

1.

W. Robert Blair: "Ah.. the House will be in order. The invocation will be by Dr. Johnson."

Dr. Johnson: "We say with assonance the earth is the Lord's and the fullness thereof. the world and those who dwell within. Cause these words to instill in us, Dear God, a due sense of responsibility and stewardship for this earth and for the truly manifold gifts You have bestowed upon it. From this earth You continue to supply, seedtime and harvest. Supplying us in due season with our daily bread and sustenance. Teach us to recognize that these blessings flow from Your hand and to receive them with due giving of thanks. Give us the necessary skills to dress this land and at the same give us wisdom to preserve this land that its fruits may continue to multiply upon us and upon our children. Grant prosperity to our nation and to the world, that each may eat his daily bread in peace and honor. In this spirit, we as Members of this governing body also thank You, again, for that peace which has permitted our prisoners to return to home and country and which today permits one to return to this community. We praise Your power and your Majesty, Oh God, in the name of Him who taught us to say, Thy Kingdom Come, Amen."

W. Robert Blair: "Roll call for attendance.." "Introductions."

F. B. Selcke: "AH.. House Bill 753, Flëck et al. Amends an Act requiring the posting of fire instructions in high rise apartment buildings, first reading of the bill."



House Bill 754, D. Houlihan, et al. Amends the School Code, ah.. first reading of the bill. If you have introductions, I wish you would please bring them up here? House Bill 755, North et al. Bill for an Act to amend the Vehicle Code, first reading of the bill."

A. Telcser: "Agreed resolutions."

F. B. Selcke: "Ah.. House Resolution 118, Arrigo, et al. House Resolution 119, Arrigo. House Resolution 120, McCormick, et al. House Resolution 121, Polk. House Resolution 122, ah.. Lechowicz, et al. House Resolution 123, Michael Madigan, et al. House Resolution 124, Madigan, et al. House Joint Resolution, ah.. 125.. Ewell. Ah.. House Joint Resolution 25 does not go on the agreed list. House Resolution 125, Randolph, et al. House Resolution 126, Pappas, et al."

A. Telcser: "Gentleman from Cook, Representative William Walsh."

W. D. Walsh: "Ah.. Mr. Speaker and Ladies and Gentlemen of the House, these are the agreed resolutions and I'm sure everyone will want to pay close attention. House Resolution 118 commends Ms. Margaret Durso, who was named Woman of the Year by the Italics Club of Chicago. House Resolution 119 by Representative Arrigo ah.. commends the Municipal Art League of Chicago ah.. on its 72nd anniversary. And House Resolution 120 by Representative McCormick commends the Ealges of Vienna High School on a 24-0 record in the Basketball season. House Resolution



121 by Representative Polk. Ah.. commends Mr. John Cavanaugh as the recent recipient of the 1973 Award of Merit from the Illinois Industrial Education Association. House Resolution 122, Representative Lechowicz, commends Bruce Hartman, a 16-year old student at Forman High School who was instrumental in saving the lives of 7 members of a Chicago family recently through his alert action. House Resolution 123 by Representative Madigan. Ah.. commends Argo High School which will celebrate its golden anniversary this coming September. House 124 ah.. commends Mrs. Joe Simon of Bridgeview because of her interest in the founding and development of a Park District in her community and that's page two of that one. House Resolution 125 by Representative Randolph, ah.. commends our good friend, Bob Howard, for ah.. writing a.. an excellent book on the State of Illinois ah.. Illinois.. entitled Illinois, A History of the Prairie State and I know we all join in wishing Bob the best of luck in his book. House Resolution 126 by Representative Pappas commends the Vikings of Augustana College who have earned the title of Number 3 basketball team in the nation in the college division by virtue of placing 3rd in the National Association of Intercollegiate Athletics Tournament on March 17. And finally, Senate Joint Resolution 24, ah.. requests an extension to May 15th for reporting on the Sudden Infant Death Syndrome Commission and Mr. Speaker, I move the adoption of the agreed resolutions."



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Rep. A. Telcser: "Is there any discussion. Gentleman has offered to move the adoption of Agreed Resolutions. All in favor signify by saying Aye, the opposed No. The Resolutions are adopted. House Bill Second Reading. Let's see, House Bill 3, is Representative Hanahan on the Floor. No, take that out of the Record. House Bill 4."

Fredric B. Selcke: "Ah.. House Bill 4, Washington. Bill for an Act to repeal Sections 107 ah.. in the Code of Criminal Procedure 63, Second Reading of the Bill, no Committee Amendments."

Rep. A. Telcser: "Are there amendments from the Floor." Third Reading. At the request of the sponsor House Bill 7 will be held. Ah.. is 18 to be held.

Fredric B. Selcke: "Yes."

Rep. A. Telcser: "House Bill 20. Is Representative Cunningham on the Floor. Take it out of the Record. House Bill 21."

Fredric B. Selcke: "House Bill 21, J.J. Wolf, Bill for an Act to require the imposition of death penalty only for murder of certain persons by certain convicts while serving a term in a penal institution of the State, Second Reading of the Bill, no Committee Amendments."

Rep. A. Telcser: "Are there amendments from the Floor."

Fredric B. Selcke: "Amendment No. 1, J.J. Wolf, Amend House Bill 21 by deleting everything after the enacting clause and so forth."

Rep. A. Telcser: "Gentleman from Cook, Representative J. J. Wolf."



J. J. Wolf: "Mr. Speaker, Members of the House, ah.. this is the ah.. amendment that is.. was suggested by the Subcommittee of Judiciary II and ah.. I would move its adoption."

A. Talcser: "Is there any discussion. Gentleman has offered to move the adoption.. Gentleman from Cook, Representative Wall."

R. W. Ewell: "I would appreciate knowing what it does. Any amendment that strikes everything after the enacting clause in effect a new bill and it means that my digest would then be incorrect and I would appreciate a brief explanation."

J. J. Wolf: "It's really not a new bill at all, but it was easier to do it because the bill was very short. What it does is it puts in a ah.. ah.. there's a special.. that in the event that.. that it is held to be unconstitutional ah.. by the Supreme Court that there would be a.. a resentencing provision ah.. of anyone convicted of the Act if it should later be shown to be unconstitutional of which there would be a minimum ah.. sentence of not less than 14 years. And also ah.. if you'll just bear with me one moment, oh yeh, it also provides for a special written finding of facts ah.. by the juries and that's what the amendment does. Same amendment that.. that was put on House Bills 18 and ah.. 20, I believe."

REP. A. Talcser: "Is there further discussion. Gentleman from Cook, Representative Palmer."

REP. J. Palmer: "Will the sponsor yield."

REP. A. Talcser: "He indicates he will."



R. J. Palmer: "Jake, is that ah.. does it just put on the one ah.. one provision there that we talked about in Judiciary. Does not.. the amendment does not ah.. add all of the other materials.."

J. J. Wolf: "No, it does not." The bill is still the same, just those two things that were discussed."

Rep. A. Telcser: "Is there further discussion. Gentleman has offered to move the adoption of Amendment No. 1 to House Bill 21. All in favor of adoption signify by saying Aye, the opposed No. The amendment is adopted. Are there further amendments. Third reading, House Bill 22."

Fredric B. Selcke: "House Bill 22, J. J. Wolf, Bill for an Act to create the crime of murder in conjunction with rape and to require the mandatory imposition of the death penalty upon the conviction thereof, Second Reading of the Bill, no Committee Amendments."

Rep. A. Telcser: "Amendments from the Floor."

Fredric B. Selcke: "Amendment No. 1, J. J. Wolf, Amend House Bill 22 by deleting everything after the enacting clause and so forth."

Rep. A. Telcser: "Gentleman from Cook, Representative J. J. Wolfe."

J. J. Wolf: " Mr. Speaker, Members of the House, it's exactly the same type of amendment that we just adopted for House Bill 21."

Rep. A. Telcser: "Is there any discussion. Gentleman from Cook, Representative Palmer."

R. J. Palmer: "If the sponsor would yield. I understood, Jake



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that they said to amend everything after enacting clause. Is that a redraft and ah.. then putting in the one clause from Judiciary. Alright."

Rep. A. Telcser: "Is there further discussion. Gentleman has offered to move the adoption of Amendment No. 1 to House Bill 22. All in favor of adoption by saying Aye. Gentleman from Cook, Representative Shea."

G. W. Shea: "I.. I'm sorry, I didn't understand what the amendment did."

J. J. Wolf: "The amendment for House Bill 22 is the same amendment in House Bill 21 which was a suggestion.."

G. W. Shea: "I.. I can't hear him, Mr. Speaker."

Rep. A. Telcser: (gavel)

J. J. Wolf: "This amendment is the identical amendment to House Bill 21 which we just adopted at the suggestion of the Subcommittee of House Judiciary II Committee. What it does is provide for a special written finding of facts by the tryers of the case ah.. and also ah.. provides for a resentencing provision in the event that someone would be convicted under this act and would later be held to be unconstitutional that he could be resentenced to a minimum of 14 years."

G. W. Shea: "Well, Jake, as I understand, and I get a little confused about the state of the present law, prior law and the Supreme Court, but in the prior cases under the death penalty the tryer of the facts would have to make two specific findings. One a finding of guilt and two that this



was a proper case for the infliction of the death penalty. After that was found, it was not mandatory on the judge, but was a recommendation. The judge then would or could not sentence the offender to death. But prior to the infliction of the penalty, whether it be death or not, there had to be a hearing and aggravation and mitigation. Now, are you changing that in any way with this amendment."

J. J. Wolf: "Well, it's the opinion under the Supreme Court decision that they have disallowed this and that they would only accept mandatory death penalties. At least that's the implication of the Supreme Court decision and anything that any.. that was left to the discretion of the arbitrariness of a jury was unconstitutional and that's why we're putting this in and ah.. Representative Getty I see is over there. He was very instrumental in drafting this amendment and I'm sure he could probably answer any questions better than I could."

G. W. Shea: "Alright, but you think that this is an amendment that will help work out ah.. so that we can have the infliction of the death penalty in a proper case."

J. J. Wolf: "Yes."

G. W. Shea: "Thank you."

Rep. A. Telcser: "Is there further discussion. If not, the gentleman has offered to move the adoption of Amendment No. 1 to House Bill 22. All in favor of adoption signify by saying Aye, opposed No. The amendment is adopted." Are there further amendments. Third Reading. At this time I would like to introduce our good friend and colleague in



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State government, the Attorney General, Bill Scott. Would you stand up, Bill. House Bill... Representative Shea for what purpose do you rise, Sir."

G. W. Shea: "Maybe we could get a quick opinion from the Attorney General with regards to these bills."

Rep. A. Telcser: "House Bill 24."

Fredric B. Selcke: "House Bill 24, Sevcik, A Bill for an Act to add Section 388-1 of the Illinois Insurance Code, Second Reading of the Bill, no Committee Amendments."

Rep. A. Telcser: "Are there amendments from the Floor. Third Reading. House Bill 29."

Fredric B. Selcke: "Ah.. House Bill 29, Jaffe, A Bill for an Act to amend Section 12-1 of the Mental Health Code of 1967 Second Reading of the Bill, one Committee Amendment. Amend House Bill 29 on page 1 be deleting line 14 and inserting in lieu thereof: 'he resides or in which the hospital is located by the patient by and.'"

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

A. Jaffe: "Ah.. Mr. Speaker, this is merely a committee amendment that includes the patient in the confidentiality of help rendered."

Rep. A. Telcser: "Is there any discussion. Gentleman has offered to move the adoption of Committee Amendment No. 1 to House Bill 29, All in favor of adoption signify by saying Aye, the opposed No. The amendment is adopted. Are there further amendments."

Fredric B. Selcke: "Amendment No. 2, Jaffe, Amends House Bill 29 as amended on page 1 by striking lines 10 and so forth."



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

A. Jaffe: "This also is an amendment that was requested by the committee that includes the general public, Mr. Speaker, and I move its adoption."

Rep. A. Telcser: "Is there any discussion. Gentleman has offered to move the adoption of co.. Gentleman from Rock Island, Representative Pappas."

P. Pappas: "Could you turn his mike up a little bit. I can't hear what he said."

Rep. A. Telcser: "Do you wish to explain the amendment again, Representative Jaffe."

A. Jaffe: "I just merely said that this was a ah.. amendment requested by committee which ah.. put in the general public once again by error was omitted from the ah.. bill that we drafted."

Rep. A. Telcser: "Gentle.. is there further discussion. Gentleman has offered to move the adoption of Amendment No. 2 to House Bill 29. All in favor of the adoption signify by saying Aye, the opposed No. The amendment is adopted. Are there further amendments. Third Reading."

Fredric B. Selcke: "Ah.. Amendment No. 3, Polk, Amend House Bill 29 as amended on page 1 by inserting after 'law' the following: 'provided' and so forth."

Rep. A. Telcser: "Gentleman from Rock Island, Representative Polk."

B. Polk: "Thank you, Mr. Speaker. I rise to support this amendment which simply allows the Secret Service to carry



out the responsibility that they presently have to protect the lives of those elected Federal Officials. This includes the President, Vice President, Congressmen and Senators. There are many instances where men's lives have been threatened by patients of mental hospitals and the Secret Service now with the responsibility to check out each one of ah.. of the ah.. threats on their lives. This will allow them to look at the clerical data and the current clinical diagnosis and if they.. if it's apparent that the patient is not going to be leaving the institution, if it's apparent that the patient is not a real threat, then this relieves the responsibility on the person whose life has been threatened. I rise to support this amendment. This is a very needed and a good amendment."

Rep. A. Telcser: "Is there any discussion. The Gentleman from Cook, Representative Lundy."

J. R. Lundy: "Mr. Speaker, will the sponsor of the amendment yield to a question."

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

J. R. Lundy: "Is it the intent of this amendment that that Director of the Department of Mental Health ah.. would respond only to specific inquiries relating to specific named persons rather than to broad ah.. inquiries which might ah.. cover the Department's entire records, for example."

B. Polk: "It's my understanding that this covers only when a.. when an elected.. a Federal elected official's life has



been threatened. They have no other reason to go into the. to the clinical data other than that."

J. R. Lundy: "Well, my question is, this would not authorize the Department, would it, to respond to vague general requests ah.. not naming, for example, the writer.. specific writer of the letter or a specific person with respect to whom information is requested"

B. Polk: "This, again, as the amendment says, 'in the judgement of the Director.' And I think the Director would make sure that this is not, as you point out, ah.. cover all vague inquiries."

J. R. Lundy: "But it's the intention of the sponsor, is it not, that this authorizes the Director in his judgement to respond only to requests which ah.. relate to specific named individuals."

B. Polk: "Yes."

J. R. Lundy: "Thank you."

Rep. A. Telcser: "Is there further discussion. Gentleman has offered to move the adoption of Amendment No. 3 to House Bill 29. All in favor of adoption signify by saying Aye, the opposed No. The amendment is adopted. Are there further amendments."

Fredric B. Selcke: "Amendment No. 4, Jaffe, Amend House Bill 29, as amended, on page 1, line 21, by deleting 'it' and inserting in lieu thereof 'is!'"

