

A. Telcser: "House will come to order. The Invocation by Dr. Johnson."

Dr. Johnson: "Lord God our Eternal Father, as we begin this session let us do it in your name. Confident of your presence in our midst. Confident of your willingness to hear our prayer. Of your readiness to guide all of our deliberations. And of your promise to bless all that is done according to your holy will. We commend ourselves and our colleagues, our leaders and our committees and all others who seek to serve this House to your keeping this day. And when this day's work is over and this week's work is done, let it be the kind of a day and the kind of a week of which you can well say, 'Well done good and faithful servant.' Hear us as we pray for your namesake. Amen."

A. Telcser: "Roll call for attendance. Introduction and First Reading of House Bills."

F. Selcke: "House Bill 772, Matijeovich. Creates the Grand Jury Study Commission. First Reading of the bill. House Bill 773, Matijeovich. Appropriates \$10,000 to the Grand Jury Study Commission. First Reading of the Bill. House Bill 774, Maher, et al. Adds the volunteer firemen to the definition of firemen whose survivors are entitled to \$10,000 payment on.. in line of duty. First Reading of the Bill. 775, Maher, et al. Amends the Election Code. First Reading of the Bill. House Bill 776, Merlo, et al. Amends the Criminal Code of 1961, First Reading of the Bill."



House Bill 777, Pierce, Creates the Mass Transportation Emergency Operating and Assistance Act of 1973. First Reading of the Bill. House Bill 778, Calvo, et al. Amends the Liquor Control Act. First Reading of the Bill."

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

W. Walsh: "Ah.. Mr. Speaker, will the record show that Representatives Wall, Granata and Hirschfeld are excused because of sickness."

A. Telcser: "It'll be journalized. Gentleman from Union, Representative Choate."

C. Choate: "Ah.. Mr. Speaker, I would like for the Journal to indicate that Representative Boyle, Representative Peggy Martin and Representative.. are absent due to illness."

A. Telcser: "Journal will so show. Agreed Resolutions."

F. Selcke: "House Resolution 131, Maragos, et al. House Resolution 132, Lechowicz, et al. House Resolution 133, Fennessey. House Resolution 134, Barry. House Resolution 135, Lechowicz, et al. House Resolution 136, Arnell, et al. House Resolution 137, Soderstrom, et al. Senate Joint Resolution No. 26, Walsh."

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

W. Walsh: "Mr. Speaker, Ladies and Gentlemen of the House, these are the agreed resolutions and House Resolution 131 commemorates March 25th as Greek Independence Day. House Resolution 132, by Representative Lechowicz ah.. commends James Majeveski of Chicago who has been recommended for an award of the rank of Eagle Scout. House Resolution 133.



commends Bob Strickland the coach of Ottawa-Marquette High School for the honor he has earned in being named coach of the year by his fellow Illinois high school basketball coaches. House Resolution 134 by Representative Barry congratulates Mrs. Margaret Theis on her 100th birthday. House Resolution 135 by Representative Lechowicz commends.. congratulates Kenneth Bedeckis for being awarded the rank of Eagle Scout. House Resolution 136 by Representative Arnell requests that we join with people of Illinois in the Village of Riverdale and surrounding communities in welcoming home Air Force Captain John L. Borling of 154 West 139th Street, Riverdale, who is a returning Prisoner of War. House Resolution 137 ah.. requests that we join with the people of the City of Pekin in welcoming home Army Staff Sargent Stanley Newell of Pekin who is also a returning Prisoner of War. And, finally, the Adjournment Resolution and if you would listen to this. Ah.. the Adjournment Resolution reads that when the two Houses adjourn on Thursday, March 22, the Senate stand adjourned until Tuesday, March 27, 1973, at 11:30 o'clock and that the House stand adjourned until Tuesday, March 27, 1973, at 9:30 o'clock and this is for Perfunctory Session and we, in the House, will come back after adjournment today on next Tuesday, March 27, at 10:00 o'clock for Regular Session. And there's one more agreed resolution, and this is House Resolution 138 by Representative Polk congratulates Mr. Coe Tervelt and his



lovely wife, Grade upon the celebration of their 60th wedding anniversary. And, Mr. speaker, I move the adoption of the agreed resolution."

A. Telcser: "Is there any discussion? The gentleman has moved the adoption of the agreed resolution. All those in favor, signify by saying 'aye', the opposed 'no' and the resolutions are adopted. We've got another agreed resolution. Gentleman from Cook, Representative William Walsh."

Walsh: "Ah.... this is House Resolution Number 139 ah.... introduced by Representative Barnes and ah.... this commends outstanding negro students for ah.... achievement in the National Achievement Scholarship and I move the adoption of House Resolution Number 139."

A. Telcser: "Any discussion? Gentleman has moved the adoption of the agreed resolution number 139. All those in favor, signify by saying 'aye', the opposed 'no' and the resolution is adopted. House Bills. Third Reading. Last time we were on Third Reading of House Bills, we left off at ah... House Bill 273. Is Representative Neff on the floor? Let's take it out of the record. House Bill 274."

Fredric B. Selcke: "House Bill 274. Barnes. 'Bill for an Act to add Section 22.2....'"

A. Telcser: "Take it out of the record. House Bill 276."

Fredric B. Selcke: "House Bill 276. Borchers. 'Bill for an Act to amend Section 11 of the Vital Records Act.' Third Reading of the Bill."



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

Borchers: "Mr. Speaker, and fellow members of the House, ah... this is a Bill to change the Vital Statistics in relation to birth certificates. It will require that all birth certificates have a social security number of the father and the mother on that certificate. According to some of the state attorneys, some in this House and elsewhere, they have stated to me it will aid them in attempting to recover funds for children and families who have had the fathers leave. It is mostly the fathers that are the cause of the trouble and the loss to the various communities. Somewhere, no one knows for sure, but it appears there are over a million men who are not supporting the children that they helped conceived, and we feel that this will be a step in the direction of reducing the cost to the people in the State. It is now the law in California and is working successful there. Now the penalty under this particular Act, under the classification with which this Act will fall, is Class C which is 30 days in jail and a 500 fine or both. It's a Class C classification. I solicit your support."

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

Schneider: "Thank you, Mr. Speaker. Webber, I appreciate the opportunity to talk against another one of your Bills, and I'm glad it's not the EPA again, but let me pursue this a little bit. My feeling is that ah... we are facing a very crucial issue here and it has nothing to do with the



merits of the Bill, unfortunately, and possibly Representative Borcher's intention is a good one, but I think we ought to take a look of requiring social security numbers being placed on the birth certificates of newly born children. We are now faced at a time, with what I think is a deteriorating attitude toward privacy and I have a feeling that the minute we begin to allow social security numbers to be enlisted in various causes, it makes it all the more easier for the accumulation of information that should remain private. Privacy is a butterfly wing fertility and I don't think we ought to tamper with that. I think we take serious risks by allowing social security numbers or any other numbers for that matter to be a kind of beginning point for a way to accumulate information. We already know that ATW and other Federal organizations and private groups have accumulated ah.... bits and pieces of information regarding all people in the United States and I think this adds to the possibility that further dossiers can be accumulated and filled out to the detriment of our sense of freedom. I think we ought to protect privacy, I think those who are afraid of wounds controlled by the Federal and State government, should oppose this legislation, and although Webber's intention is certainly not bad, I think we ought to again vote 'no' vote on this."

