of the Bill.

No Committee Amendments."

A. Telcser: "Are there amendments from the floor?"

F. B. Selcke: "Amendment Number 1, Pierce. Amend House Bill 15 on page 1, line 29 and so forth."

A. Telcser: "Gentleman from Lake, Representative Pierce."

Pierce: "Ah.. Mr. Speaker, ah.. Amendment #1 to House Bill

15 incorporates two suggestions that came to me. Ah..

one suggested in the Committee that many students work

their way through college and university and they should

be entitled on their income tax to a deduction for

their tuition. And ah.. this ah.. taken care of in this

amendment it provides that where the tuition payment is

made by the student then the student may take the

income tax exemption on his own income tax return. I

think Representative Lundy suggested that. The other

part of the amendment allows tuition to a vocational or



trade school for those students who do not go to a college or university. It allows those tuitions to be deducted from the state income tax up to the maximum figure so that the bill does not discriminate against students who do not attend college or university. That amendment was suggested by Representative Giglio. I move the adoption of Amendment #1 to House Bill 15."

A. Telcser: "Is there any discussion? Gentleman's offered to move the adoption of Amendment #1 to House Bill 15. All in favor of adoption.. Gentleman from Cook, Representative B. B. Wolfe."

B. B. Wolfe: "Will the sponsor of this amendment please advise this body as to the increase in ah..total deductions under this amendment?"

Pierce: "Ah.. the amendment doesn't change ah.. the amount. The parent or the student may deduct tuition for public or non-public colleges or universities and for private elementary and secondary schools up to a maximum of \$2,000 on their state income tax. Now at the 2 1/2% rate, ah.. that would be a deduction of.. a maximum reduction if the tuition were \$2,000 of \$50 per child ah.. it would be a maximum saving on the State Income Tax. We know, however, that most elementary and secondary private schools have tuition way under that figure. Ah.. and therefore in most cases, it would not be \$2,000."

A. Telcser: "Is there further discussion? The Gentleman



from Kane, Representative Grotberg."

Grotberg: "Mr. Speaker, Ladies and Gentlemen of the House, would the sponsor yield to a question?"

A. Telcser: "He indicates he will."

Grotberg: "Ah.. the fiscal note accompanying this, has any state work been done on what the net cost of the total revenue of the State of Illinois will be as the result of this Act?"

Pierce: "I understand that the Department of Revenue has prepared something on it. Unfortunately, they haven't been courteous enough to give it to me. Ah.. I think it would result in the, as I recall the figure, their estimate would be about \$6,000,000 in income tax that would not be paid because of the tuition, deductions and exemptions. I might point out that alot of this tuition does go to state colleges and universities. So the state is really getting the money back through tuition payments that our state colleges and universities."

Grotberg: "Representative Pierce, I think, you know, the intent of this bill is a wonderful one. I would wonder if you could hold the bill until we had.. so that we could all see what the fiscal implication of the act would be before it goes to Third Reading."

Pierce: "AH.. the bill's on Second Reading and I will hold it for you on Third Reading. I want my amendment adopted today and the bill moved to Third Reading."



Grotberg: "We're only on Second Reading. We're not debating the bill. We're only debating the amendment."

A. Telcser: "The Gentleman's offered to move the adoption of Amendment #1 to House Bill 15. All in favor of adoption signify by saying 'aye'."

Members: "Aye!"

A. Telcser: "The opposed 'no'. The Amendment is adopted. Are there further amendments?" The Gentleman from Cook, Representative W. D. Walsh."

Walsh: "Now, Mr. Speaker, as I understand it a fiscal note was requested. Was there not?"

A. Telcser: "No. I didn't notice a fiscal note being requested. Representative Grotberg, did you request the fiscal note? You alluded to one."

Grotberg: "I alluded to it now that has been amended and the amendment has been accepted. I certainly do request such a fiscal note."

Walsh: "Ah.. then the bill will remain on Second Reading until a fiscal note is provided?"

A. Telcser: "Gentleman from Lake, Representative Pierce."

Pierce: "No request for a fiscal note was made in writing ah.. and I don't think the request is timely at this time because the bill has.. the amendment's been adopted and the bill has removed to Third Reading."

A. Telcser: "Gentleman from Cook, Representative Shea."

Shea: "Mr. Speaker, I think the rules require the fiscal note to be requested before the bill is read a second time."



Is that correct?"

A. Telcser: "Would you put your inquiry again, Representative Shea?"

Shea: "Does the requirement for a fiscal note require that the request be made before the bill is read a second time? Would you read that section? And there's also, I might ask your new parliamentarian if he would check the Statute. Whereas my good friend, Clyde, said is this the Super Judge and the Associate Super Judge trying to figure out what the statute means?"

A. Telcser: "Under the provisions of Rule 32, Section (e), ah.. the request certainly is timely. And the request is ah.. Okay, House Bill 15 will be held on the order of Second Reading until a fiscal note ah.. has been provided. House Bill 28."

Selcke: "House Bill.."

A. Telcser: "Ah.. Mr. Clerk, I don't see Representative Schneider on the floor. Ah.. let's hold that bill on Second Reading. Representative Pierce, for what purpose do you rise, Sir?"

Pierce: "Ah.. was Amendment Number 1 adopted to House Bill 15?"

A. Telcser: "Yes."

Pierce: "Thank you."

A. Telcser: "House Bill 40."

F. B. Selcke: "House Bill 40. A bill for an Act to amend



the Environmental Protection Act. Second Reading of the bill. No Committee Amendments. Ah.. Amendment Number 1, Borchers. Amend House Bill 40 on page 2 by striking lines 1 through 3 and inserting in lieu thereof the following.."

A. Telcser: "Gentleman from Macon, Representative Borchers."

Borchers: "No, that's all right. Let him continue."

A. Telcser: "Oh, okay. Will the Clerk please read the amendment."

F. B. Selcke: "No regulation of the board may prescribe any standard condition, restriction or requirement relating to the growing and production of grain crops that is more stringent than the minimum applicable standards adopted by the appropriate federal agency pursuant to the National Environmental Policy Act, the Clean Air Act, the Clean Water Act or the Environmental Quality Improvement Act."

A. Telcser: "The Gentleman from Macon, Representative Borchers."

Borchers: "I just merely ask that the amendment be adopted."

A. Telcser: "Is there any discussion? Gentleman's offered to move the adoption of Amendment #1 to House Bill 40.

All in favor of adoption.. Gentleman from Cook, Representative Berman."

Berman: "I would merely suggest that instead of just a motion to adopt the amendment, could we have some explanation of what they do."

A. Telcser: "Representative Borchers, do you wish to explain



the amendment?"

Borchers: "Certainly. It's very simple. The State of Illinois, the Environmental Protection Agency and the Pollution Control Board cannot make rules more stringent than the national congress can do. In other words, we have the National Environmental Policy Act, the Clean Air Act, Clean Water Act or the Environmental Quality Improvement Act. And they are the laws that apply in the State of Illinois ah.. and not the State of Illinois unless they conform with the national standards."

A. Telcser: "Gentleman from Cook, Representative Berman."

Berman: "Would the sponsor yield to a question?"

A. Telcser: "He indicates he will."

Berman: "Ah.. Representative Borchers, as I read the language of this amendment, our board would be limited to the minimum standards adopted by the Federal Agency. What if.. aren't we saying then that by this amendment we are limiting our board not to the highest, or not even to the medium standard but to the minimum standards. Is that what this means?"

Borchers: "Ah.. I would merely suggest this. That if you want bread to cost more money, you vote against this amendment."

Berman: "That's not my question. I didn't ask about bread."

Borchers: "It does involve bread. If you want bread to



cost more money, you vote against this amendment. Because if we become more stringent, we are inevitably going to raise the cost of the wheat, the cost of soy beans, whatever products come from a farm."

Berman: "Well, let's, let's rephrase the question and if you can answer it yes or no, it would help. Does the amendment mean that our environmental protection board or the pollution control board cannot adopt any standards higher than the minimum that the federal agency has adopted."

Borchers: "That is right. And that's exactly what this legislation should do for the protection of our grain farmers, our soy bean raisers, our livestock dealers and everybody else in agriculture or your going to be paying a lot more for meat and everything else."

Berman: "Well, Mr. Speaker, I'd request a roll call on Amendment #1."

A. Telcser: "Gentleman from Cook, Representative Barnes. Okay. Is there further discussion? The Gentleman from Macon, Representative Alsup."

Alsup: "Well, my understanding of this amendment is, to make the State law concur with the federal rules and regulations. In other words, the state will have the same rules and regulations as the federal. Now, the net affect of this is, if there is a violation that will be taken care of, here in Illinois instead of having to go to Washington or make a federal case out of it. I think it is a good



amendment. And it will avoid a lot of confusion in my opinion. So I think it should be supported. If we're going to operate under two separate standards, I think we're going to get into a lot of trouble."

A. Telcser: "Gentleman from Cook, Representative Jaffe."

Jaffe: "Ah.. Mr. Speaker, Ladies and Gentlemen of the House, I have consistently heard that in the field of environment Illinois should be the leader. It seems to me that with this amendment, Illinois can no longer lead but merely has to follow. I think that the purpose of this amendment is to tie the hands of the EPA and that's exactly what it does. And I think that it will actually deal a blow to environmental law in this particular state. And I urge a no vote on this particular amendment."

A. Telcser: "Gentleman from Know, Representative McMaster."

McMaster: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of this amendment. I certainly feel that we have a valid Department of EPA. I certainly feel that it needs state rules by which it might operate. Certainly without this amendment, we go ahead and tie the hands of the EPA completely and they have no standards by which to operate. I think that federal standards and state standards being the same avoids a great deal of confusion. It gives us an opportunity to avoid some of the confusion that has gone on in the past where we cannot make ah.. various requirements of ah.. both departments, federal and state meet. And we have caused a lot of confusion



among many people by the difference in standards. I certainly feel that the standards should be the same and that we should have a state standard by which we can operate. I think it's a good amendment. I urge your yes vote for it."

A. Telcser: "Gentleman from Cook, Representative Mann."

Mann: "Ah.. Mr. Speaker, and Members of the House, with all due respect to my distinguished colleague from Macon County, I'd like to point out that what we are witnessing is a mass assault to put the ax to EPA and kill it forever. I want to recall for your memories, that when Senator Gerry, last Session, on the Senate Side, had some amendments for EPA the other side of the aisle was screaming sellout. Now you are going after the EPA with a pole ax and you want to destroy the most progressive and meaningful environmental legislation in the country. Now, Mr. Speaker and Members of the House, you may boo but it was your Governor, Governor Ogilvie, who signed the EPA into law and very rightfully supported it. And Governor Ogilvie was right. This is the strongest EPA in the country. And I think what we are doing here today if we do not pass this amendment, is permitting special interests to put the ax in the death mill to the EPA. And our land, ladies and gentlemen, and our environment does not have infinite capacity for survival. There is a point that which we can kill lakes and we can kill oceans. Let's not kill the land downstate."



The EPA is a precious piece of legislation, Mr. Speaker and Members of the House, and let's not permit it to be slaughtered, in the service of special interest. And I say to you that this is a bad Bill, we're making it a little better with this Amendment. I hope we kill the Bill when we come to Third Reading, and I hope we save the EPA. And I hope we save our environment, but don't let's hear anymore conversation about the cherries killing the EPA. Let's put it right where it belongs. If you want to kill the EPA, you take the responsibility, but let me just point out to you that our Constitution says that the environment is a State concern. That's the 1970 Constitution, and Mr. Speaker and Members of the House, let's pass this Amendment and approve a bad Bill, because if we permit special interest in this State to run our environment, they're going to kill our environment, they're going to kill our children, they're going to kill the natural life in our society. Thank you very much."

Arthur Telcser: "Gentleman from Logan, Representative Lauer."

Lauer: "Mr. Speaker, I rise in support of this Amendment, because it will bring about a consistency that will remove one of the bug-a-boos that the People of downstate Illinois and particularly those of rural agriculture have had with regard to the whole EPA and Pollution Control Board action. It is a case, Mr. Speaker, that we cannot have a number of standards. We find that EPA by its own action has brought it into a certain disrepute. We find that the EPA by its



own action has gone off half-cocked and have been guilty of being arbitrary and dictatorial. We find that EPA has imposed standards, that from an economic standpoint, are completely indefensible. I don't think anybody is for polluted air or water or environment. No one in their right mind is; however, we do have to recognize that in order to enjoy the benefits of the long run, we must live through the short run. You talk about whether or not it is important to have this environment for our children. The thing is, Ladies and Gentlemen of the House, if we do not come up with a viable....."

Arthur Telcser: "Representative J. J. Wolf, for what purpose do you rise, Sir?"

J. J. Wolf: "Mr. Speaker, I believe the new House Rules provide that there should be copies of the Amendment. I don't seem to have one on my desk."

Arthur Telcser: "The Clerk informs me they've been distributed. There are a number of Members standing by their seats waving them. Ah.... Representative Grotberg indicates they're in the Bill Books. Representative Lauer, proceed, Sir."

Lauer: "It is a case, Ladies and Gentlemen of the House, that these minimum Federal Standards apparently are reasonably acceptable across the country, but I would point out that if you impose standards that are as stringent as it appears that the Illinois EPA is working on, the specter is hunger is going to haunt this country. Because Joe Dokes, Mr.



Average Citizen is not going to be able to afford to pay the price that food will cost. Now I ask that you consider this also. Farmers being responsible people will be happy to come up with environmental standards that will give us a good and acceptable environment, but capital restrictions are such that they cannot afford to do this yesterday. In fact, it will take a period of five to ten years and no bank is going to lend money for capital improvements unless there is some possibility of a reasonable continuity and a capability of paying this money back. It cannot be done on a short term basis. If EPA had taken a moderate approach, Ladies and Gentlemen of the House, then I don't think we would find the cry being raised. I think this is a valid cry and by requiring the EPA to conform to minimum federal requirements, and make it standard across the country, we are asking only that which is reasonable and proper."