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

A. Jaffe: "Ah.. Mr. Speaker, this merely corrects a spelling



mistake. They printed it 'it', it should be 'is', and I move it's adoption."

Rep. A. Telcser: "Is there any discussion. Gentleman has offered to move the adoption of Amendment 4 to House Bill 29. All in favor of adoption signify by saying Aye, the opposed No. The amendment is adopted. Are there further amendments. Third Reading. Representative Philip, for what purpose do you rise, Sir."

J. Philip: "Mr. Speaker and Ladies and Gentlemen of the House, it's with great pride and pleasure that I have the privilege of presenting to you Miss Carolyn Pollice, who happens to be Miss Illinois. It's with particular pride because she not only lives in the 40th Representative District, represented by myself, Gene Hoffman, Bill Redmond and Senator Jack Knuepfer, but she also lives in the Village of Milk 'n Honey. And, if you don't know what the Village of Milk 'n Honey is, it happens to be Elmhurst, Illinois. And it's the first Miss Illinois we've ever had and, quite frankly, we're very proud of Carolyn Pollice. And would you believe I've known this lovely young girl for about 19 years. Unfortunately, I know her parents much better than I do the young lady. And I've had some very bad experiences over the years with her father. I happened to go fishing with her father every year for white bass up in Norther Wisconsin and, to say the least, he's a very poor fisherman and I continually have to catch fish for him, put the bait on and take them off the hook. But, anyway, if there's ever



a good cause in the City of Elmhurst, you can rest assured that the Pollice's are involved in it in one way or another and it's certainly with great pride and privilege that we have here today, Carolyn, and continued good luck."

Carolyn Pollice: "O.K. I'd like to say Good Morning to all you gentlemen and I'm very pleased to be here this morning and I've met quite a few of you standing out in the hall. You come out and you turn around and look at me and you don't know exactly what to expect. Ah.. I'm from Elmhurst, as Pate said, and I'm a Junior at Western Illinois University where I study music. So, this year, I'm in school and go to all my classes when I can, I attend most of them. And ah.. then I travel all around the State at various things for Chamber of Commerce parades, pagents, you name it. People have me out for appearances. That's what I'm doing this year and thank you very much for having me here today."

Rep. A. Telcser: "What can I do. You know. Charlie Fleck's wearing his new suit today. What am I going to do."

Representative McGrew, for what purpose do you rise, sir."

S. McGrew: "I would just simply like to point out that, while perhaps ah.. Carolyn was raised in Elmhurst, she had to come to the 47th Legislative District to be recognized for the beauty that she is. And she went to the Miss Illinois Pagent as Miss McComb who is one of the fine cities in my district. Thank you."

Rep. A. Telcser: "House Bill 48. We'll pass that up by request of the sponsor. 64 through 68 we'll pass up at the request



of the sponsor. House Bill 125."

Fredric B. Selcke: "House Bill 125, Hirschfeld..."

Rep. A. Telcser: "Take that out of the Record. House Bill 128."

Fredric B. Selcke: "House Bill 128, Hart, a Bill for an Act in relation to Municipal and County Retailer's Occupation Taxes, Second Reading of the bill, one Committee Amendment.

Amend House Bill 128 on page 4,..."

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

R. O. Hart: "Ah.. Mr. Speaker and Ladies and Gentlemen of the House, this ah.. Committee Amendment reinserts some language which was removed from the statutes in the drafting of the bill. It also clarifies ah.. a point that was brought up about where the ah.. sales would take place. I move for the adoption of the Committee Amendment."

Rep. A. Telcser: "Is there any discussion. Gentleman has offered to move the adoption of Committee Amendment No. 1 to House Bill 128. All in favor signify by saying Aye, the opposed No. The amendment is adopted. Are there further amendments. Third Reading. House Bill 129."

Fredric B. Selcke: "House Bill 129, Hart, Bill for an Act to amend Sections 8-101 and 8-102 of the Local Government and.. Second Reading of the Bill, one Committee Amendment. Amend House Bill 129, on page 1, line 14..."

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

R. O. Hart: "Ah.. Mr. Speaker, I move to Table Committee Amendment No. 1, ah.. the amendment was put on but it didn't.. it wasn't worded exactly the way we intended it to be. I



talked to the Chairman of the Committee and I move to table the committee amendment. No. 2 will do what No. 1 was suppose to do."

Rep. A. Telcser: "Gentleman has moved to table Committee Amendment No. 1. All in favor signify by saying Aye, opposed No. The amendment is adopted. Are there further amendments."

Fredric B. Selcke: "Amendment No. 2, Hart, Amend House Bill 129.."

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

R. O. Hart: "Ah.. Committee Amend.. or ah.. Floor Amendment No. 2 would provide for one year notice ah.. on these Governmental Immunity Act. Ah.. this is what was intended to be by Committee Amendment No. 1, but it didn't work out that way.. I move for the adoption of Amendment No. 2."

Rep. A. Telcser: "Is there any discussion. Gentleman's offered to move the adoption of Amendment No. 2 to House Bill 129. All those in favor signify by saying Aye, the opposed No. The amendment is adopted. Are there further amendments. Third Reading. Is Representative Katz on the Floor. Take that out of the Record 1 and 9. House Bill 203."

Fredric B. Selcke: "Do you want yours, Mr. Deuster. You want it held. He wants it held."

Rep. A. Telcser: "O.K. 203 will be held at the request of the sponsor. "



Fredric B. Selcke: "204. O.K."

Rep. A. Telcser: "204 will be held at the request of the sponsor. I don't see Representative Collins on the Floor. House Bill 224. Representative Epton, do you wish that called. 224."

Fredric B. Selcke: "House Bill 224, Epton, A Bill for an Act to amend the Insurance Code, Second Reading of the Bill, ah.. no Committee Amendments."

Rep. A. Telcser: "Are there amendments from the Floor. Third Reading. Is Representative Douglas on the Floor. Representative Douglas is not on the Floor. House Bill 268."

Fredric B. Selcke: "House Bill 268, Giorgi, a Bill for an Act to amend Section 500 of the Unemployment Compensation Act, Second Reading of the Bill, no Committee Amendments."

Rep. A. Telcser: "Are there amendments from the Floor. Third Reading. House Bill 284."

Fredric B. Selcke: "House Bill 284, Dave Jones, a Bill for an Act in relation to certain benefits for employees of local mass transit districts, Second Reading of the Bill, ah.. one Committee Amendment." Amend House Bill 284 on page 5 by deleting lines 28 through 30 and so forth."

Rep. A. Telcser: "Are there amendments.. ah.. Gentleman from Sangamon, Representative Jones."

J. D. Jones: "Ah.. this is a technical amendment to clarify the language in the bill and I move for the adoption of the amendment at this time."

Rep. A. Telcser: "Is there any discussion. Gentleman has offered to move the adoption of Amendment No. 1 to House



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Bill 284. All in favor of adoption signify by saying Aye, opposed No. The amendment is adopted. Are there further amendments. Third Reading. House Bill 299."

Fredric B. Selcke: "House Bill 299, Maher, a Bill for an Act to amend Section 10-2:1-6 of the Illinois Municipal Code, Second Reading of the Bill, one Committee Amendment. Amend House Bill 299 on page 1, line 32 and so forth."

Rep. A. Telcser: "Gentleman from Cook, Representative Maher."

W. F. Maher: "Yes, the Committee Amendment ah.. just clarifies the language and makes it a little more clear. I move the adoption of the amendment."

Rep. A. Telcser: "Is there any discussion. Gentleman has offered to move the adoption of Committee Amendment No. 1 to House Bill 299. All in favor of adoption indicate by saying Aye, opposed No. The amendment is adopted. Are there further amendments. Third Reading. House Bill 318."

Fredric B. Selcke: "House Bill 318, ah.. Fleck, A Bill for An Act to amend Section 18 of An Act in regard to limitations, Second Reading of the Bill, no Committee Amendments."

Rep. A. Telcser: "Are there amendments from the Floor. Third Reading. House Bill 343."

Fredric B. Selcke: "House Bill 343, Shea, Bill for an Act to amend the Revenue Act of 39, ah.. Second Reading of the Bill.."

Rep. A. Telcser: "Representative Shea, do you seek recognition, sir."

G. W. Shea: "Mr. Speaker, I believe that the Majority Leader



has an amendment for this bill that I'm opposed to, but I think he wants to offer one. Prior to the time that he goes to offer this I would like the privilege of speaking to the House."

Fredric B. Selcke: "No Committee Amendments."

Rep. A. Telcser: "Are there amendments from the Floor."

Fredric B. Selcke: "Amendment No. 1, W. D. Walsh, Amend House Bill 343 on page 3 by striking lines 9 through 11 and so forth."

Rep. A. Telcser: "O.K., now Representative Shea, did you seek ah.. to rise on a point."

G. W. Shea: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 343 is a bill that has been in and out of the House for the last five years. This bill would save the taxpayers of Cook County.."

Rep. A. Telcser: "Representative Walsh, for what purpose do you rise, sir."

W. D. Walsh: "Mr. Speaker, the gentleman is out of order.

There is an amendment before us now. He's speaking to his bill. If he wants to speak to the amendment after it's been presented that's his privilege, but not to talk to the bill while the amendment is before us."

Rep. A. Telcser: "Representative Walsh, I think your point is well taken. Representative Shea do you wish to ah.. turn on Shea.."

G. W. Shea: "Mr. Speaker, I asked for permission of the Chair to speak before the amendment went on and you said that was



alright."

Rep. A. Telcser: "Yes, but I assumed you were speaking to a point of personal privilege or some sort of parliamentary inquiry."

G. W. Shea: "No, I want.. I wanted to speak to the bill. You know I.. I.. I think that that privilege has been accorded other members such as was accorded the Speaker the other day, but if the Majority Leader wants to go ahead first, fine."

Rep. A. Telcser: "Will the Clerk please read the amendment." Represent.. the Gentleman from Cook, Representative W. D. Walsh, in reference to the amendment."

W. D. Walsh: "Ah, yes, Mr. Speaker, this.. this amendment changes this bill in this way, the bill calls for four installments for real estate tax payments in Cook County only. And I'd like to reiterate that this bill affects Cook County and Cook County only. Now, my amendment is an outgrowth of a conference committee that I spent 18 months on. I was appointed to this conference committee in June of 1970 and it seems to me I've been on it ever since. We've had several meetings and we have talked to the County Treasurer of Cook County at great length and to his people and ah.., for those of you who don't know, this may be a surprise to you, the County Treasurer of Cook County is a Democrat. Now the County Treasurer, before his ah.. his budget was submitted to the Democratic County Board, was very much for the approach that we take in this amendment."



His reason for being for it was that the cost of doing it the way the bill stands now, unamended, would be \$4,000,000. And he testified to us on the conference committee, or his people did, that this, indeed, would be the cost to do it the way the bill proposes to do it now. Now, the Republican members of that conference committee thought that that was not right, the County Treasurer at that time felt that it was not right and we, the County Treasurer and the Republican members of the conference committee, felt that it should be done in two installments. The first one due in January of the year following the ah.. the assessment year and the second one due when the levy could be determined. Now, the effect of this would be.."

Rep. A. Telcser: "Representative Lundy, do you seek recognition, sir."

J. R. Lundy: "Yes, Mr. Speaker, a point of parliamentary inquiry. I hate to interrupt the gentleman. Has this amendment been distributed to the members desks. If so, I don't have one."

W. D. Walsh: "Ah.. I'm told it was distributed this morning."

Rep. A. Telcser: "Members on this side are waiving it that they have it. Jack indicates that they have been distributed. Representative Giorgi is waiving one. O.K., Representative Walsh, do you wish to proceed, sir."

W. D. Walsh: "Now, what we're talking about here, as the sponsor of the bill indicated when he was out of order, was that the saving, indeed, to Cook County taxpayers will be



\$30,000,000 and the ah.. the saving in my amendment is also \$30,000,000, plus, by the testimony of the County Treasurer of Cook County, an additional \$4,000,000, that will not have to be spent by that patronage filled office. Now, what we're talking about here is not people who have mortgages on their homes, really. What we're talking about are people who do not have mortgages. We're.. those are the people that are going to have to pay out of pocket. They will have to pay the first installment of their real estate tax on an estimated basis in January instead of paying it as they do now as late as July in the first.. for the first installment. So, they will make this payment in January. We don't feel that this ah.. will penalize them too much and it certainly won't penalize the savings and loan associations who are holding escrow accounts for real estate taxes. I feel that this is a very good amendment. It's fiscally responsible and it has the endorsement of the County Treasurer of Cook County and I move the adoption of Amendment No. 1."

Rep. A. Telcser: "Is there any discussion. Gentleman from Cook, Representative Shea."

G. W. Shea: "Well, Mr. Speaker, Ladies and Gentlemen of the House, I don't know if Mr. Korzans has come down and said that he is in favor of the amendment by the gentleman and I don't quite understand the gentleman's amendment, but I want to assure you that Mr. Korzan, the County Collector, has assured the County Board that he's in favor of this



four payment real estate collection. Mr. Speaker, could we have a little quiet. Mr. Speaker, the amendment that I offer is the amendment requested by the County Board in Cook County. The President of the County Board, Mr. George Dunn, was down to testify in Revenue on this measure. Mr. Commissioner William Erickson, the Republican Leader from suburban Cook County, was down to testify in behalf of this bill. The County Board says this is the bill they want to go with. They told me and they informed the Revenue Committee that the Collector in Cook County has now found that he can absolutely work with this measure. The only amendment that I would like to see on this bill is that the base be broadened so that it would include all the counties of this State on an optional basis. I've talked to Mr. Skinner on your side of the Aisle, Mr. Speaker. I've talked to Mr. Krause on this side of the Aisle. Talked to Mr. Day. They tell me, in their opinion, that by making this an option for the county boards that it would save the taxpayers of this State millions of dollars they now pay in interest. In Cook County, it's been estimated that the first year's savings would be some \$55,000,000 to the property taxpayers. And I would just be opposed to Mr. Walsh's amendment. I think this.. I was on that same conference committee that Mr. Walsh was and we could have had this bill two years ago and saved the taxpayers of Cook County over \$100,000,000. If my friend across the Asile had not been so stubborn. So, I'll lay it right in



his lap. His two payment amendment is nothing but an attempt to scuttle this bill. And I don't think he speaks for the majority of the Republican Party. And we on this side of the aisle want to save the taxpayers dollars. And I hope that nobody will let this bill be scuttled with this bad amendment."

A. Telcser: "Is there further discussion? Gentleman: from Cook, Representative Lundy."

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

Ah.. will the sponscr of the amendment yield to a question?"

A. Telcser: "He indicates he will."

Lundy: "May I inquire of the sponsor whether this amendment was offered or presented by the sponsor or anybody else to the Revenue Committee when the Revenue Committee considered this bill."

W. D. Walsh: "Yes, ah.. that's an excellent question. And let me say this, that I was not aware that this bill had been introduced in the House. I was aware that this bill was introduced in the Senate. I knew that, and so was a bill sponsored by Senator Glass to do exactly what I'm attempting to do in this amendment. Now, it seemed to me that since I knew that it was introduced in the Senate, I'm afraid I let me guard down. Ah.. we try not to duplicate or we should try not to duplicate. But, no it wasn't. I didn't go to the Revenue Committee. I was not aware it was being heard there."