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

Leon: "I would like to ask the sponsor a question, please."



A. Telcser: "He indicates a yield."

Leon: "Mr. Borchers, in the event of an unwed mother who refuses to divulge the identity of the father, how will we be able to reconcile that with this Bill you are proposing?"

Borchers: "If she refuses.... If this woman refuses to give the social security number or the father's name where the social security number can be secured, ah.... it falls under the classification C, which as I have already stated, is 30 days in fail, and/or 500 dollar fine. Or both."

A. Telcser: "Representative Leon."

Leon: "May I speak to the Bill, Mr. Speaker, please?"

A. Telcser: "Proceed."

Leon: "Members of the General Assembly, Mr. Speaker. This Bill, I can see, has a very serious defect. If a young woman is going to give birth to a child without being married, and she is forced to divulge the name of a man and his social security number, who she illeges is the parent, will that not put an onus on some innocent person who may not be the father. I think we should consider this and perhaps feel that at this time, this Bill needs a little more improvement."

A. Telcser: "Is there further discussion? If not, the gentleman from Macon, Representative Borchers, to close."

Borchers: "All I have to say concerning this statement in relation to privacy, is that a private matter, and should it remain a private matter when you and I and all the people in the State have to pay for the support of this



child if it goes on to the Public Aid. Should we not have the means of tracing down the father and doing his best to make him pay his fair share of the burden. Why must it always be the people? I do not believe that this is a matter of entering into the privacy at all. If I'm the Father of the child, I think I ought to be proud of it. I have children. I'm not ashamed of having my social security number if it had been the law at that time. I doubt if anybody here would be ashamed to do it either, so I again solicit your support and pour it out that this will help trace down those individuals, who are skipping out and not assuming their responsibilities to make them help support their children."

A. Telcser: "Question is, shall House Bill 276 pass? All those in favor, signify by voting 'aye', the opposed by voting 'no'. Have all voted who wished? Take the record. Take the record. Gentleman from Macon, Representative Borchers."

Borchers: "Mr. Speaker and ah.... to speak on the Bill here, I want you to remember this is saving a lot of money for our own people."

A. Telcser: "On this question, there are 56 'ayes', 37 'nays' and this Bill, having failed to receive a Constitutional Majority, is hereby declared lost. Is Representative Maragos on the floor? House Bill 282."

Jack O'Brien: "House Bill 282. 'A Bill for an Act making appropriation to Mrs. William Sheppard Aiken.' Third



Reading of the Bill."

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

Hart: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill appropriates a war bonus for this widow of the person. It's been checked out by the Veterans Commission, passed the Appropriation's Committee. The person is entitled to this bonus. I would appreciate the support of the House. Is there any discussion?"

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

McGalian: "Mr. Speaker, members of the House. I again rise to oppose at this time, this kind of Bill on the firm belief that it is an unconstitutional bill in that it constitutes special legislation; that it is an exorbitantly expensive way to provide bonuses for those who forgot to file. I would like to remind the House that the original law authorizing the payment of bonuses to World War II veterans, had a statute of limitations that has now about twenty-three years past and that this House should not proceed in this way to take care of this problem."

A. Telcser: "Lady from Cook, Representative Catania."

Catania: "Mr. Speaker, it appears to me that with this kind of precedent being set, I can go back to my district and find all the people who have neglected to collect their welfare benefits and come in with about 2000 special bills to give those people their benefits, and nobody has explained to me yet, why I can't do that, so I guess maybe I will."



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

J. J. Wolf: "I think that would be terrific."

A. Telcser: "Is there further discussion? Does the gentleman wish to close? Gentleman from Franklin, Representative Hart."

Hart: "Well thank you very much. Ah.... I would say to Mrs. Catania that ah.... I think she ought to do that. If there are people entitled to money that they haven't received, certainly I would urge her to run right back to the district today and get started on it, but ah.... if we're going to ah.... We have been giving people the privilege of collecting their bonus due from World War service in the past. I certainly don't see any reason to stop it now. Government is to help people who need help and this is one of the ones that we can do it. I would appreciate your favorable consideration of this Bill by the membership."

A. Telcser: "Question is, shall House Bill 282 pass? All those in favor, signify by voting 'aye', the opposed by voting 'no'. Have all voted who wished? Schoeberlein 'aye'. Take the record. On this question, 127 'ayes', 3 'nays' and this Bill having received a constitutional majority is hereby declared passed. House Bill 284. Geo-Karis 'aye'."

Jack O'Brien: "House Bill 284. 'A Bill for an Act relating to certain benefits for employees of local mass transit districts.' Third Reading of the Bill."



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

Jones: "Ah... Mr. Speaker, Ladies and gentlemen of the House, Bill 284 amends the Municipal Retirement Fund to phase in Mass Transit Districts, just as park districts and other governmental agencies have so been added from time to time. It does not apply to Chicago and contains no State expenditures. I solicit your affirmative vote."

A. Telcser: "Is there any discussion? Question is, shall House Bill 284 pass? All those in favor, signify by voting 'aye', the opposed by voting 'no'. Have all voted who wished? Take the record. On this question, there are 101 'ayes', no 'nays'. Sims 'aye'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill... 2.... Waddell 'aye'. House Bill.... McMaster 'aye' Lundy 'aye'. Bob Dunn 'aye'. Hudson 'aye'. Arnell 'aye'. DiPrima 'aye'. Greisheimer 'aye'. Anderson 'aye'. Jones 'aye'. Arrijo 'aye'. McLendon 'aye'. Stiehl 'aye'. House Bill 286. Is Representative Ron Hoffman on the.... Yes he is. 286."

Jack O'Brien: "House Bill 286. 'A Bill for an Act to amend Section 24-1 of the Election Code. Third Reading of the Bill."

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

R. Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 286 amends the Election Code, requires that all voting machines, the counting devices for each candidate, be arranged sequentially, as to present



the voter four legislative house raises, with the option of casting his vote as follows: one vote for each of three, one and one-half votes for each of two candidates; and three votes for one candidate. There are many members in the House here who can well relate to past elections, where depending upon the order of the machine, you either are graced with a possible percent of 10 to 12 percent because the bullet is at the top of the three selections and one voting in that category precludes any further selection for it and in many cases confuses the voter where they do not vote at all. This in sense, will reverse some of the machines that are set up in the reverse order so that all voters will have to go through all three categories to determine exactly where the category for three votes for one candidate will be. I think it was an equitable thing and I think there are many members of the House here who have experienced this, and I solicit your support."

A. Telcser: "Is there discussion? Gentleman from Lake, Representative Pierce."

Pierce: "Will the sponsor yield to a question."

A. Telcser: "He indicates he will."

Pierce: "Does your Bill affect electronic voting devices or only mechanical voting machines?"

A. Telcser: "Your on, Representative Hoffman."

Hoffman: "I'm sorry, Representative, I can't hear over the House noise."

Pierce: "I take it since you're from Cook County, your Bill



is aimed primarily at mechanical voting machines. Does it also affect the electronic voting devices, such as are used in Springfield, Lake County, McHenry County, Champaign, etc.?"

Hoffman: "It would affect any counting device where the order might be reversed. All we are mandating here is that the order of encounter, the sequential order be in this manner."

Pierce: "But on electronic voting devices, it doesn't say if it is for one, two or three. It's determined by how many you vote for. It's accumulative like on a paper ballot. If you vote for one man, he gets three votes. If you vote for two men, they get one and a half a piece. If you vote for three men, they get one vote a piece."