Arthur Telcser: "The gentleman from DuPage, Representative Schneider."

Schneider: "Will the Sponsor yield, please?"

Arthur Telcser: "He indicates he will."

Schneider: "Who is the Sponsor? Is it Weber?"

Arthur Telcser: "Representative Borchers."

Schneider: "Weber, are you ready? What are the Federal Standards at this point?"

Borchers: "At the present time, no one knows. They are in the process of being worked out."



Schneider: "What do we do in the meantime when.... If there are no standards, then what is our relationship as a State to the problem you're alluding to? I mean, how do we resolve any problems in regard to the grain elevators?"

Borchers: "Yes, it resolves some problems. For example, may I point out to you that a grain drier on a farm uses certain amount of gas. It may be a quarter of a mile away from another house or two miles. I would..... Just nod your head. Do you heat your house with gas?"

Schneider: "Do I heat it with gas?"

Borchers: "Yes."

Schneider: "Yes I sure do."

Borchers: "All right, you use more gas from September approximately to April in over a half of year or at least a half of year than any corn drier would use in maybe two weeks it's used. Yet you are not required to have a permit for corn drier or for your house. Now why should there be discrimination against the farmer for the simple act of drying his corn? You should have an equal reason, unless there is a discrimination, bureauracy breathing down your neck and checking out your furnance and your basement, etc. I just merely say that the grain farmer should be relieved from that responsibility of having to comply with some of the most idiotic rules I've ever heard proposed, including for example, one last August that was being proposed that if you are plowing in a field and the wind is blowing dust across the field, you've got to go to another



part of the field to plow. Well this is a little bit stupid. I would like to protect the farmers from that kind of harassment."

Schneider: "All right, apart from the fact that the standards for my house have not yet been set, what do we do in the meantime in regard to regulation?"

Borchers: "Leave the farmers alone so they can raise you some grain and which can be turned into loaves of bread for you to eat."

Schneider: "Have you had personal hearings through your own district on this and have you had complaints registered with you from an individual?"

Borchers: "The hearings are proposed. I think I have here somewhere, that the hearings on grain farmers. I believe there is one very shortly somewhere in Peoria in the next or so."

Schneider: "But they're not hearings that you have held personally. You say EPA is holding hearings on this?"

Borchers: "They are holding hearings now."

Schneider: "Are you suggesting that we ought to just impose Federal standards without hearings then?"

Borchers: "We should stop what they're trying to do before they can do it for us."

Schneider: "What you're talking about Weber, is contradictory. First of all, you say the People have not had a right to be heard yet, and yet you're willing to say we impose Federal Standards and yet when there are no standards, you



say that we can allow the grain elevators to go on and pollute, if they are indeed polluting, and you have not addressed yourself to the question that Representative Stedlin raised in committee about some kinds of screening that would help keep the ah.... debris from the ah.... grain elevators being dispersed throughout the area. So I wonder if really the Amendment is pertinent to helping your Bill and to dealing with the problems. And it seems to me we have to say as a State, that we're closer to the responsibilities and the problems of our areas and that we want to help the farmer, but you can't do it in the absence of hearings and you can't take away the regulatory powers of the Environmental Protection Agency, if you're really going to make it a functional agency. If you really want to talk to the issue, if you really want the agency to meet with the People, it would seem to me that it should reside with the State and should not be placed in the hands of the Federal government. Why we should be submissive to the Federal government, especially from the ideas that you've exhibited to me as an individual, a conservative, you said that the issue should be resolved on a personal, local level. Now you're saying that Big Daddy in Washington is the right guy to impose the standards. It seems to me it's contradictory. It doesn't meet the problem and it really is going to work a hardship on the People of the State of Illinois. So I suggest that the Amendment is as bad as the Bill that you brought in in total and I hope that the



Membership will oppose it."

Arthur Telcser: "Gentleman from Lawrence, Representative Cunningham."

Cunningham: "Mr. Speaker and Members of the House, I was delighted to hear the distinguished Representative from Lake Michigan in his comments that we should all support the Amendment. I wasn't quite able to follow the complete logic for some of his remarks seemed somewhat condemnatory about it. Nevertheless, I shall be proud to cast a green ballot for this fine amendment and urge everyone to do likewise. Those of you who have any struggle within your own hearts and minds in this matter, need to recall the distinguished comments yesterday by the Chief Executive in this State in which he took the monkey off the back of agriculture throughout this State. No longer is EPA the sacred cow. You have an official license from the highest level to recognize the realities of life and it is particularly important to the well being of the State of Illinois that you recognize those realities in regard to agriculture. Any particular animosity created by the sponsor's forthrightness should be forgotten in the need of moving together for the benefit of Illinois. We should vote for the Amendment and then vote for the Bill after it's been amended."

Arthur Telcser: "Gentleman from Vermilion, Representative Craig."



Craig: "Mr. Speaker, Members of the House, I would like to rise in support of this Amendment. And I don't know as I like the things ah... to have to go to Washington with their regulations. But I have watched the workings the EPA here in the last two, three, four years and some of the regulations and requirements that they come up with have absolutely been impossible to go along with. I've been in meetings in Decatur along with many other legislators where they've shut down an elevator at Weldon, Illinois, and they were in the process of shutting down many more grain elevators because of the stringent regulations put on them by the EPA here locally and in the State of Illinois. Now these people down there have been running, coming out with rules and regulations that this General Assembly didn't approve of and I don't think anyone approved of anything, except the EPA and they was the judge and jury and all... they had all the sole power. Now I'm saying to you that at least, I believe under Federal Regulations, they will be the same all over this country, and I don't believe that this country will accept some of these regulations that we've been coming out with. Now we're a State of about 155 years of age and I don't think.... And I will admit we do have to be aware of pollution, but I don't think we have to have.... be expected to do this in one year, two years or three years. We... There were Bills passed this last session in this General Assembly that absolutely could



not be enforced because they do not have the mechanical know-how to do it, when they passed legislation to stop noise at your boundary line, and there's no way you can stop the noise of a grain drier or of a diesel tractor at the boundary line when there's someone asleep over the fence on the other side, but this is some of the ideas that the EPA has come up with and on feed lots and things like that. And I definitely am for this Amendment and I hope that the Members of this House will support this Amendment on this Legislation."

Arthur Telcser: "Lady from Lake, Representative Geo-Karis."

Geo-Karis: "Mr. Speaker, Members of the House. I move the previous question."

Arthur Telcser: "The Lady has moved the previous question.

All those in favor, signify by saying 'aye', the opposed 'no'. The Lady's motion prevails and the gentleman from Macon, Representative Borchers, to close the debate."

Borchers: "Mr. Speaker, and fellow Members of the House, first I'd like to point out that this Bill does not kill the EPA. There are none.... None of my activities have been in the slightest degree directed toward killing the EPA, but there are certain facets of the EPA's actions that are just simply contrary to ordinary horse sense. Perhaps it's lack of expertise. What it is, I don't know, but some things must be corrected and since they won't do it, we will have to do it ourselves. Now so far as special interests are concerned, perhaps you can call farmers a special interest.



Perhaps you can call industry a special interest and all the other activities of the State of Illinois. I might point out that the farmers who produce our food and upon whom we live, we have an obligation to protect and help their special interests, because their very livelihood basically comes from their activity. All I'm trying to do is correct something that is an obvious law. Now it's been mentioned by someone here that there are hearings held by the Board to correct and change the Rules and Regulations. I've attended these hearings. I've attended numerous hearings of this Board on various subjects, and I tell you in my honest opinion, up to the present time, the Board holds these hearings to comply with the law. I do not think they listen to the people at all. The first evidence of even listening to the People was in the late livestock hearings that were held throughout the State. This is the first time to my knowledge they have listened one bit to what the People wanted. All the other hearings I have observed, after the hearings were held, the original rules that they had promulgated and suggested were the ones that they ended up with, and not the suggestions from the People that appeared at the hearings. As far as contradiction is concerned, there is no contradiction; none whatsoever. All we do is put ourselves in line with the Federal standards, which you will have to do. If we disagree with the Federal Standards, later on, we will have to fight that battle out in



Washington. But it's wrong to put on the farmers of our State the intolerable burden of the rules... proposed rules and regulations of the EPA. I might point out to you that farm leaders are for this Bill. This Amendment and for this Bill. Mr.... Representative McMaster, in fact I believe, as a member of the Farm Bureau, worked up the first original Amendment which has been copied to this particular Bill and some other Bills in relation to the Federal regulations that will be forthcoming from the Congress, so I solicit your support in the passage of this Amendment to this Bill."

Arthur Telcser: "The gentleman has offered the Amendment No. 1 to House Bill 40. All in favor of adoption, signify by voting 'aye', the opposed by voting 'no'. The gentleman from Will, Representative Leinenweber, to explain his vote."

Leinenweber: "Mr. Speaker, Members of the House, I'd like to explain my 'no' vote on this. In my opinion, this Amendment makes a bad Bill better. However, it's still, in my opinion, a bad Bill as amended because of the nature of the base. That is, that it restricts the Environmental Protection Act in a certain area. Once the door is open, many other groups that have bones to pick, so to speak, with the Environmental Protection Act, will be in, begging for like consideration. This is the way to emasculate the Bill, so I oppose this Amendment and I intend to oppose the Bill on Third Reading."

Arthur Telcser: "Gentleman from Cook, Representative Mann."

Mann: "Well, Mr. Speaker, Members of the House, the gentleman is absolutely right, but I come to the opposite conclusion."



I've always felt that we ought to improve bad Bills and make them better. Now I may vote 'no' on the Bill when it reaches the Order of Third Reading, but at the same time, how can I justify making a bad Bill worse by voting against the Amendment; even if my distinguished colleague from Macon is for the Amendment. The point of the matter is, Mr. Speaker and Members of the House, that we live in an age when we've got an energy crisis, we've got a land disposal crisis, we've got a water crisis, we've got an air crisis, and the gentleman from Macon wants to put to the axe the finest Environmental Protection Agency in the Country, which was a product of the fertile mind of Governor Richard B. Ogilvie, a great Governor, and I vote 'aye'."

Arthur Telcser: "Gentleman from Cook, Representative Fleck."

Fleck: "Well, Mr. Speaker, Ladies and Gentlemen of the House, I'm voting against this Amendment for a different reason. I think this is a good Amendment, which improves a bad Bill and makes it more pappable for Third Reading. The Bill itself takes the jurisdiction completely away from the Pollution Control Board in the area of regulating farming pollution. This Amendment limits it to the Federal Standards, thereby making it a lot easier to pass a bad bill on Third Reading. I think we should defeat this Amendment and have the Bill go down in Third Reading to defeat also."

Arthur Telcser: "Gentleman from Cook, Mr. B. B. Wolfe."



B. B. Wolfe: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. You know, debate is the art of ah... informing and persuading and listening to the debate this morning, I'm not informed and I'm not persuaded, because my colleague to the left has given arguments - every argument that would call for defeating the Amendment. My good colleague and friend, Roscoe Cunningham, on the other side of the aisle gave forth some terrific arguments for voting against the Amendment and he's voting for it. Now, the Governor stated in his message yesterday, the Agency referring to the EPA will do more than find the technical violations. It will cease the arrogant enforcements of unrealistic deadlines and the dissipation of our efforts on low priority projects. I'm much more concerned about the factory belching smoke in a major industrial area than a farmer burning branches on the south 40. In view of this posture of the Governor and his new administration... thank you.... I say we give the Governor and his new administration an opportunity to place EPA in a proper posture and defeat the Amendment and defeat the Bill."

Arthur Telcser: "Gentleman from Cook, Repre.... Representative

Mann, for what purpose do you rise, Sir?"

Mann: "Am I on? Point of personal privilege, Mr. Speaker."

Arthur Telcser: "State your point, Sir."

Mann: "My distinguished colleague from the County of Cook, referred to me in debate and I just want to know... I just want to inform him that no one is to the left of him."



GENERAL ASSEMBLY

STATE OF ILLINOIS

HOUSE OF REPRESENTATIVES

Arthur Telcser: "Gentleman from Will, Representative Kempiners."

Kempiners: "Thank you, Mr. Speaker, I would like to explain my 'no' vote on this Amendment. I feel very strongly about the Federal Government being removed from the People of the State of Illinois, and I do not think it's a good precedent to let them set the standards that our State is to be governed by. The farther away we get from individuals the less contact they have with their government, allowing the large organized groups to control the decisions that are made on that level. Therefore, I urge a 'nc' vote on this Amendment."

Arthur Telcser: "Gentleman from Cook, Representative Rayson."

Rayson: "Well, thank you, Mr. Speaker and Members of the House. The last gentleman in part conveyed the way I want to explain my vote. I'm not sure what this Amendment might do to this bad Bill, but I know something conceptionally about this kind of Amendment and we in the Illinois General Assembly, as well as State Legislators, wherever they are, should fight for their State's rights in the area of pollution control. This battle is raging in Minnesota, in Main and Illinois and so many other States, and that is that if we can have better and tighter control of our environment beyond the mediocre standards set in Washington, we're all going to be better off, so it's most important that any concept of this nature be defeated and that we adhere regularly to the concept of State control providing our State



standards are higher and I hope they're higher in this field as in all fields of the environment."

Arthur Telcser: "Lady from Lake, Representative Geo-Karis."

Geo-Karis: "Mr. Speaker, Ladies and Gentlemen of the House, I rise to explain my vote in favor of the Amendment. I am very much in favor of environmental protection and those of you who know my record, know it. However, there are no minimum standards to my knowledge set up by EPA for situations arising as set forth earlier by the Sponsor of the Bill. I think, then, the next thing... the best thing we should do is take the Federal minimum standards, because in my honest opinion, at least we'll have some standards, and even though I'm for State's rights and so forth, we still have to have some standards and I do feel it has been proven on the Bill and I speak for it."