Lundy: "Mr. Speaker and Ladies and Gentlemen of the House.



In light of the Gentleman's answer to my question.. I would simply point out to the House that what the amendment attempts to do in a very complex, complicated area is to change the basic nature of a revenue bill after it has come out of a committee with virtually unanimous support. Ah.. when the amendment was not even presented to the Revenue Committee. Now it appears to me that what the Gentleman is trying to do is short-circuit the entire committee system. All of us know that it would be possible to do this on any kind of a bill. But, it seems to me that it's especially harmful to try to do it on a complex bill like a Revenue bill... where the implications of the amendment are very difficult to know. The Revenue Committee had full opportunity to consider.. consider the version of the bill as its introduced. Ah.. and I would urge the defeat of this amendment. It seems to me an entirely improper way to ah.. to ah.. to attempt to assert the Gentlemans position. If he had come before the Revenue Committee, made his arguments, we could have coolly and calmly deliberated the merits of the amendment and act upon.. and acted upon it there. But, it's not proper to bring this to the House in a complicated matter like ah.. ah.. this sort of ah.. Revenue bill when no attempt has been made in the Committee to make the arguments in support of it."

A. Telcser: "Gentleman from St. Clair, Representative Krause."
Krause: "Will the Gentleman yield to a question, Mr. Speaker."



A. Telcser: "He indicates he will."

Krause: "Bill, as I read this amendment, are you attempting to change from four installments, to two installments annually? "

W. D. Walsh: "Yes. Yes, Bud."

Krause: "Well, aren't there two installments set up now?"

W. D. Walsh: "Yes, there two installments set up now, but the first installment is not due until after all the levies are.. have been set and that is frequently as late in Cook County as July."

Krause: "All right. So what you are doing is making a pre.."

W. D. Walsh: "We're making..."

Krause: "Okay, but how do figure that the changing from four to 2 is going to help the people."

W. D. Walsh: "Well, I figure it this way. First of all, anybody who has a mortgage on their home... I ah.. the rationale given me by the President of the County Board for four installments is that if you made any fewer installments than four then it would be a hardship on the people. Now, we contend and I speak now for the as it turned out the Republican members of the Conference Committee... we contend that there really is no hardship on the people because the only people that this affects are the people who do not have mortgages on their homes. Now, those people who do not have mortgages on their homes are inclined to have more money than those who do. The savings and loan association will make their payments and



it's not going to hurt them. The ah.. people who do not have mortgages on their homes could reasonably be expected to make the payment the one payment in January, ah.. ah.. on an estimated basis from their previous years' taxes."

Krause: "Well, ah.. may I speak to the amendment?"

A. Telcser: "Proceed, Sir."

Krause: "Well, Mr. Speaker and Members of the House. I have a bill that I've been working on and am about to introduce for the rest of the State of Illinois that makes it optional for the county boards to go into a four-installment payment of the real estate taxes. It would appear to me that what this amendment is going to do is all it's going to do is take it back to where it is now. It's not going to do anything for the people of the State of Illinois and that's the purpose of the bill. To make it easier for the people to pay their taxes. Ah.. I know in when we held our hearings with the County Problems Commission this very thing was brought up. And that's the reason that I'm working on the bill because it was discussed in the County Problems Commission throughout the whole state."

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

LaFluer: "Mr. Speaker. I'm very interested in this debate and I can't hear a word going on in the back of the room here."



J. Krause: "I think, to go backward, Mr. Speaker, is not..

we're not gaining anything here by this amendment. We're not doing anything for the people. Now, my bills calls for the ah.. for this to be optional of the county board so they can opt in or opt out ah.. if something should prove out that it doesn't work. I don't see any provision here where they could opt back out if this should happen. Ah.. I talked to Jerry Shea, also, about the possibility of doing that with his bill and he has agreed to it. So, Mr. Speaker and members of the House, it would appear to me that the best method to go here would be to defeat the amendment."

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

R. Juckett: "Mr. Speaker and Ladies and Gentlemen of the House, I can't for the life of me understand why the other side of the aisle is objecting to this amendment. First of all, instead of having four workloads it only has two. Course maybe it would mean that they wouldn't have to have so many employees. But, more important, about this, and I've heard for the last several weeks save the property taxpayer, we've gotta do everything in our power to reduce the property tax, but let's take a typical example. Let's say that we do go to a four payment procedure. How easy it would be to increase some taxes. Now, isn't it easier to pay a big bill in like four bites and then you're not going to choke on some huge tax increase. Because what they're going to do, they're going to make it just smoothe as honey and they're going to make it just go right down that tube and you're



not going to know that it's been socked to you. So that's the reason that they want to go to four payments. They want to have their government sock it to 'em. But if it's on two payments, and let's suppose you have about 100 or 200, let's suppose it's a \$200 increase in your real estate taxes, when it's four, man, that's only \$50, if it's two, that's \$100 in installments. Sort of like pay as you go, you know, the.. payroll withholding. Ya never notice how much you're paying in taxes until you make out your federal income tax return and then it's too late 'cause they've got your money and you're just lookin at what you used to have. I think the Majority Leader's amendment is a fine amendment because it will not only get the money into the government faster and save money on the tax anticipation warrants, but it will reduce the amount of personnel necessary and it will prevent the local governments from increasing their taxes at a far greater rate because you can't just chew a big chunk. And they want to make it into a little teeny-tiny chunk so you won't even notice it. Now, isn't that nice of them. They're trying to help that taxpayer swallow a big increase. So, I would urge you to vote for the amendment. It's a good amendment. It'll reduce the cost to government. And it will help the local property taxpayer. And, after all, isn't that what we're down here for, rather than giving them a kick right in the rear end."

A. ~~Talcser~~: "Gentlemen from Cook, Representative Maragos."

S. ~~Maragos~~: "Mr. Speaker, Members of the House, first let me



say that this matter was fully discussed at Revenue Committee and I am sorry, too, that ah.. the Majority Leader was not present to present this amendment because at that time we.. it probably would not have been approved or acquiesced to my most of the members of the Revenue Committee because of the fact that it puts us, in many ways, back to what the present law is. Time and again now we are hearing that the costs of local government is excessive. That we have to tax freeze all the levies. And, yet, when we try to bring a measure up in a form that House Bill 343 is, to give the local communities and the local municipalities an opportunity to cut down their expenses and to give greater relief to the taxpayer we find some obstacles in the form of this amendment. Gentlemen, in Cook County especially, about 75 to 80% of the deposits of taxes are made by the mortgage houses who already have the taxpayers money in their hands. Thereby they do not.. this will not take any money out of the taxpayer ahead of time in most cases. Therefore, I feel that the amendment being introduced by the Majority Leader is not doing the job that it's suppose to do and I think we should give better relief to the citizens of Cook County to allow them to pay the tax in advance and thereby avoiding the tax anticipation warrants and the big interest that is.. that comes by having these ah.. warrants ahead of time. Therefore, I ask for the defeat of this amendment."

A. Telcser: "Gentleman from Cook, Representative B. B. Wolfe."



B. B. Wolfe: "Mr. Speaker, and Ladies and Gentlemen of the House, in opposition to the amendment, we presently have in Cook County a two-payment plan and procedure which most of the small home owners object to because it doesn't meet and fit ah.. their budget. Not only would we be able to update the tax procedure by ah.. payments within almost a current year, but we will permit small homeowners to make their payments on a budget basis in four installments. Now, this is a much preferable system to the one that is presently existing. The amendment returns the practice to the existing law and in no way helps ah.. House Bill 343 and I would respectfully ask that you oppose the amendment."

A. Telcser: "Is there further discussion. If not, the Gentleman from Cook, Representative William Walsh, to close."

W. Walsh: "Well, to respond briefly, ah.. to some of the remarks that were made and to endorse absolutely the remarks made by Representative Juckett, let me say this, that the purpose of the amendment is exactly the same as the purpose of the bill and that is to cut down the tremendous expense of tax anticipation warrants to the taxpayers of Cook County. And I would agree with the sponsor of the bill that perhaps it should be extended so that we can do this in the other counties of the state. However, we can't. The amendment doesn't address itself to that, nor does the bill. I'd like in particular to address myself to the rather intemperate, I thought, remark of the Assistant Minority Leader and perhaps be a bit intemperate myself and



suggest to him that maybe he wants to load up the county treasurer's office with some more Democratic precinct captains so that they can have a lot more jobs. And another possibility with his bill might be that we want to keep the money in the fat cat savings and loan associations a little bit longer so that they can use it a little longer without paying any interest to their depositors, nor paying anything to the local governments. I submit respectfully to you, Ladies and Gentlemen, that this is a responsible amendment, well thought out. It does nothing about scuttling the bill. It helps the bill immeasurably. And I.. And I urge you, Ladies and Gentlemen, to vote 'yes' on this amendment."

A. Telcser: "Gentleman has offered to move the adoption of Amendment No. 1 to House Bill 343. All those in favor signify by voting 'aye'.

Members: "No."

A. Telcser: "Come on. All those in favor signify by voting 'aye', the opposed by voting 'no'. Gentleman from Cook, Representative Shea, to explain his vote."

G. Shea: "Mr. Speaker, Ladies and Gentlemen of the House, some of the remarks of the Majority Leader had he taken the time to find out that the bill was in committee, would have certainly been explained to him in that committee. President Dunne and Commissioner Erickson, the Republican leader from suburban Cook County, both testified that there would be no additional jobs needed under this bill. That they



would mail out the installments twice a year, just like they're doing now, and that on the first installment it would have three parts and they could be paid three times a year. President Dunne also informed the committee that payments to local government would be made within 24 hours after collection. And I assure the Gentleman that any time he wants to come in and look at the collector's office we will make it available to him."

- A. Telcser: "Have all voted who wish. Take the record. This question there are 52 'ayes', 88 'nays'. The gentleman's motion to adopt Amendment No. 1 fails. Are there further amendments. Representative Shea, for what purpose do you rise."
- G. Shea: "Mr. Speaker, this bill will go to Third Reading and I have made a commitment to Representative Krause and some of the members on the Republican side of the aisle, Mr. Skinner, that I will have no objection to bring it back to Second Reading and make it applicable state wide on a voluntary basis."
- A. Telcser: "Third Reading. House Bill 360."
- F. Selcke: "House Bill 360, DiPrima. Bill for An Act to Amend the Illinois Pension Code. Second Reading of the bill. No committee amendments."
- A. Telcser: "Are there amendments to the Floor."
- F. Selcke: "Amendment No. 1, DiPrima. Amend House Bill 360, page 1, by deleting line 16, and so forth."
- A. Telcser: "Gentelman from Cook, Representative DiPrima."



L. DiPrima: "Mr. Speaker, Ladies and Gentlemen of the House, this amendment to House Bill 360, in effect, would ah.. give any ah.. downstate policeman that served over 20 years bring up his pension to a limit of 60% of his salary. No pension in effect on or granted after June 30th, 1973 shall be less that \$200 per month. I move for the adoption."

A. Telcser: "Is there any discussion. Gentleman has offered to move the adoption of Amendment No. 1 to House Bill 360. All in favor of adoption signify by saying 'aye'."

Members: "Aye."

A. Telcser: "The opposed 'no'. The amendment is adopted. Are there further amendments. Third Reading. House Bill 361."

F. Selcke: "House Bill 361, DiPrima. A Bill for an Act to Amend the Pension Code. Second Reading of the Bill. No committee amendments."

A. Telcser: "Are there amendments from the Floor. Third Reading. House Bill 369."

F. Selcke: "House Bill ah.. 369, McPartlin. A Bill for an Act to Amend the Revenue Act. Second Reading of the Bill. No Committee Amendments."

A. Telcser: "Are there amendments from the Floor. Third Reading. House Bill 370."

F. SELcke: "House Bill 370, McPartlin. A Bill for an Act to provide the manner of letting and imposing taxes. Second Reading of the Bill."

A. Telcser: "Is Representative McPartlin on the Floor. Let's



take that one out of the Record. Let's hold that bill, then. Take it out of the Record. House Bill 372."

F. Selcke: "House Bill 372, A Bill for an Act to Amend the School Code, Second Reading of the Bill. No committee amendments."

A. Telcser: "Are there amendments from the Floor. Third Reading. House Bill 373."

F. Selcke: "House Bill 373."

A. Telcser: "Representative Berman, for what purpose do you rise, sir."

F. Selcke: "Shea."

A. Berman: "Ah.. on House Bill 372. I was advised that there may be an amendment being prepared. Ah.. can the sponsor indicate whether anybody's talked to him about it. Ah.. two seconds ago."

F. Selcke: "Where's the amendment to this bill."

A. Berman: "Do you want to respond to the inquiry. You don't want to respond to the inquiry. My inquiry was ah.. I thought there was an amendment ah.. that was going to be offered to 372 and that it was going to be held. Can you indicate whether anyone has spoken to you about that."

W. Walsh: "Ah.. no one since the day the bill was heard in committee has talked to me about an amendment, Art. Ah.. the.. in committee, if you'll recall, the question was raised.. you and I had agreed to an amendment, but before the roll call, Representative Schneider brought.. raised the point that the bill should be amended before it was.."



ah.. before it was passed out. I then backed away from the amendment and asked the committee members to vote on the bill as it stood and not as it will be amended. My thought being that the amendment was so insignificant ah.. that it wouldn't be necessary to hold or shouldn't be necessary to hold that bill up in committee for one week when there are so many people interested in it down there. And so I did not agree to ah.. any amendment at all."

A. Berman: "Well, to refresh your memory, and I'm sure that you do recall, ah.. I'd indicated that I did have an amendment. It's not a major impact, but I thought it was important to the concept of the bill. Ah.. all I would like to request of you, inasmuch as your.. your promise was made to me, and I then left the committee, but ah.. I would like to show you the amendment perhaps tomorrow or the next day and we can discuss it further."

W. Walsh: "Art, ah.. another thing that.. your amendment can be.. ah.. the amendment that you suggest can be accomplished. That's the 100 ah.. students or less school districts, right."

A. Berman: "Right."

W. Walsh: "Ah.. there's time for you to offer that in the form of a bill. Ah.. and not ah.. mess with this ah.. this very important measure with that amendment."

A. Berman: "Well, part of the changes of your bill is deleting the existing exclusions for the 100 or less school districts, but ah.. I'll show you the amendment and what I'd like you



to do is just don't move it on Third until I do."

W. Walsh: "Yeh, O.K."

A. Telcser: "House Bill 411. We're going to hold 373 and 4 at the request of the sponsor."

F. Selcke: "House Bill 411, Calvo. A Bill for An Act Amending the Municipal Code. Second Reading of the Bill. No Committee Amendments."

A. Telcser: "Are there amendments from the Floor. Third Reading. House Bill 421."

F. Selcke: "House Bill 421, Juckett. A Bill for An Act to Amend the Election Code. Second Reading of the Bill. No Committee Amendments."