Hoffman: "It would not affect it in that case."

Pierce: "It would not affect electronic devices in that case. All right."

A. Telcser: "Is there further discussion? Does the gentleman wish to close. The Gentleman from Cook, Representative Juckett. "

Juckett: "Mr. Speaker, would the gentleman yield for a question?"

A. Telcser: "He indicates he will."

Juckett: "Do you have any idea what this cost the various Election Authorities in different ballots and switching?"

Hoffman: "As far as actually recalverating the machines, Representative?"



Juckett: "Oh yeow.... you see normally what they would do they would have one type of a ballot, that they would stick on the machines and here they would have to different one. Now do you have this on the paper ballots too."

Hoffman: "On a paper ballot, it would appear in that order. As far as the actual counting machines, it is just a matter of taking out those sequential units, mechanical units that they have in the machines and changing the order. There would be no additional cost."

Juckett: "There would be cost on paper ballots, wouldn't there because you would have to print maybe two times the number of ballots, or three times or four times, depending on how many people are running in the race?"

Hoffman: "No, because the Bill is written and refers to voting machines and counting devices. It would not be applicable to paper ballots."

Juckett: "So it would not apply to paper ballots?"

Hoffman: "Correct."

Juckett: "Well, that doesn't see too fair in case you get paper ballots and you got machine ballots and all."

Hoffman: I would assume that those in charge of determining the position of the printing would take cognizant of the fact that under the law all counting and voting machines are set up in this sequence and consequently would print in that manner."



A. Telcser: "All right. Gentleman from Madison, Representative Kennedy."

Kennedy: "Mr. Speaker, I wonder if the gentleman would yield to a question."

A. Telcser: "He indicates he will."

Kennedy: "Representative Hoffman, I... I don't quite understand what you mean ah... in the ah... over here. I don't quite know what you mean, how are they arranged now on your voting machines in your county?"

Hoffman: "Representative, in my district, as you go down the machines, they are listed the first category in voting. You have three selections. The first one encountered going from top to bottom is three votes for one candidate. The second category is one and one-half votes for two candidates and the last is one vote for three candidates. In doing this for the average voter, as they go, from top to bottom, the first one they encounter that they recognize the name, ah... possibly my name or your name, they would vote for that and this automatically locks all further selections in any one of these three categories. This in many times confuses them because they do not want to raise the lever and then go to the next category where it would be one and a half for each candidate, so we find that ah... conservatively figuring if you do present yourself with a first position on a machine, you automatically raise ten or twelve percent."

Kennedy: "In other words, you want to list them like on the



first list he would get one vote, the second list he would get a vote and a half and the third list he would get three votes. Do I understand that correctly?"

Hoffman: "That's correct."

Kennedy: "All right. Thank you."

Telcser: "Gentleman from Cook, Representative Dunne."

Dunne: "Mr. Speaker and members of the House, my district runs partly in the City of Chicago and partly in the suburbs of Cook County. And I want to tell you that the way that machine is arranged in the suburbs of Cook County with the first lever calling for a three bullet vote is most unfair to the person who had second position on the ballot and this Bill that Mr. Hoffman is introducing is a very, very good Bill and it will make the election much fairer. I strongly urge the support of this Bill."

A. Telcser: "Gentleman from Henry, Representative McGrew."

McGrew: "Thank you, Mr. Speaker, will the sponsor yield for a question?"

A. Telcser: "He indicates he will."

McGrew: "Ah.... what provisions have been made whereby a voter can cast two for one candidate and one for the other... for a second candidate as specified in the Election Code?"

Hoffman: "At present, there are no provisions on the machine to do that."

McGrew: "All right, then my question is perhaps what should we be doing to correct that in conjunction with your Bill?"



Hoffman: "I would say if we were to anticipate doing something like that, we would be faced with extraordinary costs, because then we would have to go to the manufacturers of the machines to put in one more category which, as far as I can tell, they would be unable to do on the present machine."

McGrew: "Well, it seems to me that ah.... either this should be included in machine voting or else it should not be a part of the Election Code. To me it is an abuse of the accumulative voting principals. I mean, we have provided for it by law, and yet you walk into a booth and you can't do it unless you turn the ballot over and write it. And in no other instance can you do this. As I say, you have to turn the ballot over to do it this way, and all other forms are done on the machine."

Hoffman: "Well, I certainly don't dispute the point that you are raising, Representative. We do have the provisions for this. However, the machines that we have seen that we are familiar with, you would be unable to do this. And if we would mandate it by law now, they would have to take, as I said, extraordinary costs to revise all voting machines, which the City of Chicago, I don't think would be in a position to do at this point. But they would have to have four categories on that machine to encompass this suggestion."

McGrew: "O'kay, thank you very much."

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

Wolf: "Mr. Speaker, first I would make a request that you try to get rid of some of this bedlam on the floor."



A. Telcser: "I agree, Sir."

Wolf: "Well, Mr. Speaker, Members of the House. I think this is an excellent Bill. In the City of Chicago on the horizontal voting machines, we already have this in practice where the candidates are listed for the office of representative in the General Assembly on a one vote, one and one-half and three vote in that order. As I understand, in the suburban Cook County, where the vertical machines are now in use, the process is just in reverse order and what Representative Hoffman is trying to do is get the same type of equity that we have in Chicago, and I think we should pass this Bill."

A. Telcser: "Representative from Cook, Representative Mugalian."

Mugalian: "Mr. Speaker, will the sponsor yield to a question?"

A. Telcser: "He indicates he will."

Mugalian: "Representative Hoffman, in my district, about a third of the voters vote on voting machines; about a third on paper ballots; and another third on punch card machines. Will the effect of your Bill be that in some areas the arrangement will be three, two... three, one and a half, and one and reverse in other districts?"

Hoffman: "I would assume, Representative, that those that have paper ballots, they would be sequentially arranged in the same order that the language of the Bill infers that all accounting devices would be."

Mugalian: "But this Bill would not mandate this. Is that not correct?"



Hoffman: "It only mandates counting devices. However, as I say, it sets the precedence as far as those that would be involved in designating the position for printing."

Mugalian: "Thank you."

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

Jones: "I would like to ask the sponsor a question. How does this apply to the ah... punch card electronic counting voting ballots?"

Hoffman: "I'm not that familiar with the order of punch cards. However, when they refer to the sequential arrangement, it is that which is first encountered as you go through the candidates of the offices to be elected, so the first one to be encountered if you have a selection in the all-three categories, the first one encountered would be a selection one vote for three candidates and then sequentially, one and a half vote for two and last, in that order, three votes for one."

Jones: "But this.... But this Bill would cover the electronic voting ah.... punch card systems, IBM deal?"

Hoffman: "It would be applicable to all counting devices."

Jones: "And what about in the primary, if there is just two candidates. What happens?"

Hoffman: "It would still have to be laid out in that manner, whether you had just two candidates or whether you had six candidates. It would have to be in that order."

Jones: "I think it would create some problems though with the punch card system because of the nature of the ballot."



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

Lundy: "Mr. Speaker, Ladies and Gentlemen of the House. I think it's clear that this Bill would handicap those members who are in the minority in their districts, because under Illinois' cumulative voting system, those members must rely on a so-called bullet vote in order to be elected. Now I am in the happy situation of not being in a minority district. My district is primarily democratic and we elect two democrats regularly and I expect we will continue to do that, but I would point out to those members who are in a minority, in a district, who represent a party that is in a minority, that they will be at a great disadvantage if this Bill were to pass, because it hurts anyone who has to rely on bullet votes to be elected."