Arthur Telcser: "Gentleman from Tazewell, Representative VonBoeckman."

VonBoeckman: "Mr. Speaker and Ladies and Gentlemen of the House, I want to explain my 'yes' vote and the reason I'm voting 'yes', is simply because Illinois is known as one of the most industrial and agricultural States in the Nation and yet we are faced with the problems of lesser programs in various states such as the EPA. An industry will not come into the State of Illinois or various other businesses will not come into the State of Illinois if our regulations are so high that they will be going to other States, and I feel like this is a Bill that would help us have standards



equal to other States and which will encourage businesses and industry to come in. So I vote 'yes'."

Arthur Telcser: "Gentleman from Cook, J. J. Wolfe."

J. J. Wolfe: "Well, Mr. Speaker, and Members of the House, what this really boils down to is, I think, some administrative problems, which I think most of us will agree are occurring from the Department of Environmental Protection. Now, we've got to draw a vast distinction, I think. At least, the Department does, between a grain elevator in southern Illinois or rural Illinois, which is out in the middle of some field and say grain elevators in the area like south Chicago, where there's one on top of the other, and could cause some problems because they're spreading their pollution over Metropolitan areas. Now I think it's a bad mistake to limit the EPA in this matter, certainly if there are some problems and I think they should make some differentials between the problems of a grain elevator or a leave burning in a metropolitan area and in a rural community. And I think that's the way to go and I think it's a mistake for us to approve such an Amendment as this."

Arthur Telcser: "Gentleman from Sangamon, Representative Londrigan."

Londrigan: "Mr. Speaker and Ladies and Gentlemen. We have heard in discussion here that we should leave this to the EPA. That it is an administration problem. We have done that. That is why we're here today seeking relief from the EPA. You know what they tell the citizens of Springfield



and Sangamon County when they call up about leaf burning and their other agricultural problems. They say the Legislature passed the law. They blame everything, the EPA, on the Legislature. Now, I think it's time now that we stepped in and correct this situation. As we all know, we didn't pass the law, they passed rules and regulations. They are the one's that are enforcing the general law we gave them. So if they're not going to solve the problem, if they are going to blame the legislature, then I suggest that we put on these minimum standards and I vote 'aye'."

Arthur Telcser: "Gentleman from Fayette, Representative Brummet."

Brummet: "Mr. Speaker, Ladies and Gentlemen of the House, I think we're missing one point along the way here. We have no experts on the EPA at the present time, representing the Agricultural Committee. We have not had, since last July 1, otherwise, we would not have had some of these rules and regulations. I don't feel we are doing anything against the EPA, because for the last two months, they have been holding hearings throughout the State on livestock, and the last meeting that they had at Carbondale, they had between 1500 and 1600 farmers that showed up down there. Mrs. Leahy finally got up and said that they were calling off the meetings until they got some kind of regulations from Washington, so they'd know how to act in the State of Illinois, so I do not feel we are doing anything against the EPA, any way, shape or form. I vote 'aye'."



Arthur Telcser: "Gentleman from DuPage, Representative Schneider."

Schneider: "In explaining my vote, Mr. Speaker, there are a few other observations I would like to make about the Amendment and the Bill in general. First of all is that in regard to ah.... the agency, it is not necessarily just the Environmental Protection Agency or the Pollution Control Board that we're speaking of. Remember, we are regulating ah... pesticides and nitrates, that eventually work their way into the water table and become drinking water. Now there are Public Health Departments throughout the State of Illinois, which have established certain standards for the level of that drinking water, which exclude the nitrates from that water. Now what you're saying in this Amendment, is that the Federal Government comes in and suggests that they know what that standard and they're going to affect every public health policy throughout the State of Illinois on this particular question, so it's one area that I think we ought to give some consideration to. Secondly, I think we ought to also know that there is an appeal process for any kinds of harm that a farmer or anybody else might feel is abusive. There is a simple 200 petition signature appeal, and I'd be curious to know if anybody has appealed any of the decisions of the Pollution Control Board and if they have, gone to Appellate Courts and what kinds of appealing they've gotten out of that. But it seems to me that there is a sense of legislative arrogance here. We're talking



about taking away regulatory power and then saying to the General Assembly 'if you want to regulate nitrate, you come in and set the standards; if you want to regulate pesticide control in the farm areas, you come in and set the standards. I think that's really too abusive. I think we ought to give general authority, leave room for interpretation, give room and credit for expertise in the Environmental Protection Agency, because, after all, that's why we created the division, that's why we hired the people that are experts, and that's why we're trying to cope with the problem. I think the Amendment is bad, I think the Bill is miserable and I think we do ourselves a general disservice by supporting such an Amendment."

Arthur Telcser: "Gentleman from Cook, Representative Piotrowicz."

Piotrowicz: "Mr. Speaker, I move the previous question."

Arthur Telcser: "We're at explanation of votes, Representative Piotrowicz, and a motion to move the previous question, is not in order at this time. Have all voted who wish? Take the record. This question, there are 92 'ayes', 48 'nays' and record Representative Hirschfeld as voting 'present', and Amendment No. 1 to House Bill 40 is adopted. Are there further Amendments. Third Reading. House Bill 41."

F. B. Selcke: "House Bill 41. Bill for an Act to Amend the Environmental Protection Act. Second Reading of the Bill. No Committee Amendments."



Arthur Telcser: "Are there Amendments from the Floor?"

F. B. Selcke: "Amendment No. 1. Borchers. Amend House Bill 41 on Page 2, by striking lines 5 through 8 and inserting in lieu thereof the following: 'No regulation of the Board may prescribe any standard, condition, restriction or requirement relating to grain elevator operations that is more stringent than the minimum applicable standards adopted by the appropriate federal agency pursuant to the National Environmental Policy Act, the Clean Air Act, the Clean Water Act for the Environmental Quality Improvement Act'."

Arthur Telcser: "The Gentleman from Macon, Representative Borchers."

Borchers: "Mr. Speaker of the House, I think we have pretty well divided in relation to our thoughts on this, and I believe the votes will be about the same. All I would like to say, is one thing. That based on the records given me which I will present on Third Reading and act now, I just merely state that if we do not help our grain elevators in the State of Illinois, according to their own statement, over half of them will be forced out of business in the State of Illinois by the proposed rules and regulations of the EPA. Therefore, I would like to move the adoption of this Amendment."

Arthur Telcser: "Is there any discussion? Gentleman has offered to move the adoption of Amendment No. 1 to House Bill 41. All in favor of adoption, signify by saying 'aye', the opposed 'no'. Anyone wish a roll call? The Amendment



is adopted. Are there further Amendments? Third Reading.
House Bill 42."

F. B. Selcke: "House Bill 42. A Bill for an Act to amend Section 13 of the Environmental Protection Act. Second Reading of the Bill. One Committee Amendment. Amend House Bill 42 on page 2 by striking lines 25 through 28 and inserting in lieu the following: 'No regulation of the Board may prescribe any standard, condition, restriction or requirement relating to the agricultural livestock operations that is more stringent than the minimum applicable standards adopted by the Appropriate Federal Agency, pursuant to the National Environmental Policy Act, The Clean Air Act, The Clean Water Act and the Environmental Quality Improvement Act.'"

Arthur Telcser: "Gentleman from Macon, Representative Borchers."

Borchers: "Mr. Speaker, fellow Members of the House, for the same reasons as the other Bills. the other Amendments, I ask your support. I assure you that unless we help support our livestock dealers, they too, by the hundreds, will be forced out of business in the State of Illinois and we'll be dependent upon livestock being brought in and sold and raised in the States of Montana, Nebraska, et cetera, and we have an obligation and duty to protect our own livestock dealers, and I might point out that the meat is high enough now without causing a step further increase in price. I solicit your support for this Amendment."



Arthur Telcser: "Any discussion? Gentleman has offered to move the adoption of Amendment No. 1 to House Bill 42. All in favor of adoption, signify by saying 'aye', the opposed 'no' and the Amendment is adopted. Does anyone wish a roll call? Do five Members wish a roll call? Five Members do. Gentleman has offered to move the adoption of Amendment No. 1 to House Bill 42. All in favor of adoption, signify by voting 'aye', the opposed by voting 'no'. Have all voted who wish? Take the record. Giorgi 'aye'. And this question, there are 71 'ayes', 32 'nays' and Amendment No. 1 to House Bill 42 is adopted. Are there further Amendments? Third Reading. House Bill 62."

F. B. Selcke: "House Bill 62. Bill for an Act to add Sections 1-205.1 henceforth of the Illinois Vehicle Code. Second Reading of the Bill. Two Committee Amendments. Amendment No. 1. Amend House Bill 62, on page 1....."

Arthur Telcser: "Gentleman from Vermilion, Representative Craig."

Craig: "Mr. Speaker, Members of the House. Amendment No. 1 is ah.... amend the House Bill 62 on page 1, line 13, by striking the word 'or' and inserting in lieu thereof the word 'and'. I would like to move the adoption of Amendment No. 1."

Arthur Telcser: "Is there any discussion? Gentleman has offered to move the adoption of of Amendment No. 1 to House Bill 62. All in favor, signify by saying 'aye'. The opposed 'no'. The Amendment is adopted. Are there further



Amendments?"

F. B. Selcke: "Committee Amendment 2. Amend House Bill 62 on page 6, line 4 by inserting immediately after the word 'station', the following:..."

Arthur Telcser: "Gentleman from Vermilion, Representative Craig."

Craig: "Amendment No. 2 to House Bill 62 on page 6, line 4 by inserting immediately after the word 'station' the following: 'provided that neither the disabled vehicle nor any vehicle being towed nor the tow truck itself exceed the weight limitations permitted under this chapter. In other words, when the tow truck comes out legally licensed and in an emergency case of picking up a heavy tractor to move it off the highway, at that particular point, the tractor may make the tow truck overloaded on axle weight. But the tow truck would not be allowed to be to have a ticket given for overweight, due to the fact it's towing this overweight truck, which made it this way. If the truck being towed is overweight, then they may be given a ticket, but not the tow truck operator. I would like to move for the adoption of Amendment No. 2."

Arthur Telcser: "Is there any discussion? The gentleman has offered to move the adoption of Amendment No. 2 to House Bill 62. All in favor of adoption, signify by saying 'aye', the opposed 'no'. The Amendment is adopted. Are there further Amendments? Third Reading. House Bill 124."



F. B. Selcke: "House Bill 124. A Bill for an Act authorizing direct and divisional of Water Resource management, Dept. of Transportation to make examination, survey and studies Shore Line of Lake Michigan. Second Reading of the Bill. No Committee Amendments."

Arthur Telcser: "Are there Amendments from the Floor? Third Reading. House Bill 125."

F. B. Selcke: "House Bill 125. A Bill for an Act to Amend Section 1....."

Arthur Telcser: "Is Representative Hirschfeld on the Floor? Oh yes, I'm sorry."

F. B. Selcke: "An Act concerning disclosure sources, information obtained by certain persons in the news media. Second Reading of the Bill."

Arthur Telcser: "Did you want that out of the Record, Representative? Take it out of the Record. House Bill 153."

F. B. Selcke: "House Bill 153. A Bill for an Act to amend Section 18 of an Act in relation to the regulation of rivers, lakes, streams in the State of Illinois. Second Reading of the Bill. No Committee Amendments."

Arthur Telcser: "Amendments from the Floor? Third Reading. House Bill 160."

F. B. Selcke: "House Bill 160. A Bill for an Act to enlarge the corporate limits of Metropolitan Sanitary District of Greater Chicago. Second Reading of the Bill. One Committee Amendment. Amend House Bill 160 on page 1, line 22 by inserting the word 'published' after the word 'circulation.'"



Arthur Telcser: "Gentleman from Cook, Representative Rayson."

Rayson: "On Amendment No. 1, ah... I talked to the Majority Leader about this, and we've got another Amendment to clarify Amendment 1, so I would ask leave of the House to Table Committee Amendment No. 1 to House Bill 160."

Arthur Telcser: "Gentleman has moved that Committee Amendment No. 1 to House Bill 160 be Tabled. All in favor, signify by saying 'aye', the opposed 'no'. The Amendment is Tabled. Are there further Amendments?"

F. B. Selcke: "Amendment No. 2. Amend House Bill 160 on page 1 by deleting....."

Arthur Telcser: "Gentleman from Cook, Representative Rayson."

Rayson: "Thank you, Mr. Speaker, ah.... Amendment No. 2 in more precise wording does what the Majority Leader wants to do with regard to publication requirements in this Bill. Being a local Bill, wants to insure that there will be local publication as much as possible and that's the purpose of this Amendment and I now move adoption of Amendment No. 2 to House Bill 160. "

Arthur Telcser: "Is there any discussion? Gentleman has offered to move the adoption of Amendment No. 2 to House Bill 160. All in favor of adoption, signify by saying 'aye', the opposed 'no'. The Amendment is adopted. Are there further Amendments? Third Reading. House Bill 165."

F. B. Selcke: "House Bill 165. Bill for an Act to vacate highway easement held in State of Illinois in Henry County, Illinois. Second Reading of the Bill. No Committee Amendments."



Arthur Telcser: "Are there Amendments from the Floor? Third Reading. House Bill 166."

F. B. Selcke: House Bill 166. Bill for an Act to vacate, extinguish, abandon, release an easement for Highway purposes in Henry County, Illinois. Second Reading of the Bill. Amendment..... Committee Amendment No. 1. Amend House Bill 166 on page 2 by deleting line 6...."

Arthur Telcser: "Gentleman from Bureau, Representative Barry."

Barry: "I move the adoption of the Amendment. It merely deletes a line, an extra line that was a clerical error."