A. Telcser: "Are there amendments from the Floor. Third Reading. House Bill 433."

F. Selcke: "House Bill 433, Huskey. A Bill for An Act to establish the penalty of death for murder in certain cases. Second Reading of the Bill. One Committee Amendment. 'Amend House Bill 433, by deleting everything after..'"

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

R. Palmer: "Mr. Speaker and Ladies and Gentlemen of the House, Amendment No. 1 is an amendment placed on the original bill 433 by subcommittee in Judiciary II, which provides that where there is a conviction of murder, and there is a finding by the tryer of facts that the death resulted in a premeditated design to effect the death of the person killed, or where there are certain forceable felonies committed wherein death results, or wherein there may be



aircraft heresy, or death resulting from a bomb or throwing of a bomb, or the unlawful distribution of herion wherein it is shown that the person killed was using the herion and it can be proven that the fail or the gift to the person resulted in his death, or that where death results ah.. to a fireman or a police officer, policeman, or to a employee of the Department of Corrections, that the death penalty shall be given to the person. We believe, and the committee did believe, that this would confirm to the Fermann decision and is one of about four or five bills on the death penalty that we have. I would ask for the adoption of Committee Amendment No. 1."

NOTE: (Skip to Page 39. Debate on House Bill 3 typed in advance.)



Rep. Arthur A. Telcser: "Is there any discussion? The gentleman has offered to move the adoption of Committee Amendment No. 1, to House Bill 433. All in favor of the adoption signify by saying 'aye', the opposed 'no' and the Amendment is adopted. Are there further Amendments? Third Reading.

Representative Cunningham, for what purpose do you rise, Sir?"

R. D. Cunningham: "I didn't hear the Chair ah.. call House Bill 20 on Second Reading."

Rep. Arthur A. Telcser: "Ah.. you were not on the floor, Representative Cunningham. I.. I announced over the ah.. microphone, if you were present, you weren't. I'll go back now, however, and try to pick up some of the Second Reading Bills where the Sponsors were not on the floor. Is that alright? Is there leave? Any objection? I can do it anyway, I guess. So, let's try to get Second Reading taken care of. House Bill 3."

Fredric B. Selcke: "House Bill 3, Hanahan, a Bill for an Act in relation to settlement of differences between public employers and public employees and providing for collective bargaining. Second Reading of the Bill. Ah.. four Committee Amendments. Committee Amendment No. 1, amend House Bill 3, on Page 3, by inserting between Lines 17 and 18 the following: andsoforth."

Rep. Arthur A. Telcser: "The gentleman from McHenry, Representative Hanahan."

T. J. Hanahan: "Mr. Speaker and Members of the House, Amendment No. 1, to House Bill 3, brings into the act of a collective bargaining law, the provisions of this.. of the Peoria County



Nursing Home decision versus Benedict when it said that, 'the provisions of ah.. of an Act relating to disputes of 19... of June, approved 19... approved June 19, 1925, and bring it into public employee and public employer as being covered by the.. the Act of not being able to enjoin a organization involved in a labor dispute in a public sector', would bring in House Bill 3 under this decision of the Supreme Court of Illinois. And, I move to adopt Amendment No. 1, to House Bill 3."

Rep. Arthur A. Telcser: "Is there any discussion? The gentleman has offered to move... The gentleman from Cook, Representative William Walsh."

W. D. Walsh: "The gentleman yield to a question?"

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

W. D. Walsh: "Ah.. this is not the ah.. Amendment that we talked about, Tom. Is it the ah.. Religious Liberty Amendment?"

T. J. Hanahan: "No. That would be Amendment No. 4, 5.. 4 and 5 that there is a dispute and we'll hold right on there for ah.. the dispute on that."

W. D. Walsh: "Thank you."

T. J. Hanahan: "But... But, let me assure you, Representative Walsh, this is a very controversial Amendment, if you want to take a moment to debate it or discuss it."

Rep. Arthur A. Telcser: "Is there further discussion? The gentleman has offered to move the adoption of Amendment No. 1, to House Bill 3. All in favor of the adoption signify by saying



'aye', the opposed 'no', the Amendment is adopted. Are there further Amendments?"

Fredric B. Selcke: "Ah.. Committee Amendment No. 2, amend House Bill 3 on Page 2, by deleting Line 17 and inserting in lieu thereof the following: andsoforth."

Rep. Arthur A. Telcser: "The gentleman from McHenry, Representative Hanahan."

T. J. Hanahan: "Mr. Speaker and Members of the House, Amendment No. 2 brings in one of the defects that were pointed out by the Organizations such as the Illinois Nursing Association and other Associations that primarily are not Labor Organizations. And yet, would like to represent, if House Bill 3 became Law, would like to represent public employees in the area of collective bargaining. And, this Amendment would put into the Act, for the purpose in whole or part of dealing with public employers, which would allow Associations to ah.. represent public employees under the Act. And, I move for its adoption of Amendment No. 2."

Rep. Arthur A. Telcser: "Is there any discussion? The gentleman has offered to move... The gentleman from Kane, Representative Grotberg."

J. E. Grotberg: "Will the.. Will the Sponsor yield to a small question?"

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

J. E. Grotberg: "Ah.. Representative Hanahan, ah.. is.. is the Education Department included in this reference to public employees?"



T. J. Hanahan: "Right.. Ah.. right now, with this Amendment, there would be no question but the Illinois Education Association, the Illinois Nurses Association and all various other types of Associations that are not primarily set up for Labor Organizations, would be ah.. applicable under this Law."

J. E. Grotberg: "Ah.. this is an omnibus situation similar to the Special Act that we dealt with last week?"

T. J. Hanahan: "Ah.. I can't hear you, Sir."

J. E. Grotberg: "This would be an omnibus situation compared to the Special Act that we dealt on last week for a Hearing Officer."

T. J. Hanahan: "This would be separate from that. Right.."

J. E. Grotberg: "Separate from.. But ah.., the goals would be similar?"

T. J. Hanahan: "No. This.. This is a collective bargaining law that I'm attempting to put on the Statute Books. The other is a Hearing Officer ah.. type of Bill just for Teachers. This is for all public employees including policemen, firemen and all other type of public employment."

J. E. Grotberg: "I.. I understand, Representative Hanahan, I.. I'm simply asking, ah.. there's ah.. there's a Fair Employment Hearing category in your brief reference in this Bill."

T. J. Hanahan: "Yes, the Fair Employment Practices Act and the Civil Service Laws and other Acts would be applicable under this Law."

J. E. Grotberg: "Alright then, it does duplicate what went through here last year as far as Teachers are concerned?"



T. J. Hanahan: "No. No, Sir. This only allows Associations... This Amendment that we're discussing right now only allows Associations to be included in the definition of Unions or Organizations in whole or in part that are set up to represent public employees."

J. E. Grotberg: "Thank you."

T. J. Hanahan: "That's all this Amendment does."

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

F. Tuerk: "A point of order, Mr. Speaker."

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

F. Tuerk: "We're considering Amendments to House Bill 3. Ah.. do not the Amendments have to be on the Members' desks ah.. before we adopt these Amendments?"

Rep. Arthur A. Telcser: "The Clerk informs me they were distributed, Representative Tuerk. Are there other Members that don't have them? Did you look in the front of your Bill Book?"

F. Tuerk: "I don't have them."

Rep. Arthur A. Telcser: "Did you get the copies yet, Representative Tuerk? We're on Number 2 right now. Why don't you bring him all of them so he's got them? Representative Beaupre, for what purpose do you rise, Sir?"

J. R. Beaupre: "Mr. Speaker, I don't see anyone working this side of the aisle and we'd like to have those Amendments also to take a look at."

Rep. Arthur A. Telcser: "Don't the Democratic side have the



Amendments? Are there other Members on the Democratic side that do not have the Amendments? Those Amendments, I'm informed, may be already inserted by House Bill Number 3 in your Bill Books. Apparently, what the Pages did this morning was start off by inserting the Amendments with the Bill Numbers. They were able to accomplish ah.. getting a few of the Bills. But then, they ran out of time and tucked the rest of the Amendments underneath the cover of your Bill Books. Are you set now, Representative Tuerk? With the Bills? Have you got the Amendments? The gentleman from Peoria,...."

F. Tuerk: "Mr. Speaker, I.. I have found Amendment No. 6 tucked into my Bill Book and I was just delivered Amendment No. 2. But, the remainder of the Amendments, I don't find."

Rep. Arthur A. Telcser: "Well, Representative Hanahan, would you ah.. want us to go by this Bill or...."

T. J. Hanahan: "I.. I didn't hear the gentleman's objection ah.. Mr. Speaker."

Rep. Arthur A. Telcser: "The gentleman indicates that he has some of the Amendments but not the others. And, there's a Member on your side of the aisle says that he doesn't have the Amendments."

T. J. Hanahan: "Well, he has them now, Sir."

Rep. Arthur A. Telcser: "Do you have them now, Representative Beaupre?"

J. R. Beaupre: "Mr. Speaker, I'm missing four of the Amendments and I'd like to see them before we vote."

Rep. Arthur A. Telcser: "Representative Dunne, for what purpose



do you rise, Sir?"

R. L. Dunne: "Mr. Speaker, I have one Amendment to House Bill 3 on my desk. And, that's Amendment No. 6. I don't have any of the other Amendments."

Rep. Arthur A. Telcser: "Well, did you look in your Book?"

R. L. Dunne: "Yeah.. I took everything out that was put into the Book today."

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

R. Dunn: "I have all of the Amendments. They're way down in the bottom of my Book. I thought you said that they were loose on the top."

Rep. Arthur A. Telcser: "Well, the head Page told me that's where they may be. I see some Members waving their Amendments. I assume we can proceed now? Representative Tuerk, do you have your Amendments? Representative Tuerk, then would somebody give him copies of my Amendments on my desk so Representative Tuerk has all of the copies to his? Do you have them now, Representative Tuerk? Okay.. The gentleman has offered to move the adoption of Amendment No. 2, to House Bill 3. Now, is there any discussion? All those in favor signify by saying 'aye', the opposed 'no', the Amendment is adopted. Are there further Amendments?"

Fredric B. Selcke: "Amendment No. 3, amend House Bill 3 on Page 2, Line 11 by deleting the semicolon and inserting in lieu thereof the following:"

Rep. Arthur A. Telcser: "The gentleman from McHenry, Representa-



tive Hanahan."

T. J. Hanahan: "Mr. Speaker and Members of the House, there has been some confusion on the ah.. wording of the Bill in the area of whether or not the University System would come under the provisions of House Bill 3 if it were enacted as a Law. The intention of the Sponsor and those who are encouraging collective bargaining of public sectors were just to exclude those Members of the C.T.A. that now have collective bargaining under Law and those employees of the State Universities who, under Law, have the provisions and rights of collective bargaining. This Amendment would make it crystal clear that those other employees of the University System would be allowed to have ah.. representatives... representation, under Law, under House Bill 3 to inclusion of the provisions of House Bill 3. And, therefore, the academic employees would be included under House Bill 3. And, I move to adopt Amendment No. 3, to House Bill 2."

Rep. Arthur A. Telcser: "Is there any discussion? The gentleman has offered to move the adoption of Amendment No. 3, to House Bill 3. All in favor of the adoption signify by saying 'aye', the opposed 'no' and the Amendment is adopted. Are there further Amendments?"

Fredric B. Selcke: "Amendment No. 4 was defeated in Committee. Committee Amendment No. 5, amend House Bill 3 on Page 4, Line 11 after the semicolon by inserting the following:"

Rep. Arthur A. Telcser: "The gentleman from McHenry, Mr. Hanahan."



T. J. Hanahan: "Well, Mr. Speaker and Members of the House, this Amendment was Representative Jim VonBoeckman's in Committee. And, it's an Amendment that there is some controversy on and Representative Walsh alluded to it. And, there is another Amendment going to be offered by Representative Hudson which was defeated in Committee. And, basically, I think, it would be unfair for me to proceed in moving to adopt one Amendment that would preclude the debate or the understanding of what the other Amendments would do. I'd like to explain Amendment No. 4 and Amendment No. 6 ah.., if I have leave. And, therefore, then leave ah.. the decisions to the ah.. vote of the House because either will.. will do the same thing. Either will ah.. will, at least, allow the Membership to ah.. determine whether or not the conscientious objector should have the right of not paying into a Union, an initiation fee or a union dues collection and in lieu thereof contributed to a bonified charity, non-religious ah.. non-political charity. The Jim VonBoeckman Amendment, ah.. Amendment No. 4, which is presently before, would allow the conscientious objector to contribute to the Union for the Union to contribute then in.. its.. in its Members' behalf to non-religious or non-political charity, the amount of money it would have taken to pay an initiation fee or the continuation of Union dues. Now, the Amendment No. 6, which would be the Amendment that Representative ah.. Hudson will be offering, would just allow the Member, with the ah.. Union agreeing, to whatever charity the Member would like to con-



tribute the amount of money in dues and.. and initiation fees. One is that the House Amendment No. 4 would be... Committee Amendment No. 4 would make it that the Union would contribute the amount of money for.. in lieu of dues and initiation fees. Amendment No. 6 would have the individual conscientious objector contribute. Now, I know that there are the Seventh-day Adventists and five or six other religious organizations that do not belong to Unions, refuse to belong to the Unions as such on.. on a matter of conscience. They, in turn, do not want to give the money to the Unions to contribute to a ah.. nonsectarian ah.. type of ah.. charity. So, Representative Hudson's Amendment ah.., contrary to the House... ah.. Committee Amendment No. 4, would be ah.. to allow this in.. individual Member to contribute. I have no real great ah.. overriding feelings that if ah.. Amendment No. 6 were adopted in lieu of Amendment No. 4, that I would table the Bill or it weaken the Bill to any great amount because I don't believe that there are that many in the public sector that are conscientious objectors. But, I do think that it's something that the House Members should decide and not rest it on my shoulders or the Trade Union Movement's shoulders on defending a position. The National AFL-CIO has agreed in the Postal Section Act to an Amendment similar to Ray Hudson's. Ah.. many of our dealings in the Illinois Area of ah.. conscientious objectors, as we have not had that much experience, most ah.. employees, working under a Union Shop condition, contribute their ah.. Union dues and contribute their ah.. initia-



tion fees without objection. So, it's not a ah.. a real big issue with me personally. But, I know it is an issue with some Members. And, I'd like to hear the Members decide which way they'd like to go."

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

W. D. Walsh: "Ah.. the Board isn't correct up there, is it, Mr. Speaker? Aren't we considering Amendment No. 5?"

Rep. Arthur A. Telcser: "Amendment No. 5 is correct."

W. D. Walsh: "Alright.. Ah.. And, I.. I.."

Rep. Arthur A. Telcser: "No. Wait, Bill. I'm sorry. That's House Bill 3."

W. D. Walsh: "Oh! I beg your pardon. Alright.. Yeah.. Right.."

Rep. Arthur A. Telcser: "We are considering Amendment No. 5."