A. Telcser: "Is there further discussion? If not, the gentleman from Cook, Representative Hoffman, to close."

Hoffman: "Thank you, Mr. Speaker. I would respectfully disagree with the last Representative's comments on this. I think this would be providing equity for those that are seeking to run as independents just as much as those candidates who are running on their party label. I think the thing we are trying to eliminate here, is putting the average voter at a handicap inasmuch as he is not as familiar with the system as we may be and as he goes through there, if in fact he is coming in to vote for one candidate, an independent, or one member of any party that the equity would provide itself where the voter could not, I repeat, not, disenfranchise his



choice by confusing himself, by locking with the first selection on the presently arranged three votes category on the top. I think what we are trying to do here is not prevent an advantage or disadvantage for any member of the House or any candidate of the House, but to provide equity for the people who are voting and give them the true choice when they go into the voting booths, and I would, therefore, solicit your 'aye' vote."

A. Telcser: "The question is, shall House Bill 286 pass? All those in favor, signify by voting 'aye', the opposed by voting 'no'. Have all voted who wished? Rayson 'aye'. Houlihan 'aye'. Jim Houlihan 'aye'. Well, you can still throw your switches by the way. Have all voted who wished? Take the record. O'kay, Mann 'aye'. Jones 'aye'. Douglas 'aye'. Barnes 'aye'. McGrew 'aye'. Caldwell 'aye'. This question, 122 'ayes', no 'nays', and this Bill, having received a Constitutional Majority, is hereby declared passed. Grotberg 'aye'. House Bill 289."

Fredric B. Selcke: "House Bill 289. Deuster. 'A Bill for an Act to amend Section 9 and 10 of the Environmental Protection Act. Third Reading of the Bill'."

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

Deuster: "Ah... Mr. Speaker and ah... Members of the House. I rise to perform a painful and yet a happy duty, particularly for a new member. Ah... this is a wonderful and a good Bill that has reached third reading; to return the regulation and control of leaf burning to the local level of



government. I am pleased that the Bill has progressed this far. However, I am happy to report that the House, as you know, has already passed a similar bill sponsored by Representative Borchers, and so it does make me happy to unclutter the calendar a bit by moving that this Bill be tabled."

A. Telcser: "The gentleman has moved that House Bill 289 be tabled. Are there any objections? Hearing none, House Bill 289 will be tabled. House Bill 292."

Fredric B. Selcke: "House Bill 292. Kempiners. 'An Act conveying the reporting of cases suspected lead poisoning. Investigation by the Department of Public Health. Third Reading of the Bill."

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

Kempiners: "Thank you, Mr. Speaker. This Bill results from studies which have been conducted; one in 1972, which found in blood samples taken from 6151 school children in Illinois cities, which found 1,147 of these to have undue absorption of lead in the blood and 51 of them had lead poisoning. This Bill means to the State and the individual that ah... that lead poisoning is a measure source of problems in Illinois with regard to brain damage, mental deficiency and serious behavior problems. And I have introduced this Bill which would put a limit of the amount of lead in paint, which would give certain authorities of the Department of Public Health and would require certain fines if there is lead found in flaking paint, which is not removed at the



request of the Department of Public Health. It's similar to House Bill 2222, which was sponsored by Representative Horace Gardner, and which passed through this House in the 77th General Assembly and it was reported out of the Human Resources Committee with only a decending vote and I speak for this legislation."

A. Telcser: "Is there any discussion? The question is, shall House Bill 292 pass? All those in favor, signify by voting 'aye', the opposed by voting 'no'. Mann 'aye'. Have all voted who wished? Take the record. McAvoy 'aye'. On this question, 125 'ayes', no 'nays' and this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 296."

Fredric B. Selcke: "House Bill 296. Fennessey. 'An Act to amend Section 1 of an Act to authorize certain counties to incur an indebtedness and issue bonds for the construction of county jails and sheriff residences.' Third Reading of the Bill."

A. Telcser: "Gentleman from LaSalle, Representative Fennessey."

Fennessey: "Mr. Speaker, Members of the House. House Bill 296 just reduces the population figure from 150,000 to 80,000 the right of counties to issue bonds for the construction of county jails or sheriff residences. In 1935, a law was enacted granting counties 80,000 under this right, and I believe it was in 1955, counties 150,000 and over were granted the right to issue bonds for the construction of these buildings and all this Bill does is grant to counties



between 150,000 and 80,000, the same rights that the other counties now have. I ask for a favorable vote."

A. Telcser: "Is there any discussion? Question is, shall House Bill 296 pass? All those in favor, signify by voting 'aye', the opposed by voting 'no'. Have all voted who wished? Take the record. Telcser 'aye'. Hanahan 'aye'. Duff 'aye'. On this.... Rayson 'aye'. Jaffe 'aye'. McAvoy 'aye'. Mann 'aye'. Yourell 'aye'. Beatty 'aye'. Dunn 'aye'. Totten 'aye'. This question, 115 'ayes', 1 'nay'. Lundy 'aye'. If you fellows would throw your switches, we would save time. This question 116 'ayes', 1 'nay', and this Bill, having received a Constitutional majority, is hereby declared passed. Representative Murphy, for what purpose do you rise, Sir."

Murphy: "Mr. Speaker, Ladies and Gentlemen of the House. Ah... I wish to ah.... introduce at this time a man that has become a legend in his time, one of the great speakers of all times in this Illinois House. A man who held the position a long time. A man who later sat in this very seat as leader and finally retired into deep left field and he's wandering around the House someplace. I have a notion he's back in deep left field right now. One of the great guys of all time - Warren Woods, former speaker of the Illinois House."

A. Telcser: "Gentleman from Will, Speaker Wood."

Wood: "Ah.... would you please stop the applause and send money. When I went to work here, I got \$1,750 a year. My



pension reflects it. Mr. Speaker, Ladies and Gentlemen of the House. I had planned about a 30 minute address, pros of wisdom, but I can condense it into two minutes, I think. The Miami Herald has on the bottom of its front page what they call a chuckle box every day. Last week, one day, the chuckle box said 'Talk is cheap because of the abundance of the supply and the meagor demand'. I think perhaps for the Membership, there is a message in there somewhere for you. Ah... as the only man who can see the clock from the rostrum, may I say to you this simply: You are handling the peoples business. I don't know if you want to be right or popular; you can't be both. I don't know if you want to serve or be served; you can't do both. But the only thing that's worth a dam to any of you is time. You can lose your money, your health, your wife, your reputation - you can get those back, but when you blow time, you've blown it forever, so get with it will you?"

A. Telcser: "House Bill 299."

Fredric B. Selcke: "House Bill 299. Mahar. 'Bill for an Act to amend the Illinois Municipal Code.' Third Reading of the Bill."

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

Mahar: "Ah... Thank you, Lad... Mr. Speaker, Ladies and Gentlemen of the House. House Bill 299 amends Chapter 4 of the Municipal Code to allow a volunteer fireman who has served at least five years to be integrated into a full paid fire department after he has reached the age of thirty-five.