Arthur Telcser: "Is there any discussion? Gentleman has offered to move the adoption of Amendment No. 1 to House Bill 166. All in favor of adoption, signify by saying 'aye' the opposed 'no'. The Amendment is adopted. Are there further Amendments? Gentleman from Franklin, Representative Hart."

Hart: "I have a question of procedure. In my book, this Amendment comes ah.... it shows as being adopted. It's in the green printed form, on February 28, 1973. What does that mean?"

Arthur Telcser: "This Bill was on the consent calendar the Clerk informs me and then someone objected and it was taken off of the consent calendar."

Hart: "I see, well, what did the language on the Amendment... it says that the Amendment was adopted on February 28. Does that mean adopted on the floor?"

F. B. Selcke: "I think, Mr. Hart, that meant that the Bill was



read a Second time on the consent calendar on that day and then it was taken off the consent calendar, ah... and now we are adopting the Amendment here on the Order of Second Reading."

Hart: "All right, ah.... if it was read on Second Reading and the Amendment would automatically be adopted at that time, ah... if I understand the rules about Amendments on Consent Calendar, so....."

Arthur Telcser: "Representative Barry, do you wish to clarify ah...."

Barry: "Let me clarify, Dick, the Amendment was adopted by the Committee probably on that date of February 28."

Hart: "Well, that's my question. Does that date refer to the Committee adoption or to the floor adoption? I think it refers to the Floor adoption."

Barry: "Well, it doesn't make any difference in this case."

Hart: "I know."

Barry: "In this case, the Amendment was adopted in Committee. The Bill was put on the Consent Calendar, I thought wrongly, so it came out on the Consent Calendar. I was the only Sponsor. I pulled it off the consent calendar, started it back in the ordinary role of business on Second Reading in order to properly put the Amendment on."

Hart: "O'okay, now, my question is of course not to your Amendment, nor to your Bill, but the question is, if an Amendment is adopted, through the consent procedures on Second Reading, and then it's taken off, as this Bill was



after that, has the Amendment been adopted or hasn't it?"

Arthur Telcser: "Representative Hart, under the provisions of Rule 9, if ah... a Bill comes on the Consent Calendar as an Amendment automatically adopted, it goes to Third then it is objected to, the Bill is put back on the order of Second Reading, first Legislative day, and the Amendment is not adopted. It must again be adopted on the floor on the Order of Second Reading."

Hart: "Thank you very much."

Arthur Telcser: "Are there further Amendments? We adopted Amendment No. 1 to House Bill 166. Are there further Amendments? Third Reading. House Bill 174. Is Representative Pierce on the floor? Let's take it out of the Record, I don't see Representative Pierce on the Floor."

F. B. Selcke: "174 is not ready. House Bill 181." Bill for an Act to Amend Section 1...."

Arthur Telcser: "Is Representative Kempiners on the Floor? Yes, he is."

F. B. Selcke: "Ah.... to add Section 1.1 to an Act to prevent nonresidents from serving or acting as deputy sheriffs or special policemen. Second Reading of the Bill. No Committee Amendments."

Arthur Telcser: "Are there Amendments from the Floor. Third Reading." We're going to hold 186. Representative Katz is not on the floor for 188. House Bill 199."

F. B. Selcke: "House Bill 199. Bill for an Act to Amend Sections 11-80-11 of the Illinois Municipal Code. Second



Reading.... Excuse me. Strike that. House Bill 199. A Bill for an Act to add section 32 and to amend Sections 4, 5 and 6 of the Recreational Area Licensing Act. Second Reading of the Bill. One Committee Amendment. Amend ah... House Bill 199 on page...."

Arthur Telcser: "Gentleman from McLean, Representative Bradley."

Bradley: "Mr. Speaker, I move the adoption of Committee Amendment No. 1 to House Bill 199. It merely deletes ah... for permits and licenses and assures the ah... proper ah... results will be obtained through the Amendment. I move that adoption of Amendment No. 1."

Arthur Telcser: "Is there any discussion?" Gentleman has offered to move the adoption of the Amendment No. 1 to House Bill 199. All in favor of adoption, signify by saying 'aye', opposed 'no'. The Amendment is adopted. Are there further Amendments? Third Reading. At the request of the sponsor, House Bill 200 and 231 will not be called. House Bill 289."

F. B. Selcke: "House Bill 289."

Arthur Telcser: "Excuse me, Is Representative Juckett on the Floor for 231. I'm sorry. It's pass out. House Bill 231."

F. B. Selcke: "House Bill 231: A Bill for an Act to amend Section 13 of Article 13 and to add Section 3.32 to Article 4 of the Act to revise the law in relation to township organization. Second Reading of the Bill. No Committee Amendments."



Arthur Telcser: "Are there Amendments from the Floor?"

F. B. Selcke: "Amendment No. 1. Juckett. Amend House Bill 231 on page 1 by....."

Arthur Telcser: "Gentleman from Cook, Representative Juckett."

Juckett: "Mr. Speaker, this Amendment was discussed in Committee, was suggested by Representative Skinner and it eliminats from the financing procedure for Mental Health any township which is already in a Mental Health district, and so I would move the adoption of Amendment No. 1 to House Bill 231."

Arthur Telcser: "Is there any discussion? Gentleman has moved the adoption of Amendment No. 1 to House Bill 231. All in favor of adoption, signify by saying 'aye', the opposed by saying 'no'. The Amendment is adopted. Are there further Amendment? Third Reading. House Bill 289."

F. B. Selcke: "We'll start at the very beginning. 289. A Bill for an Act to Amend Sections 9 and 10 of the Environmental Protection Act. Second Reading of the Bill. No Committee Amendments."

Arthur Telcser: "Are there Amendments from the Floor? Third Reading. House Bill 315."

F. B. Selcke: "House Bill 315. Bill for an Act to Amend to Section 1 of an Act in relation to Compensation of Members of the General Assembly. Second Reading of the Bill. No Committee Amendments."

Arthur Telcser: "Are there Amendments from the Floor? Third Reading. House Bill 355."



F. B. Selcke: "House Bill 355. Bill for an Act to regulate the advertising of gasoline prices."

Arthur Telcser: "Is Representative Douglas on the Floor?"

Let's take it out of the Record for now. House Bill 373."

F. B. Selcke: "House Bill 373. A Bill for an Act in relation to revision, reinstatement of certain parts of law as herein named by combination amendment renumbering or restoration. Second Reading of the Bill. One Committee Amendment. Amendment No. 1. Amend House Bill 373....."

Arthur Telcser: "Gentleman from Cook, Representative Shea."

Shea: "Mr. Speaker, Ladies and gentlemen of the House. This is a 373 and 374 statutory revision bills. After the Bill was put in, this is a suggestion of the Reference Bureau, on this Bill, and then with leave of the House, I'd like to leave 373 and 374 on the Order of Second Reading for at least a week or two, to have everybody have an opportunity to look them over and see if there are any suggestions, or revisions to the Bill."

Arthur Telcser: "Did you wish to adopt..."

Shea: "I move for the adoption of the Amendment."

Arthur Telcser: "All right, so is there any discussion?"

Gentleman from Cook, Representative Palmer."

Palmer: "If the sponsor will yield. Are these just technical changes only, changes of words, paragraphs, etc."

Shea: "These two bills are suggestions to the Reference Bureau to bring the statutory base in line, so that we will have



one statutory base to work with. I have some questions about it myself, but I want everybody to have an opportunity to look at these Bills before we discuss them."

Arthur Telcser: "Is there further discussion? Gentleman has offered to move the adoption of Amendment No 1 to House Bill 373. All in favor of adoption, signify by saying 'aye', the opposed 'no'. The Amendment is adopted. Are there further Amendments? At the request of the Sponsor of the Bill, it will be held on the order of Second Reading. At the request of the Sponsor, the next Bill will not be called. Representative Blades, for what purpose do you rise, Sir?"

Blades: "I apologize for taking any of your time. However, I have been having a lot of inquiries in regard to the Agriculture and Natural Resources Committee. The Agricultural and Natural Resources Committee will meet in Room C-1 30 minutes after adjournment. Thank you, Mr. Speaker."

Arthur Telcser: "House Bills, Third Reading." House Bill 8. Is Representative Kosinski on the Floor? Here he comes."

F. B. Selcke: "House Bill 8. Bill for an Act in relation to fire arm training for peace officers. Third Reading of the Bill."

Arthur Telcser: "Gentleman from Cook, Representative Kosinski."

Kosinski: "Mr. Speaker, Ladies and Gentlemen of the House.

I think we have an obligation. I think if we give a man a gun and a badge, actually we have two obligations. He should know how to use that gun, and when to use deadly



force for the protection of our citizenry. At the same time, if we give him that gun and badge we're indebted to him. If he misuses that gun and deadly force, he's the man indicted after we gave him the gun and the badge. I solicit your vote for this bill."

A. Telcser: "Is there any discussion? The question is, shall House Bill 8 pass? All those in favor signify by voting 'aye'.. by voting 'aye', the opposed by voting 'no'. Fleck, 'aye'. Friedland, 'aye'. Duff, 'aye'. Matijevich, 'aye'. Have all voted who wish? Take the re.. Mann, 'aye'. Maragos, 'aye'. Kozubowski, 'aye'. On this question, 137 'ayes', no 'nays' and this bill having received the constitutional majority is hereby declared passed. House Bill 17."

F. B. Sélcke: "House Bill 17, a bill for an Act to amend Section 19-2 and so forth, the Election Code. Third Reading of the bill."

A. Telcser: "Gentleman from Cook, Representative Merlo."

Merlo: "Mr. Speaker and Members of the House. House Bill 17 creates a procedure where persons who are permanently, physically incapacitated could obtain an absentee ballot without submitting a physician's certificate or affidavit at each election as now required by law. Under the proposed bill, a permanently disabled voter who is virtually certain not to be able to be present at the polls could apply for a permanently disabled voter's



identification card. The original application would be accompanied by a physician's affidavit attesting to a voter's permanent disability. And once the card has been issued, he could use and obtain this card for a period of five years. This bill has the support of the County Clerk of Cook County, the Chicago Election Commissioner's, the Illinois County Clerk's Association, the National Paraplegic Foundation, the Illinois Congress of Organizations of Physically Handicapped, the Muscular Dystrophy Association, the Easter Seals Association, and the United Cerebral Palsy and I ask you favorable consideration."

A. Telcser: "Is there any discussion? Question is shall House Bill 17 pass? All those in favor signify by voting 'aye'. The opposed by voting 'no'. Have all voted who wished? Have all voted who wish? Take the record. On this question, there are 151 'ayes', one nay and this bill having received the constitutional majority is hereby declared passed. House Bill 32."

F. B. Selcke: "House Bill 32. Bill for an Act to amend Sections 24-12 and 24-16 of the School Code, Third Reading of the Bill."

A. Telcser: "Gentleman from Cook, Representative Jaffe."

Jaffe: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 32 provides that teacher removal or dismissal hearing shall be held before a hearing officer appointed and paid by the Superintendent of Public Instruction.



If such a hearing is requested by the teacher, ah.. presently such hearings are heard before the Board of Education. Ah.. the hearing officer may sustain or reject the Board's decision to dismiss a teacher. Ah.. the rationale behind this bill is as follows. Ah.. the present system really gives the Board too much power and the Board now in essence is both the prosecutor, judge and jury of its own action. Ah.. teachers cannot get an impartial hearing under the present law and I would like to see this particular bill enacted into legislation. Ah.. I should note that this bill has passed through the legislature on two different occasions. And, really, was vetoed by two Governors for political purposes. Originally, Ray Page wanted the bill and Otto Kerner vetoed it because he did not want Ray Page to make the appointment. And last time out, I think it was just the opposite thing where Governor did not want Mike Bakalis to make the appointment. At the present time, the Governor is for it, the Officer of Superintendent of Public Instruction is for it, the IA is for it, the School Problems Commission is for it. I think it's a good bill it should be passed into law and it's a long time coming into the State of Illinois and I urge a 'yes' vote on this bill."

A. Telcser: "Gentleman from Cook, Representative Yourell."

Yourell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise to opposed this bill because the mail that



I've received, it's indicated that local administrators and school boards want to retain the privilege and the right to make their own decisions as to how this matter shall be handled. Ah.. I don't know that removing the option from its present resting place in the board will create anything but removal and a nebulant area that best can be served by retaining it in its present situation. So, I'd ask that you vote against this bill."

A. Telcser: "Gentleman from Kane, Representative Grotberg."

Grotberg: "Mr. Speaker, ah.. Ladies and Gentlemen of the House.

Will the sponsor yield? Ah.. how many hearing officers are involved in this thing, Representative? Am I on?"

Jaffe: "Actually last year, all you had was 20 cases. And I filed a fiscal note with the Clerk and all we have in this state during the last year were 20 cases."

Grotberg: "And how much money are you talking about then?"

Jaffe: "Well, we're talking about somewhere in the area of about \$21,000."

Grotberg: "Is there an appropriation bill.."

Jaffe: "It will be in the amended budget of the ah.. OSPI."

Grotberg: "For \$20,000?"

Jaffe: "For \$20,000, yes, Sir."

Grotberg: "Thank you."

A. Telcser: "The Gentleman from Franklin, Representative Hart."

Hart: "Mr. Speaker, Ladies and Gentlemen of the House. I think Representative Jaffe has got a good bill here. It ah..



it ah.. really violates our concept of justice when the same persons are the judge and jury. And ah.. prosecutor. If these teachers are going to get an independent hearing, they shouldn't be heard.. the hearing shouldn't be held by the same people who are bringing the charges. And I think with the amendments that have been put on this bill and ah.. the explanation that has been given, it would improve the standings of the school board. It would improve the standings of the administrators and it would improve the standing of the teachers. I would think it'd create a better scene and prove morale and probably produce much better results. I urge the support of this bill."

A. Telcser: "Gentleman from Cook, Representative Palmer."

Palmer: "If the sponsor would yield for a question."