W. D. Walsh: "Alright.. I.. I would like to, since I've.. I've been recognized, add.. address myself briefly to ah.. ah.. Amendment No. 5 which is the VonBoeckman Amendment. Ah.. and, first of all, ah.. Representative Hanahan and everybody involved in this has been very cooperative and we've tried to work it out. And, I.. I think, as Representative Hanahan indicated, he has no strong feelings either way on ah.. whether Amendment No. 5 is adopted or Amendment No. 6, sponsored by Representative Hudson, is adopted. But, I.. I think, that we're dealing with a very serious matter here in the.. in the matter of conscientious objectors. Ah.. for one thing, if Amendment No. 5 is adopted and this Bill becomes Law, then no Seventh-day Adventist... no Seventh-day Adventist may ever



work for a public body. Anyone, who is a school teacher and a Seventh-day Adventist or ah.. State Employee or anything, would, under conscience, have to resign because he could not contribute his money to the Union. Now, what Representative Hudson's ah.. Amendment does is provide that the Seventh-day Adventist contribute instead to a charity mutually agreed upon between the donor, that is the payer of the Union dues, ah.. and the Union. And ah.., that certainly is reasonable, it seems to me. And, the only distinction here is that Representative VonBoeckman's Amendment would provide that the money must, first, be contributed to the Union. And, the Union would decide the charity to which the ah.. the money is given. But, this is no'good. It's no good because the Seventh-day Adventist Church will not permit their Members to contribute to.. to a Union. And so, therefore, anybody, who is a good Seventh-day Adventist, could not work for a public body. And, I think. this is wrong. So, I urge the defeat of Amendment No. 5 and the adoption of Amendment No. 6."

Repl Arthur A. Telcser: "The gentleman from Tazewall, Representative VonBoeckman."

J. VonBoeckman: "Mr. Speaker and Ladies and Gentlemen of the House, I have had ah.. experience with the Seventh-day Adventists as I was a former President and Secretary and Treasurer of my Local Union. We had approximately ten of these Seventh-day Adventists, and they were good Seventh-day Adventists, as conscientious objectors to our Union. We have an Agency Shop. They have been paying for a great number



of years into this. And, the Union is a sole decision to which charity their money is contributed to. I don't feel that any Seventh-day Adventist would really object to this to a great degree. Because, it simply states, 'the Union shall have the prerogative to where the money goes'. Now, I can see a lot of ah.. a red tape between the Union and the Members of an Organization. I don't think this would ah.. keep them from being a part of the Union. And, I think, it would be better for the Union, in.. in principle, that this is the way the Agency Shop should be handled." I feel, personally also, that ah.. ah.. we should have a little faith in our fellowman. And, if the ah.. Seventh-day Adventists personally feel they want to have a little faith, I think, it's about time they started right here." Thank you."

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

G. Hudson: "Well, Mr. Speaker and Ladies and Gentlemen of the House, I would like to ah.. point out one significant difference between ah.. Amendment No. 5 and Amendment No. 6 here. And, that is, Amendment No. 5 is totally unacceptable to the religious groups that we're speaking of. And, Amendment No. 6 is acceptable to them. I might remind that my ah.. distinguished Colleague, who spoke just previous to this, that the historic teaching of the Seventh-day Adventists ah.. Church ah.. does allow for religious freedom inside and out of the Church. But, the historic teaching... the historic teaching does not permit their entering into or supporting



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Labor Unions. Now, many Seventh-day Adventists and Mennonites, National Council Evangelicals presently work for the State, County and Local Government because their convictions prevent them from joining or supporting Labor Unions. And, they have sought this employment because this work has shielded them against compulsory unionism. And, with this Amendment, No. 5, they're faced with a change that could force them to choose between their jobs and their religious convictions. And, this change would confront them with a cruel choice. I might remind you, Ladies and Gentlemen, that Mr. George Meeney himself has indicated that Labor could live with this type of Amendment. Representative Hanahan, I think, has indicated that as well. Now, these people, the Seventh-day Adventists and others are not opposed to Labor Unions. But ah..., they do not organize campaigns against them. They recognize the right of an individual to join or to support the Labor Unions. They only ask that we, here in the Legislature, recognize the right of a religious objector to refrain from joining and supporting a Union. And, to protect him in that right, by writing a religious exemption into the Law. And, I'm going to close ah..., my Colleagues, by reminding you that these protections already do exist in the ah... 1970 Postal Reform Bill. They are inherent in the 1964 Civil Rights Act. The guarantees are there. I remind you, again, that thousands of Seventh-day Adventists and Members of these other religious groups are affected by this. They are watching our vote. They are watching our action on



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this closely. It's a serious matter. And, I urge rejection of Amendment 5 and support ah.. Amendment No. 6."

Rep. Arthur A. Telcser: "The gentleman from Kane, Representative Grotberg."

J. E. Grotberg: "Ah.. Mr. Speaker, Ladies and Gentlemen of the House, I address the Sponsors of both of these Amendments in the following terms. I do believe that the Constitution of the United States allows for most of what we're talking about. I also did not come down here to pass extortion laws. I can remember the days when Legislatures used to fight extortion laws. I have been a fund raiser for not-for-profit organizations all of my life, but I have never seen this approach used to raise to money. Maybe I should go for the Bills and become the collector for not-for-profit organizations of these dues in lieu of what it's all about. Please, Ladies and Gentlemen of this House, if this Bill can not incorporate the freedom of this Country in the body of the Bill, for God's sake, let's not try amending it into something that everybody's given right. Thank you."

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

W. Borchers: "Mr. Speaker and Fellow Members of the House, I was amazed that I was being contacted from my Area by Seventh-day Adventists and others in regards to this.. to this Bill. I.. I just never had it happen... had this experience. Ah.. But, they were very insistent. I didn't realize that I had so many Seventh-day Adventists. But, they were very insistent



to me that this would be against their faith. And, they requested me most urgently to support an Amendment that would allow them negotiations with the Unions, to which they have no objections, to make a decision of where their money should go. So, I am forced, by, what I think, is their position of religious freedom, to support the ah.. Amendment No. 6. I see no other recourse than to do my duty to the ah.. Seventh-day Adventists and others that I have in my District. So, this is how, I think, we should go."

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

L. A. H. Caldwell: "Thank you, Mr. Speaker. I, too, arise to support Amendment No. 6 instead of Amendment No. 5. My reasons for doing so, number one, ah.. the hierarchy of the Labor movement in this Country has indicated that Labor can live with this Amendment which espouses religious freedom as ah.. advocated by the Seventh-day Adventists. Some of these Ministers from my Community have been down here, asking us to support this particular Amendment. Ah.. the Sponsor, Mr. Hanahan, indicates that he has no violate objections as to which one ah.. of these ah.. Amendments is adopted. I think that we ought to recognize the fact that our Constitution, National and State, ah.. advocates religious freedom. This is religious freedom. I was impressed in Committee when the Seventh-day Adventists testified to the fact that they had in previous negotiations with Unions excepted the ah.. technic of letting the Union used the money for charitable



organizations where they saw fit and have the Members pay Union dues. Ah.. they emphasized the fact that that had not been carried out ah.. as per agreement and had been most unsatisfactorily to the Seventh-day Adventists. I would urge all of my Colleagues to support Amendment No. 6 in this instance. And, I don't think that it would change the concept of the entire Bill ah.. in the least."

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

J. J. Wolf: "I'd like to ah.. ask the Sponsor of this Bill a question."

Rep. Arthur A. Telcser: "He indicates he'll yield."

J. J. Wolf: "I'm having some difficulty. Now, these exemptions for members of religious groups, who object to joining Unions. I just want to know. What is the reason for this? Is this Bill provide for compulsory union membership for State or local employees? Is that what it does?"

T. J. Hanahan: "Yes. This Bill, House Bill 3, has what we call, 'the closed shop provision', or 'agency shop provision' within the Bill that, after thirty days of employment, that the employee would then belong to the unit that bargains in behalf of the employee for wages, hours and conditions. They pay their fair share of the cost of this representation."

J. J. Wolf: "Alright.. So, they have.. they would have thirty days to.. to be a member of a Labor Union or they couldn't work for Government. Is that right?"

T. J. Hanahan: "The same that we have in the private sector."



Public employees are treated no differently in the public sector."

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

F. Tuerk: "Mr. Speaker, Members of the House, I think, there has been expression here on Amendment No. 5. And, if it's the proper time, I'd make the motion to table Amendment No. 5, to House Bill 3."

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

R. L. Dunne: "I.. I.. I second that motion."

Rep. Arthur A. Telcser: "Okay.. The gentleman has moved that Amendment No. 5, to House Bill 3, be tabled. All those in favor of the gentleman's motion to table signify by saying 'aye', the opposed 'no', and Amendment No. 5 is tabled. Amendment No. 6."

Fredric B. Selcke: "Amendment No. 6, Hudson, amend House Bill 3, as amended, on Page 4, Line 11 after the semicolon by inserting the following: andsoforth."

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

G. Hudson: "Well, Mr. Speaker and Ladies and Gentlemen of the House, I think, these... ah.. Amendment No. 6 has been ah... thoroughly explained. And, I would ah.. urge a favorable vote on this Amendment."

Rep. Arthur A. Telcser: "The gentleman has offered to move the adoption of Amendment No. 6, to House Bill 3. All those in



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favor of the adoption signify by saying 'aye', the opposed 'no', the Amendment is adopted. Are there further Amendments? Representative Hanahan, I understand that Representative Ewell has an Amendment."

T. J. Hanahan: "Ah.. Mr. Speaker and Members of the House, with leave, I'd like to leave this Bill on Second Reading because I was hoping that ah.. those, who have some objections to the rights of public employees to strike or the rights of public employees to belong to a Labor Organization, would have enough time to offer this type of Amendment to the floor of the House instead of voting up or down on the Bill on Third Reading and some nit-picking or whatever reasons could be found on the Bill, to make sure that all of the Members are aware that I have every intention to call this Bill on Second Reading again tomorrow. So, if you have any ideas, those of you who are for the right to work in public employment, I'm offering you a Legislative courtesy of offering your Amendments. Those of you, who are against the rights of policemen, firemen, prison guards and other public employees to the right of withholding of services or the right to strike, I suggest to you that you offer your Amendments to the Bill when it's called again on Second Reading. But, don't come to the Newspapers, after the Bill was heard on Third Reading, and say that the reasons why I voted for or against the Bill was on that basis because you had no alternative. So, I offer this as a Legislative courtesy to those of you who are new here and don't understand it, that this Bill



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would move to Third Reading would be up or down in final stages. So, with leave, I'd like to leave the bill on Third Reading or Second Reading, Mr. Speaker."

Rep. A. Telcser: "O.K... House Bill 3 will remain on the order of Second Reading."

NOTE: (Skip to Page 59. Debate on House Bill 18 typed in advance.)



Art Telcser: "House Bill 18."

Frederic Selcke: "House Bill 18. Hyde. Bill for an Act to establish a penalty for capital punishment for specified categories -- the crime of murder which the Act creates. Second reading of the bill. Ah.. one Committee Amendment, ah.. Committee Amendment No. 1 was apparently tabled in Committee. Committee Amendment No. 2 -- amend House Bill 18 by deleting everything after the enacting clause and inserting in lieu thereof the following."

Art Telcser: "Gentleman from Cook, Representative Hyde."

H. J. Hyde: "Ah.. Mr. Speaker, Ladies and Gentlemen of the House, ah.. I would ask leave that Amendment No. 2 be tabled. I have an Amendment No. 3 that I would offer in lieu of Amendment No. 2."

Art Telcser: "Gentleman has moved that Amendment No. 2 be tabled. All in favor of the Gentleman's motion signify by saying 'Aye' the opposed 'No'."

Members: "Aye."

Art Telcser: "The amendment is tabled."

Frederic Selcke: "Amendment No. 3. Hyde. Amend House Bill 18 as amended by deleting everything after the enacting clause and so forth."

Art Telcser: "Gentleman from Cook, Representative Hyde."

H. J. Hyde: "Ah.. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment No. 3 to House Bill 18 rewrites the bill. Ah.. this is a capital punishment bill and ah.. what this amendment does ah.. is separates the sentencing ah.. of the defendant from the ah.. conviction. The jury



ah.. would hear the case ah.. and make a determination as to whether or not the defendant was guilty of murder. Then the State's Attorney ah.. has the option of seeking to impanel a three-judge court from the Circuit Court...one of the judges being the trial judge if available, and then the State's Attorney would present evidence before the three-judge court ah.. as to whether or not the murder which the defendant was convicted of by the jury fit within one of nine categories which are specified in the bill. Ah.. these categories involve ah.. murders that concern themselves with great premeditation or are of such a heinous nature that the death penalty is appropriate. Now, ah.. the facts that are presented to the three-judge court would not have anything to do with the crime ah.. as to guilt or innocence but would be in nature of elements in agravation. And if the three-judge court, a majority of them found that the crime did fit within one of the nine categories then they would have no choice but to sentence the defendant to death. The mandatory provisions which are in effort to comply with the United States Supreme Court's decision in Furman v. Georgia ah.. would then apply. Ah.. this amendment is somewhat different from the amendments which the Judiciary Committee felt ah.. were superior to this plan ah.. their amendment required the jury to make special findings of facts. Ah.. I have discussed this amendment with John Stamos, who is the former State's Attorney of Cook County and is now an Appellate Judge, with Professor Charles Bowman of the Uni-



versity of Illinois, who had a leading role in drafting our present criminal code. I have discussed this with many criminal lawyers and it is the product of James Zagel who is the head of the Criminal Justice Division in the Attorney General's Office. And so, ah.. I agree this is a complicated subject ah.. but I would ask that Amendment No. 3 be adopted."

Art Telcser: "Is there any discussion? The Gentleman from Cook, Representative Duff."

B. B. Duff: "Mr. Speaker, Ladies and Gentlemen of the House. Ah.. considering the state that the bill is in at the moment I am not going to oppose this amendment. But I would like to comment on it. Ah.. I tried to get the recognition of the Chair when the motion was made to table Committee Amendment No. 2 and was not able to. That leaves the bill at the moment with everything struck from the enacting clause. I would agree very much with Representative ah.. who has proposed this amendment that this is indeed a very complicated subject, a very difficult one. Ah.. it was in fact, the opinion of the ah.. Committee which proposed the amendment which was just tabled ah.. that the best effort to try find a Constitutional solution lay in that amendment. And that this amendment is essentially not Constitutional. Ah.. I do think that it would be appropriate and proper that the time comes when we discuss these bills on Third Reading for the benefit of this House as well as for the public, we should have as ah.. as ah.. as careful and as complete a discussion of this bill as we can.



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

H. Washington: "Ah.. Mr. Speaker, will the sponsor yield to a question?"

Art Telcser: "He indicates he will."

H. Washington: "Ah.. I don't want to string this out too long Representative Hyde, but, what are the essential differences between Amendment No. 2 which you have tabled and Amendment No. 3 which you are offering?"