Actually, now we know that throughout the State in our growing municipalities and urban areas, many volunteer fire departments are going from the full volunteer to a partial paid and a full paid department. Under the present circumstances, a man could have served in a volunteer capacity for ten years, find himself at the age of thirty-seven or thirty-nine or forty, and then not be qualified to serve as a full-time fireman. This just removes the age limit of thirty-five and allows him to be considered on the same basis as any other applicant for the job. I would urge your consideration on this Bill. Thank you."

- A. Telcser: "Is there any discussion? Question is, shall House Bill 299 pass? All those in favor, signify by voting 'aye', the opposed by voting 'no'. Have all voted who wish? Leon 'aye'. Shea 'aye'. Take the record. On this question, 133 'ayes', no 'nays' and this Bill, having received the Constitutional Majority, is hereby declared passed. Hanahan 'aye'. Yourell 'aye'. Phil Collins 'aye'. House Bill 305."
- Fredric B. Selcke: "House Bill 305. Fennessey. 'An Act creating the Rural Transportation Assistance Demonstration Project.' Third Reading of the Bill."
- A. Telcser: "Gentleman from LaSalle, Representative Fennessey." Fennessey: "Mr. Speaker, Ladies and Gentlemen of the House. House Bill 305 is one of the package of transportation bills we've been hearing a great deal about. What this Bill does is create the Rural Transportation Assistance Demonstration Project. It authorizes County Boards to provide transportation



to....."

A. Telcser: "Gentleman from Union, Representative Choate, for what purpose do you rise, Sir?"

Choate: "Mr. Speaker, no one appreciated the remarks of the former Speaker, Warren Wood, and I do and no one knows that no one believes in the Legislative Branch of government stronger than Warren Wood does, but there is another distinguished gentleman that I would like to introduce. We've heard an awfully lot about the new Bob Blair. For the edification of all the Members, the new Bob Blair is now in attendance in this House. Bob Blair from Moscow, Idaho, over at Representative Ben Blades seat. Bob Blair."

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

Pappas: "I wonder if the Minority Leader would answer a question?"

A. Telcser: "He indicates a yield."

Pappas: "Is that the new Bob Blair?"

Choate: "If you would have been listening, you would have heard me say so."

A. Telcser: "Representative Fennessey, do you wish to proceed?"

Fennessey: "Well, this Bill allows the County Boards to contract to school districts or private bus systems and it's a million dollar appropriation in its creation of House Bill 89 that requires.... that appropriates the money to the Secretary of Transportation to make grants for County Boards for this purpose. You know, when we think of Mass



Transportation we think many times often of just our metropolitan areas, but I'm convinced there is a great need for some form of transportation in our downstate rural communities and what this Bill would do is set up a pilot project to determine the feasibility of establishing some form of transportation for rural communities. I ask for your favorable vote."

A. Telcser: "Is there any discussion? Gentleman from Cook, Representative William Walsh."

Walsh: "Well, Mr. Speaker, Ladies and Gentlemen of the House. This is the Bill that extends Mass Transportation to the entire State. It provides taxi service for farmers ah... in a sense. Now obviously there has to be some limit on what areas and who qualifies for mass transportation. Just because we are going into an operating subsidy, possibly, for transit companies, buses, trains, the CTA and others, does not mean that we have to extend the principal to people where it is obviously uneconomic, and unneeded, so I suggest to you and I deceive you to vote 'no' on this Bill because it is really is indeed opening Pandora's box."

A. Telcser: "Gentleman from Champaign, Representative Clabaugh."

Clabaugh: "I would like to ask a question of the Sponsor, Mr. Speaker."

A. Telcser: "He indicates a yield, Sir."

Clabaugh: "Representative, just whom do you envision this transportation system handling? Who do you propose it is going to transport?"



Fennessey: "Well about a year and a half ago, Representative Clabaugh, I attended a conference called by the Ministerial Association in my area, and this is attended by people who work with Senior Citizens, attended by many groups of Senior Citizens and out of this conference, they reached the conclusion that the number one need of senior citizens downstate was some form of transportation. And I would assume that our elderly citizens are handicapped and anyone who would be in need of transportation in the small rural communities would use this."

Clabaugh: "Well, one... two further questions. Would that prohibit anybody, you or me or anyone of the Members or anybody else, regardless of your age, using this system?"

Fennessey: "No, ah... I wouldn't.... As far as I'm concerned no it wouldn't, but this would be up to Secretary of Transportation and the Committee that is going to go into to study this as to what the charge should be for other people riding this system."

Clabaugh: "This does propose, then, that there could be or could not be according to the Secretary then, a charge, a fee?"

Fennessey: "Yes."

Clabaugh: "But it would not make mandatory a charge?"

Fennessey: "There's nothing mandatory about it at the present time but I would hope that they would establish a fee for people to ride the buses."

Clabaugh: "Thank you."



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

R. L. Dunne: "Question of the sponsor. Isn't there some specific money involved in this Act?"

Fennessey: "Yes, there's a million dollars, part of House Bill 89. Million dollar appropriation to the Secretary of Transportation, to provide grants to county boards."

R. L. Dunne: "So we're being asked to spend a million dollars on this project of State money?"

Fennessey: "Ah... there's a total of a million dollars. Whether it would all be spent or not, it would be up to the Secretary of Transportation. All that this Bill intends to do is to establish one or more pilot projects downstate to determine the feasibility of having some form of transportation or mass transportation for a rural community, a small rural community."

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

Schlickman: "Mr. Speaker and Members of the House. We are early in the session and have been and are confronted with the crises as it exists in the northeastern Illinois counties area, more specifically in the City of Chicago and its immediate envirant. The crisis is the continued existence of a Chicago Transit Authority, the CTA. It is a crisis that the General Assembly should face up to as it has. Each of us have different views as to how it should be approached. There's another crisis that confronts the State of Illinois and that's transportation generally. The



two of them are distinct, they're separate, they are a part. It would be folly to relate the two, without giving indepth consideration to the complexity of transportation and the varying needs that exist within the State. We have here in House Bill 305, a Bill which purports by its title to be a program of experimentation. You know, that I can accept. But I can't accept a Bill that establishes a program that has not been considered, has not been given thought and which will commit the general assembly to financing, to funding, in the future, based on a formula that is established in this Bill. Now I believe that public transportation should be provided as cheaply as possible. I think, in fact, that the ideal situation would be to equate public transportation with police and fire service. However, this General Assembly nor any agency of State government has thoroughly within indepth consideration looked at transportation, public transportation, state-wide. I must oppose this Bill and encourage its defeat. Now with the thought of putting one's head in the sand and ignoring state-wide needs of our citizens for transportation, but because this Bill is premature; it's not thought out, not based on findings that could give support to it. And therefore, Mr. Speaker, Members of the House, I urgently solicit your opposition and 'no' vote to this Bill."

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



Holloway: "Mr. Speaker, will the sponsor yield to a question?"

A. Telcser: "He indicates he will."

Holloway: "Is it conceivable that the ah... provisions of this Act ah... could apply urban areas?"

Fennessey: "Yes."

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

Totten: "Thank you, Mr. Speaker. Under the wording of this Bill, it says that the Secretary of Transportation shall make grants to County Boards for 100% of the operating costs. Does this mean that the Secretary of Transportation has to make a 100% grant, regardless of the merit of the program? I wonder if the Sponsor would yield to that question?"

A. Telcser: "He indicates he will."

Fennessey: "Yes it means that the Secretary of Transportation would have a million dollars to fund these programs in the various counties that may ask to have these programs established. Now I am sure that ah... in fact there is an amendment, so that any county that would want to start a project must first have the approval of the Secretary of Transportation before establishing the program."