A. Telcser: "He indicates he will."

Palmer: "..On the procedure. After the.. it indicates that the hearing officer is also a trial judge in this case, is this correct?"

Jaffe: "Well, Romie, as you know. The position of the law at the present time is this. If you're sitting on the school board and I'm a teacher and you decide to dismiss me, then you make that decision. Then I have a right to come in for a hearing. And I say, okay, I want a hearing. Well, at the present time, the person that's the hearing officer is you. You're the one to dismiss me. Now, well, what this bill says is that you will have review now by



an independent hearing officer who does not live in the district and who was appointed by the Office of Superintendent of Public Instruction."

Palmer: "Well, my point is that he makes a decision irrespective of ah.. any.. any thoughts on the part of the Board of Education. The ah.. next question is ah.. what happens after that time? Does he suppose that the board doesn't like the decision?"

Jaffe: "Well, ah.. Romie, as you know what happens right now with all these cases lined up in court. And I think if we would adopt this particular bill, we would eliminate a lot of those court cases. Because at the present time it's inevitable that they wind up in court because the board is doing the judging as well as being the prosecutor. So, if we come to the situation of ah.. having an independent hearing officer, I think that you're going to take the steam out of a lot of these things. You're going to take the hostility out of them. And you're going to wind up with fewer court cases and actually have it run better. And we've only had 20 cases in the entire state last year. So I don't understand what you're really so uptight about."

Palmer: "Well, except for one thing. If we have an employer or an employee relationship ah.. between the teachers and the school board member."

Jaffe: "Well, Romie, as you know, there are court cases that indicate when a teacher can be fired and when the teacher



cannot be fired. And this does not supercede any of that law. The law still remains as it is. And that's really the thing that governs. And if the hearing officer is wrong, well the board knows the court can reverse the hearing officer."

Palmer: "Does the Superintendent of Public Instruction hire all the lawyers?"

Jaffe: "First of all, the bill has been amended so that it's not necessarily a lawyer. It can be anyone that the superintendent wants that's knowledgeable in the field of law."

Palmer: "I see they get \$200 per diem and that's ah..

I just wonder if he's going to have a list that he can choose from or is it going to be open to any member of the bar of the State?"

Jaffe: "Well, I don't control the Office of the Superintendent of Public Instruction, but I would hope that he would do a good job and I know he would."

A. Telcser: "The Gentleman from Cook, Representative Mahar."

Mahar: "Yes, Mr. Speaker, Members of the House, I rise to oppose this particular bill. I think it's a bad bill. I think it sets a precedent of local government. I think we're taking away from local government some of the responsibilities that they must exercise in order to do their job. I could visualize a situation where you had a council-manager form of government and the City Council decided to fire the manager we might have a bill which



would have the Governor appoint a hearing officer to find out whether they really should fire the man or not. I think it's a bad bill and we should vote 'no' on it."

A. Telcser: "Gentleman from ah.. Henry, Representative McGrew. Did Representative McGrew want the floor? He sought recognition a few moments ago. Gentleman from Peoria, Representative Schraeder. No? Gentleman from Cook, Representative Ewell."

Ewell: "Mr. Speaker, Ladies and Gentlemen, it's indeed popular to be ah.. all for the teachers who are far more numerical than the Boards of Education but one of the things we do in our society is we impose the Board of Education and the Boards of Education with tremendous responsibilities to handle the job. Now, you want to take from them a fundamental right which is either to hire and to fire. Where there are abuses under the present law, you do have recourse to the court. And we're simply putting in another intervening step. You're taking away from the Board of Education, the responsibilities which you have delegated to them. You have deprived them from the power to function. I think we ought to give this bill a little more thought and a little more study. But I suggest at this time, we do not take away from Boards of Education, their fundamental duty and their responsibility. Because we're constantly telling the Board, stand up and



meet your obligation. Do your duty and we at the same time are whiddling away at all of the power of the Board of Education. I think for this reason, we ought to perhaps refrain from supporting the bill at this time."

W. Robert Blair: "The Gentleman from DuPage, Mr. Hudson. No. Gentleman from Lake, Mr. Griesheimer."

Griesheimer: "Mr. Speaker, I rise to oppose this bill, also. Although, I am very concerned with the prior comments that have been made with regard to maintaining the integrity of our school boards. And I think this is extremely important. I think equally important is to consider the school teacher's feelings on this and not merely the school teacher's union feelings on this. I do not believe that the school teachers need another bureaucratic level to go through to determine whether they should be retained or not retained in their teaching position. If the school board chooses to ah.. defer them or to retire them ah.. or to set their services aside, then they should be given the right to go directly into circuit court as they have now without the necessity of incurring lengthly, admistrative costs in a new bureaucratic level of government. And for these reasons, I'm opposing the bill."

W. Robert Blair: "The Gentleman from Macoupin, Mr. Boyle."

Boyle: "Ah.. Representative Jaffe, I'd like to ask you a question. Is it not true under your bill as amended, that there is a procedure now whereby ah.. records could



be kept at these hearings."

Jaffe: "Yes, Mr. Boyle, that is correct."

Boyle: "And ah, Mr. Speaker, I'd like to address myself to the bill. I think this is a good bill and I would urge the Membership to support it. Ah.. there is a provision in this bill now whereby records are kept of the proceedings and so a grieved teacher could have a record for future possible review. Many times, a hearing before the school board, there are no records kept and so consequently, when the teacher ah.. wants to take some action as for the reasons for his dismissal as to whether or not it violates the tenure law, there is no record and I would urge the Membership to support this bill."

W. Robert Blair: "Gentleman from Cook, Mr. Bluthardt."

Bluthardt: "First, Mr. Speaker, I'd appreciate it if the electrician would take care of my mike. It's been off for all week. I want to speak briefly against the bill before us. I think that the proposal, the idea of the concept of ah.. of ah.. having hearing officers substitute their judgements for those of duly appointed or elective boards, is a mistake. I think you can carry this too far. I can conceive of the idea then that ah.. the ah.. the hearing officer would replace say the Police and Fire Commission in the disciplinary action taken against police officers and fire officers ah.. firemen rather. It just seems to me that we're hitting the wrong line here by proposing to take away from local control and giving it to



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state officer giving it to a State Agency given the power to discipline or to fire. And I would suggest that we oppose this bill."

W. Robert Blair: "Gentleman from Cook, Mr. Maragos."

Maragos: "Mr. Speaker, Members of the House, this matter has been debated fully, I now move the previous question."

W. Robert Blair: "All right. The Gentleman has moved the previous question. All those in favor say 'aye'."

Members: "Aye".

W. Robert Blair: "Opposed, 'no'. The 'ayes' have it and the previous question has been moved. Now back to the Gentleman from Cook, Mr. Jaffe, to close."

Jaffe: "Ah.. correcting some of the things that were stated beforehand. Ah.. this does not interfere with the board's right to hire or fire. The board still has that right. And it does not add an additional hearing. It just adds that at one hearing instead of having a board sit on two hearings you're going to have them sit at one hearing and you're going to have the independent hearing officer sit at the other. Ah.. if I were a board member, I would very much want this bill. I can see cases in our area ah.. where all we've had is a lot of confusion and turmoil and hard feelings that emanate in the community because of hearings of this type. I don't think that it's possible for a board to be the judge and jury and also the prosecuting attorney with relations to these hearings and I therefore, would urge a yes vote on this bill."



W. Robert Blair: "Question is shall House Bill 32 pass?"

All those in favor will vote 'aye' and the opposed 'no'.
Gentleman from Cook, Mr. William Walsh."

Walsh: "Well, Mr. Speaker, and Ladies and Gentlemen of the House, to explain my vote. This is a bill that has been up for many sessions and one or two times it's got out. Happily when it did, Governor Kerner vetoed it. Now, this makes no more sense to have the State's big brother set up a hearing procedure for teachers than it would be for a school janitor. Now, I don't know why the gentleman didn't include school janitors and other school employees. And if we did that, then certainly we'd have to include park districts, city and other governmental units and have the state determine a hearing procedure for the hiring and firing of them. Now, let me point out, Mr. Speaker, that what we're doing is taking away from the elected school board a procedure that they're charged with by the electorate. They're told to hire and fire teachers and that's what they're there for. And if they don't do it well, then they're removed. Any school board member who approves this type of legislation is not doing his job. He's advocating his job. Now, Mr. Speaker, this is a bad bill. It's a bad precedent. And it should be defeated."

W. Robert Blair: "Ah.. the Gentleman from DuPage, Mr. Schneider."

Schneider: "Thank you, Mr. Speaker, and it's always a pleasure to hear my friend, Bill Walsh, speak again since he's not



on the Committee any longer. But, I think we ought to look at a couple of other aspects of the problem. Not only should we reaffirm what has been mentioned earlier that we provide a due process hearing on a removal with an independent officer but I think we ought to also look at the question beyond hiring and firing. We're talking about quality education. If a school board is really interested in exploring the possibilities of quality education just simply through the ah.. educational process as it's affected by teachers, consider the fact that the tenure laws in Illinois and other kind of obstructions in many cases might prevent a board from wanting to talk about a removal of a teacher because they ah.. the community or the members of the teaching profession might feel that the board members have interjected themselves on a personal basis into the question. Now we're bringing in an objective and neutral hearing officer which gives the board a little more mobility and flexibility and says you make the judgment. Have we correctly made an estimate of this persons qualities and ah.. abilities and if not then perhaps she should be removed. I think this is an essential question. We're asking for due process. We're talking about quality education and in both of those instances we're talking also about the nature of the court's interjection into the question. And the court has ruled of late that you cannot violate a teacher's right to due process for removal. Whether he's a tenure teacher



or a non-tenure teacher. And so we are not really doing anything more than upholding the court, enforcing ah.. a process which would allow for quality education and giving ah.. the teachers and the school board a fair shake on a hearing. So I think you ought to support the bill and ah.. give both sides an opportunity to deal appropriately with the problem. So I solicit an 'aye' vote on it."

W. Robert Blair: "Gentleman from Champaign, Mr. Clabaugh."

Clabaugh: "Mr. Speaker, and Members of the House. Having been a sponsor of this same bill twice or three times, having voted for it every other time ah.. as Bill Walsh said, 'I got old enough to get a little smarter'. First question that I would want to ask is there such a thing as a disinterested person who might be available enough to be on the superintendent's list regardless of who the superintendent is? And if there is such a person, should his decision be final and binding upon a Board of Education that's been elected to the people who chiefest responsibility is the employment and discharge of teachers. And while they will employ a great many more than they discharge, I'm quite sure that there's times that a discharge of a teacher is more important of one teacher.. is more important probably than a hiring of one teacher. I submit further that this is as has been stated before, just another process in not chipping away from the responsibility and the authority of our elected boards. And if you're



in any way closely connected with any Boards of Education, heaven knows, that they have.. we've done enough chipping away now. I suggest that if we don't want the boards to be the last word in the dismissal of a teacher, then let's change the basic statute. Let's don't leave it there and then make this change. Now, it was said a moment ago that some board members want this bill. I'm sure that's true. Some teachers don't want want this bill for the same reason that the board wants it. Now, let me paint a case. There are many times when a popular teacher, suppose it's like a coach, ah.. has a lot of friends but he isn't worth a continental anywhere else but on the basketball court or football field. And the board knows that if they dismiss that fella, that they're going to be in a lot of rukas. They're gonna.. the community is going to divide and so on. So at the present time, they just let them stay. Now if we put the responsibility for sustaining that dismissal upon someone else, this board is very likely to say, 'All right. If we have a public hearing then we can bring out what the.. the reasons for which we are dismissing this teacher. And I.. for that reason, I believe there would probably be more teachers dismissed under the provisions of this board ah.. this bill than otherwise. And I'm quite sure that some teachers are for it. I have been told why or against it. I've been told by one teacher that he believes that there would be more people dismissed under the provisions of this act than



otherwise. And I think, we, the two Governors who have vetoed this bill did a wise thing. I've changed my position and I vote 'no'."

W. Robert Blair: "The ah.. lady from Cook, Mrs. Chapman."

Chapman: "Mr. Speaker, ah.. I found Mr. Clabaugh's ah..

arguments very persuasive as a reason for voting 'yes' on this measure. Ah.. I'm a previous member of a school board and it seems to me that it puts school board members in an extremely awkward position to, after they have dismissed a teacher for what they regard as 'good reasons' to then be placed in the position of being the judge of their own actions. It seems to me that it makes it much easier for a school board to ask to dismiss a teacher who should be dismissed. It also makes it possible for teachers to make sure that they will secure a fair hearing. I believe the School Problems Commission was correct when they supported this legislation in two other sessions. I believe this House was correct when they approved this legislation two other times. I believe the Senate was correct when they approved this legislation on two other occasions. The School Board Association was right when they voted to favor this. It's kind of too bad that because the Illinois Education Association happens to be for it now. For some School Board Members to decide that if teachers are for it, they need to be against it. I urge you to vote 'yes' on this measure."

W. Robert Blair: "The ah.. lady from Lake, Mrs. Geo-Karis."



Geo-Karis: "Ah.. Mr. Speaker and Ladies and Gentlemen of the House. I rise to explain my vote against this bill. Having worked with School Boards, I can tell you that the School Board Members as we all know are unpaid people, Number One. Number Two, the teacher's sanctity.. we must remember the teacher's sanctity also depends how they get along with the superintendent. And if we take away the right of the School Boards to hire and to fire, then we are saying that we don't care whether the teachers get along with the superintendent who runs the school system there. And I feel that it would be an inequity against the School Board and against the Superintendent of the particular School Board if we support this bill. And, also, to protect the teacher's as Mr. Clabaugh says, I do feel that there are cases which are better done quietly by dismissal because of facts involved involving those teachers. We had some in our area."