H. J. Hyde: "The essential differences are this, Representative Washington... under Amendment No. 2, the categories which I specified, the nine categories of murder with the mandatory death penalty are still there. Ah.. however, the findings as to whether the crime fits within those categories, such as the murdered person was an elected official of the federal government or was a policeman in the course of his duties.. those findings would be made by the jury who would also find guilt and they would return ah.. answers to a long list of check.. ah.. checksheets, sort of, a chec-off sheet, making these specific findings of fact. Based on that, the trial judge would have no choice but to sentence the ah.. defendant to death. Now, this amendment merely ah.. ah.. has the jury make a guilty finding on the murder. As to the sentencing, the mandatory element, that is done by a three-judge court which has to make these findings of fact as to whether the particular murder fits within these nine categories. Now the real problem with this is a philosophical one. Are these findings of fact that the three-judge court



would make under my amendment elements of the crime or are they facts in aggravation? I maintain they are like any matter in sentencing, they are matters in aggravation and I want the jury not to be involved with this aspect of it. Ah.. the reason is a very practical one, Mr. Washington. Ah.. John Stamos told me when he was State's Attorney, out of every hundred murders they would ask for the death penalty in about five. He said, 'What do you do if a sixteen-year-old kid kills a policeman or kills a fireman!..'

H. Washington: "Well, ah.. Henry, you've answered my question."

H. J. Hyde: "Oh, alright. I just..."

H. Washington: "Just one other question. Is it imperative that this bill be advanced to Third today? In light of what you said, I personally would like to just sit down and read it as just opposed to the firmed decision because based on what you said there are some very complicated legal quagmires here that I would like to think about. Couldn't you hold this bill on second? Or rather hold this amendment in advance 24 hours so we can study it?"

H. J. Hyde: "I would rather advance it, Harold and if you have an amendment ah.. we can talk about it and I will extend you every cooperation."

H. Washington: "As you have in the past?"

H. J. Hyde: "The acoustics are so bad in here, I really don't hear you Harold, but I'm a pretty good lip reader and I think I heard what you said."



H. Washington: "Strike that remark."

Rep. Arthur A. Telcser: "Gentleman from Cook, Representative B. B. Wolfe."

B. B. Wolfe: "Mr. Speaker, Ladies and Gentlemen of the House. The dialogue between our Colleagues, Representative Washington and Representative Hyde, I believe, that the remarks of the Chairman of the Judiciary Committee are absolutely apropos. This new concept, in my opinion now, destroys the Jury System, places responsibility in the hands of a Three-Judge Court, sets forth factually nine grounds upon which Capital Punishment may be ah... adopted by the Three-Judge Court and changes the whole basic concept of criminal jurisprudence, the right to a trial and apparently violates some constitutional guarantees. I would think, that the suggestion of our Colleague, Harold Washington, is a good one and that the Bill be held on Second Reading so that other Lawyers in this House, who practice Criminal Law, ah.. can take.... and who are not on the Judiciary Committee, including Members of the Judiciary Committee, who did not see this Amendment in that Committee, can take a good hard look at the Amendment and then we can vote it up or down after that is done."

H. J. Hyde: "Ah.. if I may respond. Mr. Wolfe, you don't serve on that Committee ah.. and you couldn't know then that this Amendment ah.. was thoroughly discussed, not in its ah.. present numbered form, but this was the original concept of the Bill as presented to the Judiciary Committee. So, it does



not come ah.. as a sudden surprise to anybody. And, while I certainly ah.. would stipulate to your vast Constitutional knowledge, I would submit that there are a great number of people whose prowess in this field is equal to yours who feel otherwise. And, I would ah.. like this Amendment adopted and I'd like this Bill to be advanced to Third Reading."

Rep. Arthur A. Telcser: "Gentleman from Will, Representative Sangmeister."

G. E. Sangmeister: "Will the Sponsor yield to a question?"

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

G. E. Sangmeister: "Ah.. Representative Hyde, I believe, that you may have cleared it up in your last statement, but your Amendment Number 3 then is exactly in the same form as the original Bill you presented to the Committee. Is that correct?"

H. J. Hyde: "Ah.. yes, Sir. It's in the form ah.. as presented when we first discussed this in Committee. Not the way it was originally printed, but the Amendment that was offered in Committee. Except.... Except that we have added ah.. the one word 'Federal' to the ah.. Public Official. The way that it was originally drawn, it was just ah... 'State Official' and now I have 'Federal' as well as 'State' in there. That's the only difference."

G. E. Sangmeister: "I see. Thank you."

Rep. Arthur A. Telcser: "Is there further discussion? If not, the Gentleman from Cook, Representative Hyde, wish to close?"

H. J. Hyde: "Ah.. no, except to say that I ah.. would hope to



have this bill amended ah.. in this form and then when we argue on Third Reading, or rather when we debate on Third Reading, I think we can go into the nuances and the differences between this bill and the other capital punishment bills that are available. So I move its adoption, Mr. Speaker."

Art Telcser: "Representative Mann, for what purpose do you raise, sir?"

R. E. Mann: "Well, Mr. Speaker, I was off the floor and since I have sponsored this kind of legislation, I wonder if the gentleman would yield to one more question?"

H. J. Hyde: "Certainly."

R. E. Mann: "Henry, ah.. I think you have the right to put your bill in the shape you want it in. Ah.. and I'm just curious ah.. is this.. are you doing this to conform ah.. to the Supreme Court decision? In other words, why this radical surgery on the bill?"

H. J. Hyde: "Mr. Mann, the bill ah.. is in effort to conform not only to the Furman v. Georgia case which ah.. it seems by the best analysis requires mandatory ah.. penalty so that there can be no freakish application ah.. but in addition it is an attempt to ah.. obviate the difficulties of the Witherspoon case ah.. and further, it's to give some discretion to the prosecutor so that in a case where the death penalty isn't appropriate, even though it may fit within one of these categories, there is some opportunity to avoid a mandatory death penalty. I admit that in truth



the element of discretion which the Supreme Court proscribe, but it did not proscribe in my judgment prosecutorial discretion and so ah.. I admit the bill is a unique approach but it is certainly in effort to comply with the constitutional mandates."

R. E. Mann: "Well, ah.. Henry are you saying then under the ah.. under the categories which you sent out, if there is a conviction by the jury that the judge then ah.. is ah.. required to impose the death penalty?"

H. J. Hyde: "No, sir. If a conviction is returned, then the prosecutor ah.. who has discretion in any of these cases as to whether to indite or what to indite for or what witnesses to present, he has the additional discretion as to seeking a three-judge court and it's this three-judge court that will review the ah.. the ah.. testimony and will hear additional facts in aggravation or mitigation but if they find that the crime does fit within one of the nine categories in my bill then they must impose the death penalty. The ah.. the injection of prosecutorial discretion is what makes my bill different from the ah.. the other death penalty bills that are on the calendar."

R. E. Mann: "Thank you."

Art Telcser: "Gentleman from Cook, Representative Duff."

B. B. Duff: "Mr. Speaker, as I previously indicated, ah.. I find some very serious questions about this amendment. And yet I don't think it's fair to the Sponsor to leave his bill in the present state, struck from the enacting clause."



I.. I feel as I have said, that at the time on Third Reading we should have a very through discussion of this bill and consequently, at this point of time, I think it's appropriate to move the previous question."

A. Telcser: "Gentleman has offered to move the adoption of Amendment No. 3 to House Bill 18. All in favor of adoption signify by saying 'aye!'"

Members: "Aye."

A. Telcser: "The opposed 'no'. The amendment is adopted. Are there further amendments. Third Reading. House Bill 20."

F. Selcke: "Ah.. House Bill 20, Cunningham. A Bill for an Act to require imposition of a mandatory death penalty for commission of certain crimes involving murder and for automatic review thereof and so forth. Second Reading of the bill. One committee amendment. 'Amend House Bill 20 by deleting everything after the enacting clause and..'"

A. Telcser: "Gentleman from Lawrence, Representative R. D. Cunningham."

R. Cunningham: "Mr. Speaker and Ladies and Gentlemen of the House, this, too, is a capitol punishment bill. The Committee Amendment No. 1 makes a good bill even better. It makes the changes that were suggested for the prior bill, Representative Hyde, that is that a jury must make a finding of fact as to whether or not the offense came within the eight prescribed ah.. degrees of murder for which the death penalty is mandatory. It also omits the payroll and



pardon board feature that many on the committee found objectionable. So we, at this time, move for the adoption of Committee Amendment No. 1."

- A. Telcser: "Is there any discussion. Gentleman has offered ah.. moved and offered Amendment No. 1 to House Bill 20. All in favor of adoption signify by saying 'aye', the opposed 'no'. The amendment is adopted. Are there further amendments. Representative Cunningham."
- R. Cunningham: "Mr. Speaker, I've checked the rules and I find nothing in the rules that forbid this and I wondered if it is possible to add the President as an honorary sponsor of House Bill 20."
- A. Telcser: "Well, I.. we might want to take it up in the Rules Committee."
- R. Cunningham: "Well, what's the ruling. Can it be done or is that ah.. too much."
- A. Telcser: "Representative Shea, for what purpose do you rise."
- G. Shea: "Well, I think if the gentleman wants to have the President as a sponsor of his legislation maybe he just would like to move onto consideration postponed someplace until he gets a written letter."
- A. Telcser: "I think he meant the President of the Cook County Board."
- G. Shea: "I didn't know what he meant. I thought he meant Mr. Nixon."
- A. Telcser: "Third Reading. House Bill 48."
- F. Selcke: "House Bill 48, A Bill for An Act to Amend Section



2 of the Fair Employment Practice Act. Second Reading of the Bill. One Committee Amendment. 'Amend House Bill 48 on page 1, by striking lines 14 through 18 and so forth'."

- A. Telcser: "Gentleman from Cook, Representative Caldwell."
- L. Caldwell: "House.. House Bill 48, Mr. Speaker, was suggested by the Illinois State Chamber of Commerce and was adopted in committee. There are no other committee amendments that I know of and I would move.."
- A. Telcser: "Gentle.. is there any discussion. Gentleman has offered to move the adoption of Committee Amendment No. 1 to House Bill 48. All those in favor of adoption signify by saying 'aye', the opposed 'no'. The amendment is adopted. Are there further amendments."
- F. Selcke: "Amendment No. 2, Caldwell. Amend House Bill 48 on page 1, line 5, by deleting Section 2 and so forth."
- A. Telcser: "Gentleman from Cook, Representative Caldwell."
- L. Caldwell: "Ah.. the first amendment was a technical correction. and ah.. Amendment No. 2 is the amendment that I had just explained and was offered by the Illinois State Chamber of Commerce. I move its adoption."
- A. Telcser: "Is there any discussion. Gentleman has offered to move the adoption of Amendment No. 2 to House Bill 48. All those in favor of adoption signify by saying 'aye', opposed 'no'. Amendment is adopted. Are there further amendments. Third Reading. House Bill 216."
- F. Selcke: "House Bill 216. Phil Collins. A Bill for an Act to Amend the Election Code. Second Reading of the bill."



One committee amendment. 'Amend House Bill 216 on page..'"

- A. Telcser: "Gentleman from Cook, Representative Phil Collins."
- P. Collins: "Ah.. Mr. Speaker, Ladies and Gentlemen of the House, ah.. Amendment No. 1 to House Bill 216 is an agreed amendment. Ah.. it would merely change the ah.. number of days prior to a primary from which appointments from supplemental lists cannot be made from 15 to 21 and changes the same period before an election from 30 to 28 days. As I said, this was agreed in committee and I would move for the adoption of Amendment No. 1."
- A. Telcser: "Is there any discussion. Gentleman has offered to move the adoption of Amendment No. 1 to House Bill 216. All in favor of adoption signify by saying 'aye' the opposed 'no'. The amendment is adopted. Are there further amendments. Third Reading. House Bill 217."
- F. Selcke: "House Bill 217, Collins. A Bill for An Act to Amend the Election Code. Second Reading of the Bill. One Committee Amendment. 'Amend House Bill 217 page 6, line 14, by deleting..'"
- A. Telcser: "Gentleman from Cook, Representative Collins."
- P. Collins: "Ah.. Mr. Speaker, this amendment was one that was picked up by Enrolling and Engrossing. There were two words that ah.. the computer kicked out by mistake and this would merely delete those words. And I would move for the adoption of Amendment No. 1."
- A. Telcser: "Is there any discussion. Gentleman from Cook, Representative Shea."



- G. Shea: "Is that amendment on our desks."
- A. Telcser: "It should be in your book."
- G. Shea: "Well, I don't have a book. I'm poor."
- A. Telcser: "The Clerk informs me it has been distributed, okay, Jer. Gentleman has offered to move the adoption of Amendment No. 1 to House Bill 217. All in favor of adoption signify by saying 'aye', the opposed 'no'. The amendment is adopted. Are there further amendments. Third Reading. House Bill 218."
- F. Selcke: "House Bill 218, Collins. A Bill for an Act to Amend the Election Code. Second Reading of the bill. No committee amendments."
- A. Telcser: "Amendments from the Floor. Third Reading. House Bill 219."
- F. Selcke: "House Bill 219, Collins. A Bill for an Act to Amend the Election Code. Second Reading of the bill. No committee amendments."
- A. Telcser: "Amendments from the Floor. Third Reading. House Bill 251."
- F. Selcke: "House Bill 251, Douglas. Bill for An Act to Amend the Illinois Public Aid Code, Second Reading of the Bill. One Committee Amendment. 'Amend House Bill 251, line 16, by inserting immediately before the period the following' and so forth."
- A. Telcser: "Gentleman from Cook, Representative Douglas, wish to move the adoption of Committee Amendment No. 1."
- B. Douglas: "I so move, Mr. Speaker."



- A. Telcser: "Is there any discussion. Gentleman has offered to move the adoption of Committee Amendment No. 1 to House Bill 251. All in favor of adoption signify by saying 'aye' opposed 'no'. The amendment is adopted. Are there further amendments. Third Reading. Introductions and First Readings of House Bills."
- F. Selcke; "Jack O'Brien, if you're within hearing of my voice will you please come to the rostrum. Would you take over for me."
- J. O'Brien: "House Bill 756, A Bill for an Act to Amend sections of the Illinois Insurance Code, First Reading of the Bill. House Bill 757, An Act to Amend sections of An Act to prevent fraudulent practices in making or accepting of official appointments and contract for public officials, First Reading of the Bill. House Bill 758, Madigan, et al. An Act making an appropriation to the City of Burthhardt, First Reading of the Bill. House Bill 759, Yourell, et al. A Bill for An Act to Amend sections of the Illinois Municipal Code, First Reading of the Bill. House Bill 760, Yourell, et al., A Bill for An Act to Amend sections of an Act revising the law in relation to notices, First Reading of the Bill. House Bill 761, Yourell, et al., A Bill for An Act to Amend section of an Act concerning publication of legal notices, First Reading of the Bill. House Bill 762, Huskey, et al., A Bill for An Act to Amend sections of An Act relating to the powers and duties of property of telephone companies.."