Totten: "Does it require that 100% of the cost of the program be funded by the Department of Transportation?"

Fennessey: "Of this Pilot project. Correct."

Totten: "Thank you."

Fennessey: "Doesn't mean in the future if this is deemed feasible that if this turned out to be a feasible program, that it would have to be funded 100% by the Secretary of



Transportation."

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

R. L. Dunne: "Well, Mr. Speaker and Ladies and Gentlemen of the House. I'm sure I don't have to tell you that our Governor the other day chose to amend House Bill 89 for the sake of economy in State fiscal policy. Well, why... in that vain, why he didn't attack this million dollar boon doggle that we are discussing right here now in this Bill, is beyond me if he is really concerned about economizing with the People's state money. This is A bad Bill and a waste of a million dollars, and I urge that you defeat it."

A. Telcser: "Is there further discussion? If not, the gentleman from LaSalle, Representative Fennessey to close."

Fennessey: "Mr. Speaker, Members of the House. I have to disagree with the previous speaker when he says this is a waste of a million dollars. I feel that there is a definite need for some form of transportation for our rural areas. You know we hear a great deal today of ah.... helping rural America. And ah.... from the Federal level. I don't see this Bill as someway of really saving rural America, but I think it would help provide a life line to these rural communities to keep their citizens living within the confines of their community and ah.... I certainly think there is a need for this, and I hope it will receive a favorable vote. Thank you."



A. Telcser: "Question is, shall House Bill 305 pass? All those in favor, signify by voting 'aye', the opposed by voting 'no'. Have all voted who wished? Leinenweber 'aye'. Have all voted who wished? Take the record. Blair 'aye'. Gentleman from Union, Representative Choate."

Choate: "Over there."

A. Telcser: "Representative Schoeberlein, 'aye'. Representative R. Walsh, for what purpose do you rise, Sir?"

R. Walsh: "Mr. Speaker, when the roll call has been completed, before announcement, I wish a verification."

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

Kent: "I would like to know how I am recorded?"

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

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

Kent: "Ah... would you change that to 'no', please."

A. Telcser: "Record the lady as voting 'no'."

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

Piotrowicz: "Mr. Speaker, how am I recorded?"

A. Telcser: "How is the gentleman recorded?"

Fredric B. Selcke: "Gentleman is recorded as 'not voting'."

Piotrowicz: "Please cast my vote as 'aye'."

A. Telcser: "Record the gentleman as voting 'aye'. Representative McCormick for what... McCormick 'aye'. Jones 'aye'. Emil Jones. Yourell 'aye'. Molloy 'no'. Hart 'aye'. Gene Hoffman 'no'. Londrigan 'aye'. O'okay the



Clerk's informed me that he's a little behind. Let's take a new roll call. All right? We are going to take a new roll call. The question is, shall House Bill 305 pass? All those in favor, signify by voting 'aye', the opposed by voting 'no'. This is House Bill 305 again. This is a second roll call that we are taking. Gentleman from Livingston, Representative Hunsicker to explain his vote."

Hunsicker: "Mr. Speaker and Ladies and Gentlemen of the House. In my book, this has got to be the biggest boon dog ever. Does anyone know what this is going to cost. If this isn't opening up a new can of worms, I never saw one, and I'm going to vote no."

A. Telcser: "Have all voted who wished? Well, Webber. Let's get on there Web. Gentleman from Tazewell, Representative Kriegsman, to explain his vote."

Kriegsman: "This Bill started out as a perfectly innocent Bill, using school buses, which was perfectly all right to get an efficiency in the use of school buses, because undoubtedly they sit around for hours at a time doing nothing, but as the explanation of this Bill progressed in the Committee, it developed that they would have to have special mini-buses; that they would have to be equipped with radio telephones, so that if something happened to the old ladies or the old men on these buses, they could immediately call in for help. This Bill can make the mass transit bill look like a Sunday school picnic. I say in the interest of economy, you better vote 'no' on this Bill."



A. Telcser: "Have all voted who wished? Gentleman from Union, Representative Choate."

Choate: "Those assumptions just aren't true, Mr. Speaker.

Those assumptions just are not true. This is a novel plan to attempt to bring about a reasonable regional transportation system for people in the downstate area that has no mode of transportation to their doctor, to the grocery stores and to other places of interest to them. These are buses that are not being used a maximum number of hours a day. And it's all left in the hands of the Director of Transportation and the County Board to work out a reasonable, feasible transportation plan for the people downstate. Elderly people. Poor people. You, that have no other means of transportation. Take them to their jobs. Bring them home from their jobs. Irradicate the possibility they can't get to work and gainfully supply their own livelihood. I've been told my knoweledgeable authorities that if this Bill passes, that with all probability, with all probability, the Federal Government is going to walk in and sustain it as far as financial aid is concerned and probably recommend that it be adopted in other States. This is again a chance for the State of Illinois to be a leader and we're talking about a million dollars. We're not talking about mini-buses and we're not talking about telephones in those buses."

A. Telcser: "Have all voted who wished? Gentleman from Macon, Representative Borchers."



Borchers: "Mr. Speaker, fellow Members of the House. I think I know my district, it's mostly rural. I can't conceive of a bus line being able to sustain itself running down our country roads. It just isn't going to work. It'll be even less patronage than what we have in Decatur with this bus line and it don't work. All we're doing is creating a financial monstrosity."

A. Telcser: "Have all voted who wish? Take the record. On this question, there are 106 'ayes', 50 'nays' and this bill having received the constitutional majority is hereby declared 'passed'. House Bill 306."

F. B. Selcke: "House Bill 306. Fennessey. A bill for an Act to amend the School Code, Third Reading of the bill."

A. Telcser: "Gentleman from LaSalle, Representative Fennessey."

Fennessey: "Mr. Speaker, Ladies and Gentlemen of the House. House Bill 306, companion bill to 305, and all that this does is allow county boards to lease school buses from the school district and I ask for a favorable vote."

A. Telcser: "Is there any discussion? Gentleman from Lake, Representative Griesheimer."

Griesheimer: "Mr. Speaker and Ladies and Gentlemen of the House. To speak on this particular bill without speaking on the last bill was probably not the right thing to do. But, I think all of us better give some long and hard thought of turning over our school buses to non-school purposes. The whole idea of the school bus system, is to have a yellow, readily recognizable vehicle for the protection of



our children and not to create a downstate, old age, jitney system to.. to have people transported all over for the benefit of a few people to get other bills through this House. We must take care of our children. We have a very serious problem as it is with our school bus system in the State of Illinois. Last year, there were some 1,200 school buses involved in accidents. There were six deaths of school children. There were 250 school children injured in school bus accidents. We should be doing something to protect our school bus system, not liberalizing it for political purposes. And I think that every Repulican, if no one else, should give strict thought to what they're doing when they turn our school buses over to our county boards. Thank you."

A. Telcser: "Is there further discussion? Does the Gentleman wish to close? Gentleman from LaSalle, Representative Fennessey."

Fennessey: "Well, all I want to say is this does not mandate the County Board to lease school buses, just gives them the authorities permissive if they see fit to lease.. ah.. want to lease buses and school authorities see fit to enter into a contract with the county board is all that this bill does. I would like to say that one of the wastes we have, are these school buses sitting around all day long... ah.. only used an hour or two in the morning or an hour or two in the evening. And this might be a way the school district receive a little extra income. I ask



for a favorable vote."