W. Robert Blair: "Gentleman from Madison, Mr. Sharp."

Sharp: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. As a school teacher for several years, I rise in support of this bill. I think the one thing that has been demonstrated here in the discussions on both sides, is that in the area of education ah.. conditions of cooperation must exist between the so-called administration and those in the classroom. I feel that the conditions that are developing in the State of Illinois, the direct conflicts



that have resulted during the past few years illustrate that we have to move in a direction of cooperation between the boards and the classroom teacher. And I do not feel that this condition has existed in the past. This condition does not exist in the present and we have to move as a state legislature to insure such a cooperation. Now, this bill says, 'impartial'. And all the sudden, we're drawing lines between the administration and the teachers. And this is the only thing that seems to stand in the way of the passage of this bill. I think we should have faith in our Superintendent of Education here in Illinois to a point. Someone who is impartial. Someone who will give a fair evaluation of any situation. He's an elected official. He's been placed in his office by the people. And I think we should have trust in him. The only thing that I look at in this bill here is that it will show the public employees, and this is one thing that teachers have placed before them every time they go to the board for different reasons. Is that you have a public trust to keep. Now, the only thing that we're asking is that the General Assembly keep its side of the bargain. So I urge a yes vote. Thank you."

W. Robert Blair: "The ah.. Gentleman from Lincoln, Mr.

Lauer... I'm sorry, Logan."

Lauer: "Thank you, Mr. Speaker. I rise to explain my vote. I am one of those who have been on both sides of the fence in that I am a teacher and I'm also a former School



Member. Let me tell you, ladies and gentlemen, that this from the standpoint of both is a bad bill. Both as a teacher and as a former School Board Member, I would be forced to oppose this bill. Because, I would like to warn you what the situation is going to be with regard to local schools. If you take this kind of attitude toward local school boards, they're going to say, okay. You have taken away from us the right to dismiss any teacher that we feel on the basis of not a one-shot situation but rather on the basis of a long observation is inadequate in the classroom and that we don't want in the classroom. The situation is going to be this. That after two years, all teachers are going to find that they will not have a contract offered. Tenure will be right out the window because local school boards will simply not permit a teacher to become tenure. Now this is damaging to teachers. It's also damaging to school boards but most of all it is damaging to the young people who are seeking education. The children will be the losers. It seems to me that this a terrible bill. And I strongly urge a 'no' vote."

W. Robert Blair: "Gentleman from Cook, Mr. Yourell."

Yourell: "Thank you, Mr. Speaker, in explaining my vote, I would call the attention to the House that when the Superintendent appoints a hearing officer to go into the merits or demerits of the suspension or the hiring or the firing of this school teacher, he's going to be on a



per diem of up to \$200 a day. And I would suggest that you consider the fact that he's going to be more interested in prolonging perhaps any hearings that he's involved rather than getting really down to the crux of the matter and deciding it on its merits. I would also suggest to you that when the office becomes an appointed office that you will never no longer have the opportunity to have an elected official appointing somebody else to hear these cases ah.. and to judge ah.. to take precedence of over a elected school board member. So in light of that, I would suggest that whatever we do in this area that that is not to approve this bill. Because you know what's going to happen when these hearing officers appointed on a per diem on a day to day basis. They're going to prolong the hearings and not get down to what they ought to be talking about and thinking about. And I'm going to vote no for that and other reasons."

W. Robert Blair: "Gentleman ah.. from DuPage, Mr. Hudson."

Hudson: "Mr. Speaker and Ladies and Gentlemen of the House, I have always felt rather strongly that public office is indeed a public trust. I have always felt, too, that when school board ah.. when the citizen runs for the school board or wishes to serve on our local school boards that he does that, knowing full well what his responsibilities will be.. that he is charged with certain responsibilities and he is willing to take whatever heat, whatever fire may come as a result of his decisions on that board. We



do it here in the General Assembly, and I feel that to make it easier for members of the School Boards to pass the buck to somebody else is a step in the wrong direction. I feel that many school board members would welcome the opportunity of keeping the responsibilities that they are charged with in exercising those responsibilities. This is what most of them want to do. This is what we, as local citizens, expect of them. And I am therefore and for these reasons and others that have been stated here, casting my vote a-hurd on this particular measure and would urge others to do so."

W. Robert Blair: "Gentleman from DuPage, Mr. Redmond."

Redmond: "Mr. Speaker, Ladies and Gentlemen of the House.

I have a feeling that there's a lot of misunderstanding and misconception as to the purport of this bill. I had the experience many years ago of having represented a school board in one of these tenure hearings. And at the time of the hearing, I was impressed with the fact that I didn't really think that the procedure was one that guaranteed a fair and impartial hearing not only for the teacher but also for the school board. Now it only applies to a very limited number of people. During the early years of the employment of a teacher the school board may dismiss and not let the teacher get tenure. And if there's anything really substantially wrong with the teacher, they don't ever have to let them get tenure and they can do that without any reason whatsoever. So they have pretty



good control over whether or not the teacher is going to establish a tenure position. And then the next thing, it doesn't apply to all types of charges which might be brought. They have divided them into remedial and non-remedial offenses. And if it's a remedial thing, if it's such a thing as coming late and not attending your classes and so forth, it's not subject to this kind of a hearing. It's only those things which the school board determines are not remedial and therefore, grounds for dismissal. Now the charges are presented and prepared for the most part by the attorneys for the board. The board is the one that makes the determination. The board is the one that advises the teacher whether or not the employment is going to be continued. And then if the teacher requests the hearing, the board is the one that sits in judgment on the charges which they have preferred. The charges are handled by the attorney for the board. He is in effect, the prosecutor. And he is also the legal advisor to the board pursuant to the statute. Now, at the time that I went through the hearing. I thought it was a very unfair thing. The teacher that we were considering at that time was one who had many friends in the community. And I don't think that the Board of Education was in a position to profit no matter what they did nor was the teacher. I thought that it was a situation that cried for some change. I think that it's absolutely imperative in our feeling of fair play and



and affording an equal and unbiased hearing to the teacher. I think it's only fair that some impartial person sit in judgment to determine whether the offenses are non-remedial and are such that the teacher's tenure and his ability to make a living should be judged by somebody other than the group that preferred the charges. And therefore, I support this bill and urge that it should be passed."

W. Robert Blair: "Gentleman from DuPage, Mr. Gene Hoffman."

Hoffman: "Mr. Speaker, and Ladies and Gentlemen of the House,

I think it's kind of ironic the way the opponents and proponents of this bill stand. It's my observation that if this bill becomes a law, it will have the very affect that those opponents of this bill are opposing it for. I sincerely believe from my own experience and observation ah.. in a school setting for the last fifteen years that no school board is going to put themselves in the position of being a judge in a community on the basis of a decision that they've made ah.. as a board in firing a teacher. Many, many situations arise where for one reason or another an individual is popular in the community for some reason other than what he does on the job. I sincerely believe that if this bill passes and becomes law, that you will see school boards, you will see school boards, taking their responsibility to make an evaluation of their teachers to a much higher degree than you do at the present time because they're not going to have to turn around and put



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themselves in the situation to which Representative Redmond referred. As it stands presently, they look at it and they say, 'Well, Joe Mondatz is ah.. popular in the community because he's president of the Lions Club ah.. but he's drunk on the job three days out of the month. But if we have to take him to a hearing, ah.. he's going to have all the people in the community who are his friends supporting him and we find ourselves in a big hassle and we can't win either way. I sincerely believe that if this bill is passed and becomes law, it will be to the benefit of the children. It will be to the benefit of the community. The School Board still has the right to.. to dismiss for cause. But let them not be put in the position of making the judgment of whether they did the right thing. This bill will do more for education in Illinois than anything we have considered up to this point on the floor. And therefore, I encourage an 'aye' vote for this bill."

W. Robert Blair: "The Gentleman from Madison, Mr. Calvo."

Calvo: "Mr. Speaker, Ladies and Gentlemen of the House, since I asked for attention and I see ah.. the vote has changed a little bit, I don't believe it's necessary for me to explain my vote. I would just like to say that I'm proud of this House to see that they're interested enough in justice. And that's what this question is.. justice. Let's not be the prosecutor, the judge and the jury all at once. Let's have some justice and have some impartial hearing officers in these cases. Thanks for your vote for



justice and I'd ask for the roll call. I think we have enough green lights now."

W. Robert Blair: "Gentleman from Kane, Mr. Grotberg."

Grotberg: "Mr. Speaker, and Ladies and Gentlemen of the House, I rise to explain my vote. For many of the reasons that others have accounted for but one that has not been mentioned, I received from ah.. regional directors of the Illinois Education Association some months ago assurance that there is now due process enough so that any board, any school board that feels strongly through the cooperation of the Illinois Education Association can achieve any discharge processes that they feel are in question with the help of the association. Therefore, Mr. Speaker, I vote 'no'."

W. Robert Blair: "All right. Have all voted who wished? The Clerk will take the record. Gentleman from Cook, Mr. William Walsh."

Walsh: "Mr. Speaker, I request a verification of the roll call."

W. Robert Blair: "All right. The Gentleman's asked for verification. What purpose does the Gentleman from Cook, Mr. Berman, rise?"

Berman: "Before the verification, I'd ask for a polling of the absentees, Mr. Speaker."

W. Robert Blair: "All right. Poll the absentees and record Mr. Flynn as 'aye'."



- F. B. Selcke: "Ah.. Arrigo. Up or down? We're polling the absentees now and if you want to vote, please indicate how you wish to vote. Carter. Ralph Dunn. Granata. Hill. Huskey. Jacobs. Klosak. McCormick. McMaster. McPartlin. Merlo. Merlo 'aye'."
- W. Robert Blair: "Merlo, 'aye':"
- F. B. Selcke: "Pappas. Schlickman. Sevcik. Tuerk. Waddell. Wall."
- W. Robert Blair: "For what purpose does the Gentleman from St. Clair, Mr. Flynn, rise?"
- Flynn: "Mr. Speaker, I didn't hear my name called among the absentees and I just arrived back at my desk. How am I recorded as voting?"
- F. B. Selcke: "The Gentleman indicated to my assistant here that he wanted to vote 'aye' so we recorded him as 'aye'."
- Flynn: "I didn't see that you got that. Thank you very much."
- W. Robert Blair: "Proceed to verify."
- F. B. Selcke: "Alsop. Arnell. Barnes. Barry. Beatty. Beaupre. Berman. Boyle. Bradley. Brandt. Brinkmeier. Brummett. Caldwell. Calvo. Capparelli. Catania. Chapman. Choate. Craig. Davis. DiPrima. Douglas."
- W. Robert Blair: "Wait a minute. We're ah.. yeah. We're verifying the affirmative and you are on the affirmative."
- F. B. Selcke: "Douglas. Dyer. Epton. Farley. Fary. Fennessey. Flynn. Garmisa. Getty. Gibbs. Giglio. Giorgi. Hanahan. Hart. Hirschfeld. Gene Hoffman."



J. D. Holloway. R. H. Holloway. D. L. Houlihan.

J. M. Houlihan. Jaffe. Emil Jones. Dave Jones.

Katz."

W. Robert Blair: "Wait a minute. For what purpose does the Gentleman from Cook, William Walsh, rise?"

Walsh: "Ah.. Mr. Speaker, would the people who are being verified raise their hands to indicate that they're here so that we can tell?"

W. Robert Blair: "All right. I think that's certainly reasonable. One hand at a time."

F. B. Selcke: "Katz. Kelly. Kempiners. Kennedy. Koskinski. Kozubowski. Krause. Kucharski. Laurino. Lechowicz. Lempke. Leon. Londrigan. Lundy. Madigan. Mann. Maragos. Martin. Matijevich. McAvoy. McClain. McGah. McGrew. McLendon. Merlo. Malloy. Mugalian. Nardulli. Patrick. Phillip. Pierce. Piotrowicz. Polk. Randolph. Rayson. Redmond. Sangmeister. Schisler. Schneider. Sharp. Shea. Timothy Simms. Ike Sims. Skinner. Soderstrom. Stedelin. Stone. Taylor. Telcser. Terzich. Thompson. Tipsword. VonBoeckman. Washburn. Washington. J. J. Wolf. B. B. Wolfe."

W. Robert Blair: "All right. Questions of the affirmative. For what purpose does the Gentleman from Tazewell, Mr. Kriegsman."

F. B. Selcke: "Griesheimer?"

W. Robert Blair: "No, Kriegsman."

Kriegsman: "I voted against it. My name was not called."



W. Robert Blair: "Yea, well we polled the affirmative vote first and then, and then we poll the negative and now we're going to have any questions of the affirmative vote. Gentleman from Cook, Mr. William Walsh."

Walsh: "Representative Brandt."

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

Walsh: "Barnes."

W. Robert Blair: "He's there. Oh, okay."

Walsh: "Barry?"

F. B. Selcke: "Toby's there."

Walsh: "Brinkmeier."

W. Robert Blair: "Ah.. I don't the gentleman in his seat. Ah.. How's he recorded?"

F. B. Selcke: "Ah.. gentleman's recorded as voting 'aye'."

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

Walsh: "Caldwell."

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

F. B. Selcke: "Gentleman's recorded as voting 'aye'."

W. Robert Blair: "Take him off the record. No, he's there. I see him."

Walsh: "Craig."

W. Robert Blair: "Craig's there."

Walsh: "Ah.. J. D. Holloway."

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

Walsh: "Both Houlihans."

W. Robert Blair: "There's one. Where's the other one? Oh, okay. I see him."



Walsh: "Kelly?"

W. Robert Blair: "Let me stop the Clerk right now and explain something, especially for the benefit of the new members. When we're having ah.. any ah.. questions of the affirmative vote, you better be in your seat because it's impossible for the person who's up here in the Chair to now where you might be. In other words, I look for you in your seat. And if you're not there, ah.. and I have to look around it just holds up the whole process. So, in order to facilitate it, would you please when we're verifying, get in your seat and stay there. Proceed."