- A. Telcser: "Representative Mann, for what purpose do you rise, sir."
- R. Mann: "Well, Mr. Speaker, and Members of the House, just to take a moment of the time of the House to introduce a very charming and intelligent and personable young woman who is sitting on the left of the Speaker in the back balcony. She is the daughter of our colleague, Peggy Smith Martin. I'd like to introduce Sondra Martin." Mr. Speaker, I'd just like to add that Sondra is a student at St. Thomas Apostle High School and upon graduation will enter college to study criminal law."
- J. O'Brien: "House Bill 763, Hart, et al., A Bill for an Act to amend sections of the Environmental Protection Act, First Reading of the Bill. House Bill 764, Beaupre, et al., .. Beaupre.. House Bill 764, Rayson, et al., A Bill for an Act to Amend sections of the Public Junior College Act, First Reading of the Bill. House Bill 765, Rayson, et al., A Bill for An Act to amend Section 4 of an Act in regard to Attorney General and States Attorneys, First Reading of the Bill."
- A. Telcser: "Okay, on the order of motions. On the order of motions appears House Bill 291 for which purpose the Gentleman from Cook, Representative Jaffe, is recognized."
- A. Jaffe: "Mr. Speaker, Ladies and Gentlemen of the House, this is a motion to discharge committee. I might say that I have never tried to discharge committee beforehand, but this is the first time that I am coming out to discharge



the Agriculture and Environment Committee. House Bill 291 is an effort to close a major loophole in the Illinois Environmental Law which permits companies to obtain variations in permits from the Pollution Control Board by default. Under the present law, if the board does not rule on a request for variation within 90 days, the variation is granted. House Bill 291 as amended, would give the board..

- A. Telcser: "Representative.. Representative Walsh, for what purpose to you rise, sir."
- W. Walsh: "Mr. Speaker, I don't see the chairman of the committee in question on the Floor. I wonder if this motion could be held until he returns."
- A. Telcser: "If the sponsor wishes to ah.."
- A. Jaffe: "Well, my problem is that I only have a couple of days in which to move. I don't know where Mr. Blades is. I certainly.."
- A. Telcser: "Do you wish to proceed, sir."
- A. Jaffe: "I've been informed that he's over in the aisle someplace."
- A. Telcser: "Is Representative Blades on the Floor. Is he there. Get up here, Ben, and defend yourself. Okay, Jaffe."
- A. Jaffe: "Okay, House Bill 291, as amended, would give the board up to 120 days to rule and, if by that time the board has failed to make a decision, the request would neither be granted or denied. I want to stress that. The decision would not be to grant nor would it be to deny."



However, this concept of having a pocket grant would once and for all be laid to rest. However, the board would be mandated to act within 120 days. The present variation law favors the polluter. House Bill 291 would change the variation law to favor and protect the public. At the present time, even if a clerical mistake took place and a file was mislaid for 90 days, a major variation could be granted without hearing. The concept of pollution by default makes a mockery of the entire pollution law in this state. Now, on January 16th, 1973, the Illinois Pollution Control Board granted variations, and I must say they did it on other occasions, by default. Commonwealth Edison was granted two variations on air pollution, receiving one extension on exemptions from the state air pollution regulations at its Pekin plant and at its Will County station near Lockport. In other variations granted by default on the very same day, Ollin Corporations, copper tubing plants in East Alton, was extended a year's grace from the State of Illinois water standards. A developer in Highland Park was permitted to connect three 24 unit condominiums with the North Shore Sanitary District which the board had previously indicated was already over .. was an overloaded district. And, also, a two-story building erected by.."

A. Telcser: "Representative Blades, for what purpose do you rise, sir."

B. Blades: "Why, he's speaking to the bill and not to his



motion. I'm objecting to it."

- A. Telcser: "The gentleman's point is well taken, Representative Jaffe, could you confine your remarks to the discharge motion."
- A. Jaffe: "Well, Mr. Speaker, let me just say that ah.. a long time ago on this House Floor we argued whether or not the Environment Committee should have been submerged into another committee and much of the time of this House has been spent debating bills that would never gotten out of the old Environment Committee of the 77th General Assembly. I would like to point out that Attorney General Scott in testimony before the old Environment Committee is in favor of my concept and is against the concept of this pocket granting. The bill as it now is is not supported by the Illinois Municipal League and I would urge you to discharge committee and let this bill come to the Floor of the House."
- A. Telcser: "Gentleman from Wayne, Representative Blades."
- B. Blades: "Mr. Speaker, Ladies and Gentlemen of the House, I object or oppose the gentleman's motion to discharge a committee on this. This bill had a fair hearing in committee and received a vote of 11 to 4 with some of the committee abstaining from voting. What the bill proposes to do is to extend the time for the Environmental Protection Act to ah.. from 90 days to 6 months. I believe that was amended down later. Then if they didn't hear the bill it was a denial of the ah.. of the variance."
- A. Telcser: "Representative Jaffe, for what purpose do you



rise, sir."

- A. Jaffe: "I think that ah.. that Representative Blades has misinterpreting the bill. There's no denial and as you know i my amendment it neither grants nor does it deny. It just mandates the board to act. And does away with the pocket grants."
- B. Blades: "He's correct, but he didn't let me finish."
- A. Telcser: "Proceed with your remarks, Representative Blades."
- B. Blades: "His original attempt.. his original attempt was to ask the department to suggest that the department deny the application then when he saw he couldn't get anyplace he modified his bill that the ah.. his amendment would neither grant nor deny. Ah.. there are presumably federal regulations coming along on this ah.. ah.. which we would rather wait and see what the federal regulations are going to do, number one, and, number two, ah.. this could be very detrimental to an industry who had objected or applied for a variance and possibly the control board would willfully not hear the application for the variance. So it could be detrimental to industry in the State of Illinois and I propose to you, Ladies and Gentlemen, that we get concerned about keeping industry in Illinois rather than to try to run it out by unreasonable regulations and expecially such as this particular bill does. So, I am opposed to and object to ah.. the discharging of this committee, Mr. Speaker."
- A. Telcser: "Gentleman from DuPage, Representative Schneider."



Schneider: "Thank you Mr. ah.. Speaker and Members of the House.

I'd like to rise in support of the motion, primarily because the bill did receive a good hearing as the Chairman states.

And on the first day we heard the bill, ah.. of that week prior to the amendment being drafted, it seemed to be the sentiment of the Committee that we needed some kind of a procedure to take care of a quirk that occurred in the change of Governors. That is, at the time that Governor Ogilvie was being.. leaving office and Governor Walker was coming in. We ah.. absenteeism on the board developed because of replacements and so what occurred.. or lack of replacement rather.. what occurred was that the board did not have ah.. a quorum with which it could operate.

So, in the breech, as the law stood, we were granting variations ah.. in a kind of a blind fashion regardless of the amount of pollution that was being ah.. discharged into the water or the air, we were having various.....

So, what this amendment did then wah.. and it seemed to me to satisfy the committee on the first hearing, was to mandate that there be some procedure whereby we would not be fixed with a problem of enactment because of a lack of a quorum. So now, we give 120 days where a decision has to be made. We don't have to make a blind decision to grant or not to grant any longer under this motion or under this amendment. So, I think this is a very enlightened approach to the problem of various granting and I think the bill ought to be out on the floor so the Members can ah.. give



it some consideration. Otherwise, we're going to have a problem of granting ah.. polluters the right to proceed whenever we don't have a quorum and I ah.. think this is against the interests of the industry as well as against the people of Illinois. So, I think we ought to support the motion."

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

Borchers: "Fellow members of the House... and the new Honorable Speaker up there.. I just want to point out that I can't support this amendment because it's.. will weaken the very strong, outstanding, Environmental Protection Agency that we have in the State of Illinois. We must not weaken this bill. Therefore, I would like to oppose it after.all. WE.. I have a list of 10 companies that have left Illinois because strength of our bill. And I one of them employing 200 men who are now out of jobs. We don't want to change our position upon this."

A. Telcser: "Is there further discussion? If not then, the Gentleman from Cook, Representative Jaffe to close."

Jaffe: "Mr. Speaker, Ladies and Gentlemen of the House. In reply to the Chairman's statement, there will be no Federal regulations that will cover this Bill and you know there will be no Federal regulations that will cover this particular Act. Secondly, let me just say to you that first of all, I'm very happy to see that Mr. Borchers finally wants the EPA to be stressant. He will be happy to know that the EPA wants this Bill. The Attorney General wants



this Bill. The Illinois Municipal League wants this Bill. The only ones that don't want this Bill are the Illinois Manufacturing Association. And Ladies and Gentlemen of the House, if you do not permit this Bill now, I think you are catering to the special interest and you are saying that the Illinois Manufacturing Association actually runs the House of Representatives. And I therefore move for an 'aye vote on this Bill."

A. Telcser: "Question is, shall House Bill 291 be discharged? All those in favor, signify by voting 'aye', the opposed by voting 'no'. This will require 89 affirmative votes. Gentleman from Wayne, Representative Blades."

Blades: "I wish to explain my vote, ah... by saying the Department hasn't told me they want this Bill. The Attorney General hasn't told me that they want this Bill, and I do have a pipeline to the Attorney General's office. And the Illinois Municipal League have not told me they want this Bill. There is another Bill in the Committee that better addresses itself to this subject that has been assigned... has been introduced by Representative Katz, and has been assigned to my committee, and in looking over the Bill, I find it much better addresses itself to this subject. So I recommend a 'no' vote."

A. Telcser: "Have all voted who wished? Gentleman from Cook, Representative Shea."

Shea: "Mr. Speaker, I think this is probably very much misunderstood legislation. And I'm wondering if we might just



not try to give the sponsor a chance to get it out on the floor where it could be fully debated and see if we couldn't find some solution to this problem."

A. Telcser: "Gentleman from Madison, Representative Calvo."

Calvo: "Mr. Speaker, Ladies and Gentlemen of the House. I would just like to reiterate the remarks of Jerry Shea. Actually now we have a Bill by Representative Jaffe, which is almost identical to a Bill two years ago, and as you all know, we had a lot of trouble over these two Bills two years ago and they were conflicting at that time. With the amendment that is put on his bill, all it really does is gives them another 30 days in which to make these decisions. And I think this Bill ought to come to the floor and ah... give us a chance to debate it at this time, and if it is necessary to amend it or something, we'll work on it then, but I don't see any necessity of the amendment really, because it... all it does is give them 120 days instead of ninety days, which is what George wanted when he first started this argument two years ago. And I agreed with George then, and ah... I agree with him still. And I voted against Aaron and for George's Bill in Committee two years ago and I still agree with George. This should have been done then and I'm for it now, and let's get it out on the floor."

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



Leinenweber: "Mr. Speaker, Members of the House. I rise to explain my 'no' vote. I have, in my opinion, consistently voted to uphold the Environmental Protection Act. I think it's a find act. However, this amendment is not quite as simple as its been espoused to be. True, it no longer contains the automatic denial provision that the sponsor originally put it in. But now it contains nothing. The Act does enjoin the Pollution Control Board to act on ah.. the petition for variation within 120 days, but there is absolutely no procedure in the amendment to bring about any relief in the event they don't act. Now, the sponsor was asked what the petitioner could do in the event they... there wasn't an act... wasn't acted upon within the 120 day period, and his response was 'well he could go to court and get an injunction'. Well, I don't think it's quite that simple. Therefore, I'm voting 'no' on it."

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

Getty: "Mr. Speaker, Ladies and Gentlemen of the House. I rise to explain my 'aye' vote. It was certainly a very unfortunate day when, through default, because there was not a quorum of the Pollution Control Board, for variances that were automatically granted. That is, without either side having its so-called day in court, an opportunity to present his position. This amendment will clear up this situation, and provide that no longer may a permit be granted as it were by default. And I would suggest to ah.. the gentleman from Will, who last spoke, that certainly on



Second Reading, if he finds a defect, he can offer an amendment."

A. Telcser: "Have all voted who wished? Take the record.

This question there are 95 'ayes', 43 'nays' and the gentleman's motion to discharge House Bill 291 from Committee prevails. Consent Calendar. Second Reading."

Jack O'Brien: "House Bill 178. 'A Bill for an Act to amend Section 4 of an Act to define the nature of all transactions relating to procedure processing distribution use of human blood and blood derivatives.' Second Reading of the Bill. One Committee Amendment. House Bill 246. 'A Bill to amend Section 13 of Administrative Review Act.' Second Reading of the Bill. One Committee Amendment. House Bill 298. 'A Bill for an Act to amend the Illinois Municipal Code.' Second Reading of the Bill.' House Bill 342. 'A Bill to repeal sections and add sections and to amend the Illinois Vehicle Code.' Second Reading of the Bill. One Committee Amendment. House Bill 359. 'A Bill for an Act to amend the Illinois Pension Code.' Second Reading of the Bill. One Committee Amendment. House Bill 386. 'A Bill for an Act to amend the Revenue Act of 1939.' Second Reading of the Bill. House Bill 391. 'A Bill for an Act to repeal an Act relating to the Illinois-Indiana Air Pollution Control Compact.' Second Reading of the Bill. House Bill 499. 'A Bill for an Act to amend section 7 of an Act relating to mortgages of real property of public utilities.' Second Reading of the Bill. "



A. Telcser: "Third Reading. Gentleman from Cook, W. D. Walsh."

W. D. Walsh: "Ah.... by way of announcements, Mr. Speaker.

The Rules Committee will meet tomorrow immediately after adjournment in Room M-5. And I have been asked to announce that ah.... anyone wishing to be a co-sponsor on a Bill, if they will go to ah.... and see one of the Clerks in the... at the rostrum, they can give their name and the Bill number and they will be added as a co-sponsor. Ah.... now I think, Mr. Speaker, if there is any Committee Chairmen or anyone else who would like to make an announcement, this would be the appropriate time."

A. Telcser: "Constitutional Amendment. Second Reading.

Representative Lechowicz, for what purpose do you rise, Sir?"

Lechowicz: "Yes, Mr. Speaker. I ask leave of the House to have Representative Bud Washburn be co-sponsor to House Joint Resolution 18."

A. Telcser: "Does the gentleman have leave? Hearing no objection, Representative Washburn will be listed as a co-sponsor. Constitutional Amendments. Second Reading."

Jack O'Brien: "House Joint Resolution Constitutional Amendment Number 1. 'Resolved by the House of Representatives of the 78th General Assembly, State of Illinois, the Senate concurring therein, that there shall be submitted to the Electors of this State at the General Election next occurring at least six months after the adoption of this resolution, proposition to amend Section 5 of Article IV



of the Constitution to read as follows: 'Article IV. Section 5. Sessions. A. The General Assembly shall convene each year on the second Wednesday in January and may transact no business after June 30 unless provided for by this Constitution. In even number of years, no Bill shall be introduced or considered by the General Assembly unless they are related to Revenue or Appropriation Matters. B. The Governor may convene the General Assembly or the Senate alone in Special Sessions by proclamation stating the purpose of the Session, and only business encompassed by such purpose, together with any impeachments and confirmations of appointments shall be transacted. Special sessions of the General Assembly may also be convened by joint proclamation of providing officers of both Houses issued as provided by Law. C. Sections of each House of the General Assembly and meetings of committee... joint committees and legislative commissions may be ... shall be open to the Public. Sessions and Committee meetings of the House may be closed to the Public if two-thirds of the members elected to that House determine that the Public interest so requires. Meetings of Joint Committees and Legislative sessions may be so closed if two-thirds of the members of each House so determine.' Second Reading of the Amendment."