A. Telcser: "Question is, shall House Bill 306 pass?"

All those in favor, signify by voting 'aye', the opposed by voting 'no'. Have all voted who wish? Take the record. On this question, there are 110 'ayes', 34 'nays' and this bill having received the constitutional majority is hereby declared passed. Representative Maragos, for what purpose do you rise, Sir?"

Maragos: "Mr. Speaker and Members of the House. It gives me great pleasure this time to introduce a former Member of the House who served here for three terms with distinction and now is a members of the Sanitary Board.. Metropolitan Sanitary Board of Chicago, the Honorable James Carey. He's sitting right in front here."

A. Telcser: "House Bill 314."

F. B. Selcke: "House Bill 314. Washburn. Bill for an Act in relation to state finance. Third Reading of the bill."

A. Telcser: "Gentleman from Grundy, Representative Washburn."

Washburn: "Well, thank you Mr. Speaker and Ladies and Gentlemen of the House. House Bill 314 would permit the reduction of the number of annual and/or recurring department budget bills. It will repeal Section 13.1 of the State Finance Law which states, that no appropriation bill shall be passed by the General Assembly which contains an appropriation for more than one office, department, agency, board or comission. Any such bill containing an appropriation to more than one such office, department, agency, board or



commission shall be void as to all. Its repeal of Section 13.1 would be in conformance with Article IV, Section 18 of the 1970 Constitution. An identical bill was introduced late in the 1972 session and passed the House by a vote of 131 to 6, but was lost in the final day shuffle in the Senate. Now, this bill would allow the General Assembly to consolidate the very large number of annual budget bills into a more manageable number, therefore preventing greater legislative scrutiny of appropriation bills and make for a more effective legislative presence in the area of fiscal policy. It does not mandate one ominous appropriation bill for the state. It does not restrict in any way, the right of a legislator to introduce any piece of legislation he so desires. A House Bill 314 would enable us to gain a better perspective of appropriations concerning similar subjects rather than to disjoin a fragment of the approach currently in use. It has the approval of the leadership on both sides of the aisle and I ask for your favorable support."

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

Shea: "Will the sponsor yield for a question?"

A. Telcser: "He indicates he will."

Shea: "Ah.. will this allow now to have ah.. similar to what cities and villages and municipalities and counties do, but would it allow us to have one appropriation ordinance so that we could at one time find out exactly how much we're spending on state government?"



Washburn: "Well, I suppose, Representative Shea, if would permit it, but it would be up to the Legislature and I don't feel that there is too many in this General Assembly that ah.. have that goal in mind.

Shea: "Well, I supported this bill last time and I intend to support it now. I think it's a good piece of legislation. 'Cause I think for once we might be able to arrange to have all the appropriations together so that each member of this General Assembly can tell by Department and Agency what's being spent and we know how much we're voting out of here rather than having 400 appropriation bills and we when we go home find out that we've overspent the state's money."

Washburn: "I think you'll agree the prime examples in the past have been the Attorney General's Office, the OSPI and Secretary of State."

A. Telcser: "Is there further discussion. Gentleman from DuPage, Representative Gene Hoffman."

G. Hoffman: "Mr. Speaker ah.. would the sponsor yield for a question."

A. Telcser: "He indicates he will."

G. Hoffman: "Ah.. Representative Washburn, as I read the Digest, it indicates that you would have no more than one commission on a bill. I remember during the last session we combined permanent commission and we had one bill which covered a number of commissions which had small appropriations. Would this bill ah.. prevent us from doing that."

Washburn: "No, it would permit that along with creeks and



rivers bills and ah.. various agency bills. It would permit it."

G. Hoffman: "It would permit the consolidation of those bills."

Washburn: "Yes."

G. Hoffman: "I thought that was an excellent idea and I wanted to make sure that we weren't doing away that. Thank you."

Washburn: "Thank you."

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

Lechowicz: "Thank you Mr. Chairman, Members of the General Assembly, I stand in full support of House Bill 314 which would permit the General Assembly to consider omnibus bills. This would streamline the operation of the General Assembly and the Appropriations Committee in that it would allow the full consideration for small appropriation bills. And it was pointed out we could also make this into effect for the other departments as well. I ask for your full support of this measure."

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

Duff: "Will the sponsor yield for a question."

A. Telcser: "He indicates he will."

Duff: "Ah.. Representative, I ah.. understand the great deal of thought that goes into this concept and how it would reduce time with that now being available to Appropriations Committee, but I have some concern. Ah.. last year or two years ago ah.. on some of these omnibus bills, weren't there a couple of occasions where there was some feeling that on one side of the rotunda or another that a major



omnibus bill which affected the interests of many many legislators, weren't there some occasions that there was some feeling that those bills might be being held captive so to speak in order to ah.. create the interest of all of those persons affected in other pieces of legislation."

Washburn: "I don't recall such feeling and certainly this isn't the purpose of the bill and the primary purpose of this bill isn't to save time, Representative Duff, it's better accountability."

Duff: "Well, I.. I'd like to speak to the bill, Mr. Speaker."

A. Telcser: "Proceed sir."

Duff: "I really do have some concern. I do understand and, of course, approve of the concept of accountability and the concept of staff analysis and the appropriateness to all of us who might look at one major bill as we could analyze it to discover things, but I'm concerned about the fact that ah.. a matter which possibly couldn't pass this House or several small matters, if you want to put it that way, that couldn't pass this House could be ah.. incorporated into such a bill and consequently move out ah.. without deliberation and ah.. then go to the Governor's desk and with his Amendatory Veto powers which we are now seeing exercised ah.. we would, in effect, as the Legislature simply be ah.. channeling something through to ah.. the Legislative Executive pen."

Washburn: "No, I don't agree with that because these bills will come up on second reading and the members will have



every opportunity to amend ah.. the bills as they have now whether they're in a package or whether they're presented separately."

Duff: "Thank you."

A. Telcser: "Is there further discussion. Gentleman from Grundy, Representative Washburn, to close."

Washburn: "I just want to impress that ah.. ah.. this does not restrict the right of any legislator to introduce any piece of legislation he might have it does not restrict his right to amendment. ah.. at amendment stage. And I ask for your favorable support."

A. Telcser: "Question is shall House Bill 314 pass. All those in favor signify by voting 'aye' the opposed by voting 'no'. Have all voted who wish. Mann 'aye'. Take the record. Schoerberlein 'aye'. Georgi 'aye'. On this question there are 129 'ayes', 10 'nays' and this bill having received the constitutional majority is hereby declared passed. House Bill 315."

F. Selcke: "House Bill 315, Murphy. An Act to Amend Section 1 of An Act in Relation to Compensation and Annulments of Members of the General Assembly. Third Reading of the Bill."

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

Murphy: "Mr. Speaker and Members of the House, this is a housekeeping bill to aid us in paying per diem without having prefunctory sessions and also to allow you to have per diem when you have a bill before committee and you appear at that committee. I solicit your vote."



A. Telcser: "Is there any discussion. Question is shall House Bill 315 pass. All those in favor signify by voting 'aye' and the opposed by voting 'no'. Have all voted who wish. Day 'aye'. Take the record. On this question there are 125 'ayes', 4 'nays' and this bill having received the constitutional majority is hereby declared passed. House Bill 318."