Walsh: "Kelly?"

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

Walsh: "Kozubowski?"

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

Walsh: "Merlo."

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

Walsh: "Polk."

W. Robert Blair: "Polk is back there."

Walsh: "Shea."

W. Robert Blair: "Shea is.... in the aisle."

Walsh: "Telcser".

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

Walsh: "VonBoeckman."

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

Walsh: "He's back there."



Walsh: "Schisler."

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

Walsh: "Londrigan."

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

Walsh: "Dave Jones."

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

Walsh: "Fennessey."

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

Walsh: "Brummet."

F. B. Selcke: "He's next to Bradley."

W. Robert Blair: "I don't see him back there. Mr. Brummet?
How's he recorded?"

F. B. Selcke: "Gentleman's recorded as voting 'aye'."

W. Robert Blair: "Take him off the record. Any further
questions of the affirmative? All right, Mr. Clerk,
where are we? All right. On this question there are
99 'ayes', 58 'nays', one present and the House Bill 32
is passed by a constitutional majority. Gentleman from
DuPage, Mr. Schneider."

Schneider: "Thank you, Mr. Speaker. After having voted on the
prevailing side I'd like to move that the bills by which
ah.. vote was.. passed be reconsidered."

W. Robert Blair: "Gentleman from ah.. Cook, Mr. Douglas."

Douglas: "Ah.. Mr. Speaker, I move that that motion be
tabled.. lie upon the table."

W. Robert Blair: "All right. Question's on the



gentleman's motion to table. motion to reconsider. All those in favor say 'aye'. Opposed 'no'. The ayes have it and the motion to table prevails. And ah.. put Mr. Brummett back on the roll call. He came back on the Floor before it was announced. Ah.. Gentleman from Wayne, Mr. Blades."

Blades: "Ah.. point of personal privilege, Mr. Speaker."

W. Robert Blair: "All right."

Blades: "Seated in the west gallery is Mildred Fitzgerald whom I'd to introduce to the Members of the House of Representatives. Mildred was the wife of former Representative Wayne Fitzgerald from Franklin County who was loved by both sides of the aisle."



Hon. W. Robert Blair: "Constitutional Amendments - Third Reading. H.J.R.C.A. *7."

Fredric B. Selcke: "Ah.. House Joint Resolution Constitutional Amendment *7. Third Reading of the Resolution."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Fleck. Oh! Wait a minute. Yes. Wait, we'd better read it all. Yeah.."

Fredric B. Selcke: "House Joint Resolution Constitutional Amendment *7. RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE SEVENTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, the Senate concurring herein, that there shall be submitted to the electors of the State for adoption or rejection at the next election of members of the General Assembly of the State of Illinois, occurring at least six months after the legislative approval of this proposition, in the manner provided by law, a proposition to amend Section 9, Paragraph (e) of Article IV of the Constitution, to read as follows:

ARTICLE IV

THE LEGISLATURE

Section 9. Veto Procedure.

(e) The Governor may return a bill together with specific recommendations for the correction of technical errors or matters of form to the house in which it originated. The bill shall be considered in the same manner as a vetoed bill. If, however, the specific recommendations are accepted by a record vote of a majority of the members



elected to each house, the bill shall be presented again to the Governor and, if he certifies that the acceptance conforms to his specific recommendations, the bill shall become law. If he does not so certify, the Governor shall return it as a vetoed bill to the house in which it originated.

SCHEDULE

This Amendment of Section 9, Paragraph (e) of Article IV of the Constitution is effective for each session of the General Assembly newly convening after its adoption by the electors of this State."

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

C. J. Fleck: "Well, Mr. Speaker and Ladies and Gentlemen of the House, we've been here for quite awhile and I'll be as brief as possible. This Amendment very simply would amend the Illinois Constitution to limit the Governor's Amendatory Veto Powers to matters of form and technical errors. Presently, under the Constitution of 1970, under the powers of the State and the separation powers clause, the Legislature has the responsibility of legislating. All the Members of the Seventy-Seventh General Assembly, who are present here today, realize what kind of a creature the Amendatory Veto is, how it is subject to abuse and misuse and how it grants powers of legislative authority to the Executive Branch of Government. That, in itself, is not the danger. But, the danger is when the Executive begins



his legislating before the proper branch of legislation, the Senate or the House, can pass their original Bills in their original form. An extraordinary majority of a number of votes of hundred and seven and thirty-six in the House and the Senate respectively is required. In other words, we need the same number of votes to override his veto just to insert our own legislation which was properly passed under eighty-nine votes. You recall that this Bill passed the House in the Fall Session and did not have an opportunity to get through the Senate. I want to simply point out that Governor Walker in a newspaper article has indicated, and I'm quoting when he was talking in regards to the Newsmen's Shield Bill. He did not intend to put in his own piece of Legislation protecting newsmen. But, he said that he was going to either put in his own Bill, which he decided against. He was going to amend the Bills which we passed out of the House and the Senate. And, I quote from the Article where he said that, 'We have two avenues of approach. We can either draft Legislation', and I say, 'draft Legislation and have some Legislators introduce it or we can amend Bills already introduced! I think, it would be preferable to use the latter method'. I think, that we're faced with a danger here which might live and haunt this State for a hundred years, where we're vesting incredible powers in the Executive Branch. He presently has a reduction veto. He's got his line item veto on appropriation measures. He's got his absolute veto. And, I think, that



if we maintained the Amendatory Veto, that we're going to have a demagogue in this State sometime. And, this should be avoided at all costs. The day when we have a Governor born with boots and spurs is a day that the State of Illinois will have a saddle on its back. And, I think, that this Resolution, curving the Governor's Amendatory Veto Power, is proper and it leaves the power of Legislation in our hands and the Senate's hand where it properly should be. And, I ask for your support."

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

H. A. Katz: "Ah.. Mr. Speaker and Ladies and Gentlemen of the House, I rise in support of the proposed House Joint Resolution Constitutional Amendment *7. The distinguished gentleman from Chicago has spoken about the reason for it in terms of the Governor's exercise of his veto power. But, I would like to put it in its broader aspects and that has. and that is the gradual erosion of power from the Legislative Branch to the Executive. And, it has been going on in the State level and it has been going on in the Federal level. An excellent example of that erosion is the extent to which under the interpretation given by the Governor to the Amendatory Veto Power, traditional Legislative Powers are being given and being taken and being exercised by the Executive of the State. And, I think, that it is time, not in our own interests, but the interest of preserving the traditional separation of powers in terms of providing some bulwark against the Executive in every State and in every



that is exercising unprecedented power that we, in the First Branch of Government, the Legislative Branch of Government, put a stop to this invasion of Legislative Power and make very clear that the Governor's function in the Amendatory Veto phase must be limited to technical matters and not to the institution of new Legislative Programs in the guise of the use of an Amendatory Veto."

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

T. H. Miller: "Thank you, Mr. Speaker. Fellow Members of the House, recognizing the emotional issues of this measure, I somewhat hesitate to rise to deliver my maiden speech in opposition to it. Because of its importance, however, as a proposed Amendment to the Illinois Constitution, I believe, that it is necessary that this matter be given our very careful consideration. And, I ask your indulgence over the next few minutes in its review. I share with every Member of this distinguished Body the pride in our Legislative responsibility and performance. But, I question the merits of the Amendment for three basic reasons. First, at this point in time, is such an Amendment necessary? The Governor's Amendatory Veto Power has been in effect for less than twenty-four months. What evidence is there that the proposed Amendment is warranted at this time? Secondly, I am concerned that by limiting the Governor's Amendatory Veto Power in technical errors that we are, in fact, giving the Governor greater power over our work by reducing his options to often vetoing a measure rather than making



recommended... recommendations for change as authorized in the 1970 Constitution. My third concern is the flexibility of the proposed language. Quote, 'Technical errors and matters of form'. I submit that the proposed language does not accomplish the intent of the proposed Amendment. From July 1 until January 12, 1972, Governor Ogilvie used the power on fifty enactments, representing two and one half percent of the Legislative product of the 1971 Session of the General Assembly. Of the fifty amended Bills, forty-nine were returned for substansive reasons. Thirty-nine because of policy considerations and ten because of drafting problems. Among the Bills returned for substansive policy reasons, one of the principle contributing factors was the intervention of the events subsequent to the passage of the Bill. For example, President Nixon's Wage Price.... Wage Price Stabilization Executive Order of August 15th, 1971 had a direct impact on four Bills awaiting the Governor's action, all of which provided some form of pay increase. In each of the Bills, the Governor added a new Section making the entire enactment subject to the President's Executive Order together with any modification or extension thereof pursuant to Federal Law. Another example came with the adoption of the Eighteen Year Old Voting Amendment to the United States Constitution. With the certification of the Federal Amendment occurring after the adjournment of the General Assembly, the Governor sent the School Board Election Bill back with an Amendment lower-



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ing the age to eighteen. There were several other examples of the use of the Amendatory Power to clarify Legislative intent. The clearest use of the power concerned, the General Assembly's efforts to lower the age of legal majority to eighteen. Having approved Senate Bill 931, which lowered the legal age of majority to eighteen, the Governor was required to consider two other enactments which appeared inconsistent with his fundamental change in the Law. House Bill 1309 amended the Statute on Limitations to raise the Infancy Disability Limitation for females to the age of twenty-one, thereby, making the disability uniform for both males and females. The General Assembly had also passed House Bill 687 amending the 'Probate Act' to permit both males and females, who had attained the age of eighteen, to act as Executors of a Will, but raised to twenty-one the age for both to act as Administrators. Although the examples cited here are merely illustrative of the Governor's views of the Amendatory Power and do not encompass all of the Bills returned. Mention should be made of these Bills returned because of the substantive drafting problems which but for the Amendatory prerogative would necessarily have to had been vetoed. The first major use of the Amendatory Veto was brought about at the request of the Chief Sponsors of Bills giving assistance to children attending non-public schools. Governor Ogilvie exercised the Amendatory Veto Power to bring them in conformity with the United States Supreme Court's Decision handed down in late June, 1971.



After the Bills had passed both Houses of the General Assembly, both Houses by substantial majority approved the Governor's specific recommendations for change. Without the Amendatory tool, the Bills would have been lost because the Governor's only alternative would have been an outright veto. Subsequently, the Illinois Supreme Court stated that the recommended changes exceeded the Amendatory Power authorized in the Constitution. The Courts conclusion that the Governor's Amendments were a substitution of a complete new Bill not authorized by the Constitution looked only to the form and not to the substance of the Governor's Amendment. The Illinois Supreme Court early decision has left much to be desired. But, in the context of history of the power itself being presented to the Court in a proper case, the case of first impression, may well be re-examined. If the Governor proposes a change in the Bill, and both Houses of the General Assembly agree with him by a majority vote, why should the Judicial Branch of Government intervene? If the Governor's Amendments are in the judgement of the General Assembly a step beyond his scope of authority, we need only to reject the Amendment or to override the veto of the Governor as provided under Section 9 (e). If the General Assembly wishes to offer an alternate proposal, it has control of the Legislative Process to do so and entirely new Bills can be submitted to the Governor within five calendar days. The question as often arisen whether or not it was the intention to limit the Governor's



Amendatory Veto Power to technical errors. The verbatim record of the Convention is very clear on this. On Page 1356 of the verbatim transcripts of May 28th, 1970 of the Illinois Constitutional Convention, the following question was posed. Then, it was the Committee's thought that the conditional veto....."

Hon. W. Robert Blair: "Ah.. Alright.. If the ah.. gentleman would bring his remarks to a close now, you're over in the 'red' light time."

T. H. Miller: "Well, to close, Mr. Speaker and Fellow Members of the House, what are the benefits to the General Assembly or to the people of this State, if the Amendatory Veto Power is changed as proposed at this time? Absolutely none. What is the cost to the taxpayer for a Constitutional Referendum? Upwards of one million dollars. Limiting the Amendatory Vetoes to technical errors and matter of form does nothing less than put the Governor in the position of being a mop-up technician. That's exactly what the proposed language does. It makes the Governor a mop-up technician. In looking at the phrase 'technical errors and matters of form', one key word is 'technical'. The other key words.... The other key phrase is 'matters of form'. Blacklaw Dictionary defines 'technical' as 'immaterial - not affecting substantial rights - without substance'. Mr. Speaker and Members of the House, in closing, we have often been invited into the 'green' light district by the distinguished Representative from Lawrenceville without



any shame at all. I invite you to join me in the 'red' light district on this vote. You'll have the thrill of a lifetime and no regrets. Thank you for your courteous attention."

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

R. J. Kosinski: "Mr. Speaker and Gentlemen of the House, obviously, Tom Miller has a keen mind and, I think, his maiden address was excellent. I'm not in agreement with him, but I'm not sure that I'm in agreement with the Sponsor of this Bill. If the Sponsor will yield to a question, I have one."

Hon. W. Robert Blair: "Alright.. The gentleman indicates that he will."

R. J. Kosinski: "Ah.. Mr. Fleck, is it not true that presently a Court is deciding or has decided this issue?"

C. J. Fleck: "No, it is not correct."

R. J. Kosinski: "Then, I subscribe to your Bill."

Hon. W. Robert Blair: "Gentleman ah.. from ah.. Cook, Mr. Leon."

J. F. Leon: "Mr. Speaker and Ladies and Gentlemen of the House, I rise to support this Amendment. I served in the Constitutional Convention and the Executive Article Committee. And, at that time that that proposal was before us, we went at great length to decide that the Amendatory Veto was only to correct technical errors, errors in grammar, commas and sections. However, at some time later, it was



taken from the Executive Committee and put in the Legislative Committee. The intentions, and I voted against this measure in the Committee, the intention was to permit the Governor only to make technical corrections to make a Bill Law. We did not intend to give him the power to rewrite Legislation. We reserved that right for the General Assembly. And, I certainly want everyone, who can reasonably support this Bill and support the General Assembly's prerogative of writing Legislation, to vote in the affirmative. Thank you."