A. Telcser: "Are there any amendments? Third Reading. House Joint Resolution Constitutional Amendment No. 12."



Jack O'Brien: "House Joint Resolution Constitutional Amendment Number 12. 'Resolved by the House of Representatives of the 78th General Assembly, State of Illinois, the Senate concurring therein, that there shall be submitted to the Electors of this State at the General Election next occurring at least six months after the adoption of this resolution, a proposition to amend Section 2 of Article IV of the Constitution to read as follows: 'Article IV. Section 2. Legislative Composition. A. One Senator shall be elected from each legislative district. Immediately following each ah... redistricting, the General Assembly, by law, shall divided the legislative districts as equal as possible into three groups: Senators from one group shall be elected for terms of four years, four years and two years. Senators from the second group for terms of four years, two years, and four years. Senators from the chird group for terms of two years, four years, and four years. The Legislative districts in each group shall be distributed substatively equal over the State. B. Three representatives shall be elected from each legislative district for the term of two years. In elections for Representatives, including those for nominations, each elector may cast three votes for one candidate or distribute them equally them among no more than three candidates; The candidate highest in vote shall be declared elected. C. To be eligible to serve as a member of the General Assembly, a person must be a United States



citizen, at least twenty-one years old and for the two years proceeding his election or appointment, a resident of the District of which he is represented. In the General Election following the redistricting, the candidate for the General Assembly may be elected from any District which contains part of the District in which he resided at the time of the redistricting, and re-elected if the resident of the new district he represented for eighteen months prior to the re-election. D. Within 30 days after the vacancy occurs, it shall be filled by appointments provided by law. If the vacancy is in the Senatorial office, with more than 28 months remaining in the term, the appointed Senator shall serve until the next General Assembly, at which time the Senator shall be elected to serve for the remainder of the term. If the vacancy is in a Representative office, or any Senatorial office, the appointment shall be for the remainder of the term. An appointee shall... to fill a vacancy shall be a Member of the same political party as the person he succeeds. No member of the General Assembly shall receive compensation of the Public Official or employee for any other government entity at the time during which he is in attendance as a Member of the General Assembly. No member of the General Assembly, during the term for which he was elected or appointed, shall be appointed to Public Office, which shall have been created for the compensation for which shall have been created with compensation for which shall have been



increased by the General Assembly during that term.' Second Reading of the Amendment."

A. Telcers: "Are there any amendments? Third Reading. House Joint Constitutional Amend).... House Joint Resolution Constitutional Amendment Number 13."

Jack O'Brien: House Joint Resolution Constitutional Amendment Number 13. 'Resolved by the House of Representatives of the 78th General Assembly, State of Illinois, the Senate concurring therein, that there shall be submitted to the Electors of this State at the General Election next occurring at least six months after the adoption of this resolution, a proposition to amend Section 4 of Article IX of the Constitution of the State of Illinois by the addition of a new paragraph D to read as follows: 'Section IX. Revenue. Section IV. Real Estate Taxation. D. The General Assembly may provide by law for incentives for the rehabilitation on improvement of residential real estate to deferral of an increase in assessment in that real estate.' Second Reading of the Amendment."

A. Telcser: "Are there any amendments? Third Reading. Agreed Resolutions."

Jack O'Brien: "House Resolution 128. Gibbs et al."

A. Telcser: "The gentleman from Cook, Representative William Walsh."

William Walsh: "Well, Mr. Speaker and Ladies and Gentlemen of the House. This is the best agreed resolution of all, and I yield to the sponsor, Representative Gibbs, to



explain it."

Gibbs: "Mr. Speaker and Ladies and Gentlemen of the House.

We have today a prisoner of war, Chief Warrant Officer Zeigler, who's coming back after five years of imprisonment and I would like to read this resolution to the House.

'Whereas this Body would like to join with the People of Illinois, the City of Springfield and surrounding communities, in welcoming Chief Warrant Officer, Roy Zeigler, of Springfield, Illinois; and whereas he has been returned to this Nation from a long, continuous and involuntary detention in prison camps of North Viet Nam; and whereas his helicopter was shot down in 1968, he was held a prisoner in various prison camps since that date; and whereas he served the People of this State and Nation in a selfless courageous and patriotic manner during the vigors of the War; and whereas he has long been deprived of the comforts of home, his family and the right to a free existence in a free society; Therefore, be it resolved by the House of Representatives of the 78th General Assembly of the State of Illinois, that we join with his friends and family in expressing our gratitude for his safe return. And that we wish to convey to him and to the sincerest hope for the greatest degree of health and happiness that he so rightfully deserves and has been so unjustly deprived; and that so fully cognizant that we can never account to Chief Warrant Officer Zeigler in words for what he has provided in deed; we salute him, and say with the



deepest respect 'God Bless you'; and be it further resolved a suitable copy of this Preamble and Resolution be forwarded to Chief Warrant Officer Zeigler.' I might add in closing, we're certainly proud that Warrant Officer Zeigler is an American and we're certainly double proud that he is from Springfield and the State of Illinois."

W. R. Blair: "Gentleman from Sangamon, Mr. Jones."

Jones: "Mr. Speaker, Ladies and Gentlemen of the House. I rise as a co-sponsor and support this resolution, as a Representative of Roy Zeigler's home town, and add the similar support of Representative James Londrigan, who was unstandably not here because of the death of his father. The drama of Roy Zeigler reaches into the General Assembly, as his sister, Mrs. Dorothy DeCarte, served on the staff of the State Senate and as the secretary to Ron Swanson for a period of time during his service as administrative assistant to the Governor. Roy Zeigler's wife passed away during the time he was a prisoner. He didn't find this out until he was in the Philippines last week. And Mrs. DeCarte resigned as secretary to Ron Swanson to take care of the... of Roy Zeigler's children. We invite all of you in joining in the Springfield welcome to Roy Zeigler at the east steps of the Capitol at the Lincoln statute, where this Resolution will be presented to him at about 2:0'clock. Thank you."

W. R. Blair: "Gentleman from Sangamon, Mr. Gibbs."



Gibbs: "Mr. Speaker and Ladies and Gentlemen of the House. I at this time would like leave to add every member as a co-sponsor of this resolution, and I now move for its adoption."

W. R. Blair: "All right. Hearing no objection, leave has been granted. That will be done. Further discussion? All right. The question is on the adoption of House Resolution 128. All those in favor say 'aye', the opposed 'no'. The 'ayes' have it and the resolution is adopted. Further resolutions. General Resolutions."

Jack O'Brien: "House Resolution 127. Cunningham."

W. R. Blair: "All right. Hold that on the Speaker's table for a motion tomorrow by the Gentleman."

Jack O'Brien: "House Joint Resolution 25. Yourell."

W. R. Blair: "All right. We've got two death resolutions. All right. Gentleman from Cook, Mr. McAvoy, for what purpose do you rise?"

McAvoy: "On a point of personal privilege, Mr. Speaker."

W. R. Blair: "All right."

McAvoy: "Mr. Speaker, Members of the House, It is with great pleasure to introduce the wife of one of our new, young members of the General Assembly, Edmund Kucharski's lovely wife, Rose Kucharski. She's being accompanied by Doctor and Mrs. Gianinni, who is Secretary to our Republican County Chairman, right over here to my right in the back balcony."



W. Robert Blair: "All right. Death Resolutions."

Jack O'Brien: "House Resolution 130. Leinenweber."

W. Robert Blair: "Gentleman from Joliet, Mr. Leinenweber, do you care to move the Resolution?"

Leinenweber: "Mr. Speaker, Members of the House. This Resolution is concerning the death of one, James Hennessey, the former Mayor of the City of Joliet, and a leading developer and promoter in the Joliet area, and ah.... I would move that this Body adopt the Resolution in memorium of his death."

W. Robert Blair: "All right, the question is, shall the House adopt Resolution 130? All those in favor, will say 'aye', opposed 'no'. The 'ayes' have it and the resolution is adopted. One more Death Resolution."

Jack O'Brien: "House Joint Resolution 26. Rose."

W. Robert Blair: "Gentleman from Cook, Mr. William Walsh, for Mr. Rose."

William Walsh: "I wonder if the Clerk will read this. This is a Death Resolution."

Jack O'Brien: "Whereas this Body was deeply saddened to learn of the recent death of Richard Yates Rose, Sr. of Jacksonville, Illinois; and whereas he was born on December 12, 1888 in Jacksonville and remained a life-long resident of that community, receiving his education in their public school and his BA degree from the University of Illinois; and whereas Mr. Rose is well-known throughout Illinois in political and insurance circles, having



filled an unexpired term as Secretary of State in 1944 before being elected Treasurer of the State of Illinois November 5, 1946; and whereas he was the founder and chairman of the Board of Central National Life Insurance Company; and whereas he came from a family that has long been prominent in Illinois Public life, with his Great Uncle Richard Yates, Sr., the Civil War Governor of Illinois, and his Uncle Richard Yates, Jr., serving as Governor from 1900 to 1904; and whereas his son, Harris, a highly respected former colleague of this Body, serving three terms as a member of the House of Representatives; and whereas he served his country with distinction as a veteran of World War I, receiving his commission as Ensign in the United States Navy; and whereas he was active in all facets in the community life in the Jacksonville area, being an organizer and first commander of the American Legion Post 273, past President of the Chamber of Commerce, and the Rotary Club and was a member of the Board of Trustees of MacMurray College and served in other prominent capacities too numerous to mention; and whereas he leaves the proud heritage to mourn his passing; his wife, Sarah, his sons Richard, Jr., and Harris, his daughter, Mrs. William (Sally) Nye, his sister, Mrs. Melissa Samuel, and nephew, Rose Samuel and his grandchildren. He will also be severely missed by all who knew him by the entire community of Jacksonville, Illinois; therefore, be it resolved by the House of Representatives of the 78th General Assembly



of the State of Illinois, the Senate concurring herein, that we express our deep regret and sorrow upon the death of Richard Yates Rose, Sr., an esteemed and highly respected member of this community in the State of Illinois; his achievement in every respect of life will long be remembered; that we extend our sincere sympathy to the bereaved family; and be it further resolved that a copy of this Preamble and Resolution be forwarded to his widow, Mrs. Sarah Rose'."

W. R. Blair: "Gentleman from Cook, Mr. William Walsh."

William Walsh: "Mr. Speaker, Ladies and Gentlemen of the House, this is a Death Resolution for a former Secretary of State and State Treasurer, Richard Yates Rose. He was also the father of our colleague, Harris Rose. Tom Rose is the principal sponsor, and he has asked me to ask leave of the House to have the names of all House members added to this Resolution."

W. Robert Blair: "All right, hearing no objection, that will be done."

William Walsh: "I move the adoption of the Death Resolution."

W. Robert Blair: "All right. The question is on the adoption of the Resolution 26. All those in favor, say 'aye', opposed 'no'. The 'ayes' have it and the Resolution is adopted." Now the gentleman from Union, Mr. Choate."

Choate: "Mr. Speaker, Ladies and Gentlemen of the House. I would like to introduce a very distinguished group of young citizens of the State of Illinois, the Dongola High



School from down in Union County, up in the rear balcony here."

W. Robert Blair: "All right, there is just one other item that I want to address ourselves to on the calendar. On the Order of Vetoes, Amendatory Vetoes, there are two motions indicated with respect to House Bill 89, and the Chair would ask the gentleman from Cook, Mr. Garmisa, if he desires to have those motions called at this time?"

Garmisa: "Ah.... Mr. Chair.... Mr. Speaker, Ladies and Gentlemen of the House. I would ask the Speaker to please hold these motions."

W. Robert Blair: "All right. That being the case, we will not go to that order for consideration of those motions. Are there announcements with respect to ah... the Committees or anyother matters the House needs to be informed on? All right, hearing none, the gentleman from Cook, Mr. William Walsh."

William Walsh: "Mr. Speaker, I move that the House adjourn until 9:30 tomorrow morning for perfunctory session and 10:00 for regular session."

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

Matijevich: "I would like to make an announcement that ah.... Health Care Seminar at 7:30 this evening at the Museum Auditorium and anybody that could attend we'd appreciate it. Thank you, Mr. Speaker."

W. Robert Blair: "All right. Any further announcements, now then, before we vote on the adjournment? All right, all





those in favor of the adjournment, 9:30 tomorrow perfunct,
ten o'clock the regular session, say 'aye', opposed 'no'.
Ah.... 'ayes' have it. House stands adjourned."

HOUSE OF REPRESENTATIVES
SEVENTY-EIGHTH GENERAL ASSEMBLY
TWENTY-NINTH LEGISLATIVE DAY

MARCH 21, 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 Ken Boyle - illness;

Representative Richard A. Carter - illness;

Representative Peter C. Granata - illness;

Representative Harold A. Katz - no reason given;

Representative James T. Londrigan - death in family;

Representative John F. Wall - illness.



GENERAL ASSEMBLY
STATE OF ILLINOIS
HOUSE OF REPRESENTATIVES

1.

Rep. Geo-Karis (in Chair): "The House will now come to order. John Hughes will give the invocation."

John Hughes: "Heavenly Father, grant us the knowledge and the wisdom with the leaders and the legislature to make this a better life for everybody in the State. Amen."

Geo-Karis: "Do we have any messages from the Senate?"

F. B. Selcke: "Amendments from the Senate from Mr. Fernandes, Secretary. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has refused to concur with the House in their adoption of the amendment to the following preamble and joint resolution. Senate Joint Resolution # 25, ah.. action taken by the Senate March 20th, 1973, Edward E. Fernandes, Secretary. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has passed a bill in the following title and the passage of which I am instructed to ask concurrence of the House. Senate Bill #49, passed by the Senate March 20th, 1973, Edward E. Fernandes, Secretary."

Geo-Karis: "Do we have any committee reports at this time?"

F. B. Selcke: "AH, Mrs. Dyer from the Committee on Higher Education which House Bill 25 was referred, reports the same back with amendments thereto with the recommendation that amendments be adopted and the bill as amended, do pass. Mrs. Dyer from Higher Education which House Bills 135 and 272 were referred reported the same back with the recommendation that the bills do not pass. Mr. Schoeberlein from Public Utilities which House Bills 45, 46 and 198 were referred



2.

reported the same back ah.. and pursuant to Rule 23 d the bills were ordered tabled. Mr. Randolph from the Committee on Revenue to which House Bills 50 and 52 were referred reported same back pursuant to Rule 23 d the bills were ordered tabled. Mr. Neff from the Committee on Transportation to which House Bill 88 was referred reported same back pursuant to Rule 23 d the House Bill was ordered tabled. Ah.."

Geo-Karis: "Introductions and first reading of the bills, please."

F. B. Selcke: "Ah.. House Bill 751, R. H. Holloway, et al. An Act relating to medical experiments performed on human beings, first reading of the bill. House Bill 752, R. H. Holloway, et al. Amends the Private Employment Agencies Act, first reading of the bill."

Geo-Karis: "Ah. The Chair will entertain a motion to recess until 10:00 o'clock. Representative Capuzi. Oh, I beg your pardon, is that Representative Deavers? Representative Deavers moves that the House recess until 10:00 o' clock this morning.