Hon. W. Robert Blair: "Gentleman from Cook,... No.. Gentleman from Cook, Mr. Yourell."

H. Yourell: "Yes, when Representative Miller was explaining or ah.. debating that, I didn't catch his statement. I wonder if he mind repeating that statement?"

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

C. J. Fleck: "Well briefly, Mr. Speaker and Ladies and Gentlemen of the House, all I'm asking and all I'm asking you to do is not to advocate your role as a Legislator by not voting 'green' despite the enticement of being in the 'red' light district. I might point out that this will, by House Rule, require one hundred and seven votes for passage. And, I ask all of you to lend your support for this measure."

Hon. W. Robert Blair: "Alright.. The question is, 'shall House Resolution *7 pass?'. All those in favor will vote 'aye', and the opposed 'no'. And, this requires a 107



votes because it proposes an Amendment to the Illinois Constitution. The gentleman from ah.. ah.. Union, Mr. Choate."

C. L. Choate: "Mr. Speaker, I only wanted to advise the Membership that I'm attempting to be consistent because I have voted for this measure two years ago. But, it is quite amazing to me what two years and a major election will do as I view the 'green' lights up there today."

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

B. C. Blades: "You might tell the gentleman from ah.. Union that sometimes it takes a couple of years for some of us to catch on."

Hon. W. Robert Blair: "Gentleman ah.. from ah.. Franklin, Mr. Hart."

R. O. Hart: "Ah.. in explaining my vote, ah.. basically, I support the proposition that if anybody wants to put something on the ballot and let the people change the Constitution, we ought to do it. Ah.. in.. in response to Mr. Fleck's statement about Governor Walker, I believe, that he misinterpreted what he said. I think, Governor Walker was saying that rather than have a large number of Bills ah.. on the same subject, that he ah.. will send his Staff around and talk to Sponsors of Bills who have Bills on subjects that the Governor is interested in and see if they could work out some kind of an Amendment that's agreeable to the Sponsor and to the ah.. Governor's Office. And, I think, that's ah.. a laudatory practice rather than to come in and



have a bunch of ah.. of separate Bills doing the same thing and polarizing the situation whether it's a Democrat Bill or a Republican Bill, andsoforth. And ah.., if there is any question about ah.. what Governor Walker actually meant, I think, that he meant amending Bills while they're in the House, not after they get to his desk. But, I'll be glad to go down to the Governor's Office with Representative Fleck next week and see if we can't straighten him out on this situation."

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

J. C. Hirschfeld: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House, in explaining my vote, my 'aye' vote for Representative Fleck's Bill, I would like to point out to the distinguished Chairman of the Executive Committee and to ah.. the distinguished Representative Cunningham and others that the ah.. brochure that was passed out to the Members of the Committee stating that the first Constitutional Amendment cost one million dollars. And, the cost of all others after that are negligible. And so, those of us that have three up this afternoon would certainly appreciate their paying close attention to the fact that we have now passed the million dollar one. And, the rest of them will cost nothing."

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

H. A. Katz: "Just briefly, ah.. Mr. Speaker, I just wanted to



make perfectly clear, and I'm afraid that my remarks before didn't which is why I'm explaining my vote, what is basically wrong with the Amendatory Veto as it has been exercised. There's nothing wrong with the Governor making a proposal for Legislation. They do it. They send Messages. They introduce Bills and those Bills are heard. But, when the form in which it's done is an Amendatory Veto, there is no opportunity for the Amendatory Veto to go through the Legislative Process. There's no opportunity for the public to be heard before Committees on the Bills. Because when it comes back on an Amendatory Veto, there is no hearing on the Bill. And, that is the reason why I support the Amendment and think that it is an improvement in the Illinois Constitution."

Hon. W. Robert Blair: "Have all voted who wished? The Clerk will take the record. Gentleman from Lawrence, Mr. Cunningham."

R. D. Cunningham: "Mr. Speaker, I would rise on a point of personal privilege. The other day in the Executive Session, mindful of the need of the taxpayers that we engage in economy at every opportunity, there was some discussion as to the cost of the Constitutional Amendment. And, the distinguished Representative from Champaign had one of his very fine Bills there, but it was pointed out that there was some cost involved. And ah.., we each made guesses and the guess of one million dollars ah.. proved to be accurate. And, I took the vow for having made that estimate. And then, we



had a discussion with Representative Hirschfeld about his responsibilities to clarify the record because there had been comment to indicate that the Bill was being sabotaged. And, that gracious gentleman agreed to get up and make a public apology for being wrong. And, if the... the very fine and capable comments a moment ago constituted a public apology pursuant to our agreement, I am to coin a phrase, 'The Ballet Dancer'. John, we shall still wait your explanation."

Hon. W. Robert Blair: "One hundred and forty-three 'Ayes', six 'Nays' and ah.. this Resolution, having received the three-fifths extraordinary vote required by the Constitution, is hereby declared passed. General Resolutions."

F. B. Selcke: "House.. House Resolution 90. Timothy Simms. House Joint Resolution 16, Philip, et al. House Joint Resolution 17, LaFluer, et al. House Joint Resolution 18, Lechowicz, et al."

W. Robert Blair: "Death Resolutions."

F. B. Selcke: "House Resolution 87, ah.. Choate, et al.

Whereas the Members of the House of Representatives have learned with great sadness of the passing of Mr. Lewis W. Walker, father of Governor Daniel Walker at Mr. Walker's home in San Diego, California on March 5, 1973. And whereas Mr. Walker retired Chief Petty Officer served his country with distinction for 30 years in United States Navy. And whereas in addition to his own years of public service, Mr. Walker contributed two other outstanding public servants to his country, his son, Governor



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Daniel Walker of Illinois and Lewis W. Walker, Jr. of Virginia Beach, Virginia, a retired captain in the United States Navy. And whereas Mr. Walker retired to become a farmer in his later years and raised Governor Walker on that farm. And whereas Mr. Walker has lived a very full life and was 78 years old and had 10 grandchildren at his death. Now therefore be it resolved by the House of Representatives of the 78th General of the State of Illinois that the Members of this body express their respect for the late, Mr. Lewis W. Walker of San Diego, California and extend their deepest sympathies to his family including his sons, Governor Daniel Walker and Captain Lewis W. Walker, Jr. and Mr. Walker's sister, Callie Jo of Jacksonville, Texas. And be it further resolved that suitable copies of this preamble be sent to Governor Daniel Walker, Captain Lewis W. Walker, Jr. and Callie Jo Walker."

W. Robert Blair: "Gentleman from Union, Mr. Choate."

Choate: "Well, Mr. Speaker, Ladies and Gentlemen of the House.

I took the liberty of.. to inform the Democratic Members that when I introduced the resolution I added all of your names. I would ask.. I would suggest that any Republican Member who might want to become a co-sponsor please feel free to do so. I would now move, Mr. Speaker, for the suspension of the proper rule that we might have immediate consideration and adoption of the resolution."

W. Robert Blair: "All right. Does the Gentleman have



leave? Hearing no objections, then the question..

Gentleman from Lincoln, Mr. Murphy."

Murphy: "Mr. Speaker, I'd ask leave to include the entire Republican Membership on that resolution."

W. Robert Blair: "All right. Is there leave for that purpose. All right. The question is on the adoption of the resolution. All those in favor will say 'aye'."

Members: "Aye."

W. Robert Blair: "Opposed, 'no'. The 'ayes' have it. And the resolution is adopted and the entire membership of the body will be placed on the resolution."

F. B. Selcke: "House Resolution 91, Schoeberlein, et al."

Whereas, this body has learned to its deep sorrow of the death of Judge Charles G. Sidle and whereas Judge Sidle was an outstanding attorney serving as State's Attorney of Kane County for two and one half terms before being elected to the bench in 1950. And whereas he was the first man to hold the office of Chief Judge of the 16th Judicial District. And whereas he was an active member of many civic and paternal organizations in Elgin being a charter member of the Elgin Navy Club and a founder and past president of the American Legion Post 53 and also a member of the Loyal Order.. Loyal Order of Moose Lodge 799 B. P. O. Elks, the Paternal Order of Eagles and the Elgin Riverside Club to name but a few. And whereas he served as Director of the Union National Bank of Elgin and headed the Elgin Association of Commerce



in 1953. And whereas he will be sorrily missed by the members of his bereaved family, his widow, Helen, his daughter, Joan, and his brother, Wilbur. He will also be missed by the legion of his profession, associates and friends. Therefore, be it resolved by the House of Representatives, 78th General Assembly, State of Illinois that we extend our deepest sympathy to the members of his bereaved family that we express our profound since of loss over the death of this great judge and civic leader and a suitable copy of this preamble and resolution be forwarded to his widow, Mrs. Helen M. Graham Sidel."

W. Robert Blair: "Gentleman from Kane, Mr. Schoeberlein."

Schoeberlein: "I move the suspension of the proper rules.."

W. Robert Blair: "All right. The Gentleman ah.. asks leave to suspend the rule for immediate consideration of the adoption of this death resolution. Hearing no objection the rule's suspended and the question is on the adoption of the resolution. All those in favor say 'aye'."

Members: "Aye."

W. Robert Blair: "Opposed, 'no'. The 'ayes' have it. House Resolution 91 is adopted. Now back to the order of motions. Gentleman from Cook, Mr. B. B. Wolfe."

Wolfe: "Ah.. Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. This is a motion to extend the time for the filing of a report by the 'Sudden Infant Death Syndrome Study Commission' which report was due on March 15th."



In view of the fact that ah.. the appointments to the Commission were rather late in coming, the commission is not fully organized as yet and I would like a reporting date with the consent and the leave of this House for on or before May 15, 1973."

W. Robert Blair: "All right. The question.. Discussion? The question's on the gentleman's motion. All those in favor say 'aye'."

Members: "Aye:"

W. Robert Blair: "Opposed, 'no'. The 'ayes' have it. The motion carries. Gentleman from Cook, Mr. Leon."

Leon: "Mr. Speaker, I have been requested by Mr. Representative Porter to be shown as joint sponsor of House Bill 39.

I'm the principal sponsor and I accede to his request."

W. Robert Blair: "All right. Is there objection? Hearing none, he'll be added as sponsor. Gentleman from Cook, Mr. William Walsh. Oh, Gentleman from Franklin, Mr. Hart, for what purpose do you rise?"

Hart: "Ah.. Mr. Skinner ah.. the other day asked to be added as a cosponsor to House Bill 128 and I am the chief sponsor and I'd like to have that done."

W. Robert Blair: "All right. Is there any objection? Hearing none, he'll be added. Gentleman from Cook, Mr. Yourell."

Yourell: "Yes, just an announcement, Mr. Speaker. Ladies and gentlemen of the House, contrary to rumors that a steel truck just pulled up in front of my house was not loaded with gold bars."



W. Robert Blair: "All right. Any more announcements?

The Gentleman from Kane, Mr. Friedland."

Friedland: "Mr. Speaker, Ladies and Gentlemen of the House, I'd ask leave to have Representative Philip shown as a co-sponsor of House Joint Resolution Constitutional Amendment 16 of which I am the sponsor and also the names of Representatives Mugalian, Waddell, Hanahan and Skinner as co-sponsors to House Bill 253 of which I am the chief sponsor. Thank you."

W. Robert Blair: "All right. Objection? Hearing none, they'll be added as co-sponsors. Any further announcements? Gentleman from Cook, Mr. William Walsh."

Walsh: "Well, two announcements, Mr. Speaker. First of all, in the absence of the Chairman of the Executive Committee. The meeting will be.. will not be held in Room 212 but will be in D-1 of the State Office Building at 2:00 o'clock. And the other is that I would ask unanimous consent to have Representative Deavers added in as cosponsor on House Bill 372."

W. Robert Blair: "All right. Hearing no objection. That will be done. The Lady from Cook, Mrs. Dyer."

Dyer: "I would like for the members of the Higher Education Committee to know that we will meet at 2:00 o'clock in Room M-3.. M-3 in the Capitol Building and not in the State Office Building as is on your calendar."

W. Robert Blair: "Gentleman from Macon, Mr. Borchers."

Borchers: "Mr. Speaker, I'd like to have leave of the House



to add Mr., Representative Porter's name to House Bill 207 to which I am the chief sponsor."

W. Robert Blair: "All right. No objections. That'll be done. The Gentleman from Rock Island, Mr. Polk."

Polk: "Point of personal privilege, Sir. The day has been long but it's been enjoyable because we've had the opportunity to observe Representative John Porter's wife who is sitting up in the gallery. I'd like to introduce her. Margo.."

W. Robert Blair: "Gentleman from Lake, Mr. Pierce."

Pierce: "Mr. Speaker, in recognition of Representative Porter's wife, Margo, sitting on the Democratic side, I'd like to have leave to add Representative Porter as a co-sponsor of House Bill 15, 174, 392 and 393. I hope it helps him get reelected."

W. Robert Blair: "All right. Hearing no objection, that'll be done. Gentleman from Cook, Mr. William Walsh."

Walsh: "Ah.. two more requests, that Representative Lauer be added to House Bill 372 and Representative Porter be added to House Bill 445. And now, Mr. Speaker, the Republican Members will have a conference immediately after adjournment in Room 212. It will be short, about a half hour. And now I move that the House adjourn to the hour of 9:30 a.m. on next Tuesday, ah.. March 13."

W. Robert Blair: "That will be perfunct at 9:30. We will be in at 10:00 o'clock, Regular Session, next Tuesday. All right. All those in favor of the gentleman's motion



to adjourn say 'aye'."

Members: "Aye."

W. Robert Blair: "Opposed, 'no'. The 'ayes' have it and
the House stands adjourned."