F. Selcke: "House Bill 318, Fleck. A Bill for An Act to Amend Section 18 of An Act in regard to limitations. Third Reading of the Bill."

A. Telcser: "Gentelman from Cook, Representative Fleck."

Fleck: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 318 is a bill which is recommended by the Chicago and Illinois Bar Associations. It's a bill that technically cleans up some of the language presently found in the statute of limitations and essentially what it does is provide that any person who is subject to service of process under the long arm statute, that's a statute of limitations for an act.. acts commenced in Illinois, will not kill while he is out of the state. He is subject to the service of process and the two year statute of limitations, if that might be the case, runs as the date that the case is filed. It passed the Judiciary Committee with 17 votes, one present, and I solicit your support."

A. Telcser: "Is there any discussion. Question is shall House Bill 318 pass. All those in favor signify by voting 'aye' and the opposed by voting 'no'. Have all voted who wish."



Take the record. On this question there are 141 'ayes' and no 'nays' and this bill having received the constitutional majority is hereby declared passed. House Bill 343."

J. O'Brien: "House Bill 343, A Bill for An Act to Amend Sections of the Revenue Act. Third Reading of the Bill."

A. Telcser: "Gentleman from Cook, Representative Shea. 343."

Shea: "Mr. Speaker, Ladies and Gentlemen of the House, this is a four installment real estate tax bill and I promised Representative Krause and some of my downstate colleagues I'd hold it for a little while ah.. while they are trying to get an amendment to make it ah.. where they can opt in or opt out downstate. So, I'm going to hold it."

A. Telcser: "Okay. Take that out of the record. Representative Hill, are you ready of 354. Jack, did you want 354 called. Take that out of the Record. House Bill 355."

J. O'Brien: "House Bill 355. A Bill for An Act to regulate the advertising of gasoline prices. Third Reading of the Bill."

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

Douglas: "Mr. Speaker and Members of the House, House Bill 355 would require that if there is a street sign advertising the price of regular gasoline that that sign should be the same as the pump sign which distributes regular gasoline. I ask for your favorable consideration."

A. Telcser: "Is there any discussion. Question is shall House Bill 355 pass. All those in favor signify by voting 'aye' the opposed by voting 'no'. Gentleman from Cook, Represent-



tative Duff, to explain his vote."

Duff: "Ah.. Mr. Speaker, I have a conflict of interest on this bill concerning a cast that I'm handling right now so I'd like to be recorded as voting 'present'."

A. Telcser: "Record Representative Duff as voting 'present'. Have all voted who wish. Take the record. This question there are 133 'ayes'. Berman 'aye'. 1 'nay'. 1 answering 'present'. This bill having received the consitutional majority is hereby declared passed. House Bill 36..

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

Shea: "Ah.. is this the sponsor's first bill? Oh.. Okay."

A. Telcser: "House Bill 360."

J. O'Brien: "House Bill 360. A Bill for An Act to Amend Sections of the Illinois Pension Code. Third Reading of the Bill."

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

DiPrima: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 360, as amended, sets at \$200 per month as a minimum for pension. Some pensioners could get more on relief than they get as a pension. The downstate fire-fighters have a minimum pension with a minimum of \$150 for their widows. Chicago has a minimum of \$250. All this bill asks for is to be placed in between with these figures with \$200 per month. Back in those years when the officers or widows did not have the privilege to pay into social security so they cannot supplement their meager pensions. Most municipalities will not be affected by this change.



And this cost can only decrease as years go on. I would appreciate an affirmative vote."

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

Schneider: "Ah.. I noticed yesterday that there was an amendment ah.., Larry. Is this the one that restricted it and did not make it retroactive. I didn't see the amendment, but did you put a restriction or is everybody eligible retroactively for ah.. this minimum pension."

DiPrima: July the First, 1973."

Schneider: "So, it's a cut-off. Okay. Thank you."

A. Telcser: "Gentleman from Livingstone, Representative Hunsicker."

Hunsicker: "Will the sponsor yield to a question."

A. Telcser: "He indicates he will."

Hunsicker: "Larry, how many years service do you have to have to qualify for this \$200 a month."

DiPrima: "A minimum of 20 years."

Hunsicker: "At the end of 20 years and what age."

DiPrima: "Ah.. well what is a retiring age."

Hunsicker: "50?"

DiPrima: "I think it's 55, isn't it."

Hunsicker: "55. Thank you."

A. Telcser: "Is there further discussion. Question is.. does the gentleman wish to close. Do you wish to close the debate, Representative DiPrima. Question is shall House Bill 360 pass. All those in favor signify by voting 'aye' the opposed by voting 'no'. Have all voted who wish.



Take the record. On this question there are 152 'ayes', no 'nays' and this bill having received the constitutional majority is hereby declared passed. House Bill.. Geo-Karis 'aye'. House Bill 361."

J. O'Brien: "House Bill 361. A Bill for An Act to Amend Sections of the Illinois Pension Code. Third Reading of the Bill."

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

DiPrima: "Ah.. Mr. Speaker, Ladies and Gentlemen of the House, House Bill 361. Presently in the downstate Police Pension Act provisions in Section 3-112, allows for payments to physically or mentally dependant children, regardless of age, if a pension officer dies. If a police officer dies while working or if he is killed in the line of duty, this provision does not exist. We are trying to equalize these sections and I would appreciate an affirmative vote."

A. Telcser: "Is there any discussion. The Gentleman from DuPage, Representative Schneider."

Schneider: "I just have one problem, Mr. Speaker, Members of the House, with the bill and that is that a pension system is designed to deal with the problems of pensions. Now, what appears to be happening with House Bill 361 is that we're now dealing with medical problems and I think that's a bad precedent and a bad policy. And although ah.. I'm sure you know that most of our sympathies deal.. would like to deal favorably with the question of disability beyond the ah.. majority age, the fact is there may be other benefits that are going to be denied to that person ah.. if he



does become eligible under this pension ah.. bill and I think ah.. the bill works at cross purposes and is detrimental to the intention of the ah.. the sponsor's bill. So, I think either we gotta make a decision as to whether or not we want a pension system or medical system or else we also have to make a decision on whether or not you want to exclude this eligible person from other programs that he might be ah.. eligible for. So, I'm reluctantly opposed to the bill because of the ah.. meritorious intent, but I think we ought to oppose it."

A. Telcser: "Is there further discussion. Does the gentleman wish to close the debate."

DiPrima: "Well, in line with what Schneider says, now, let's assume an officer's killed while on duty and he has a physically disabled child. Now normally he's taken care of up to the time he's 18. This bill would provide to see that he's taken care of after ah.. the officer has been killed or dies, what happens, and ah.. this wouldn't affect too many kids, actually, but it still would cover whatever children are physically disabled. I would appreciate a favorable vote."

A. Telcser: "Question is shall House Bill 361 pass. All those in favor signify by voting 'aye', the opposed by voting 'no'. Have all voted who wish. Take the record. Telcser 'aye'. On this question there are 130... Representative Duff, for what purpose do you rise, sir."

Duff: "Mr. Speaker, I got my switch on the wrong way. I want to vote 'no' ah.. 'yes'."



A. Telcser: "Record Representative Duff as voting 'aye'.

And Representative McGrew as voting 'aye'. Porter."

Porter: "How am I recorded, Mr. Speaker."

A. Telcser: "How is Representative Porter recorded."

J. O'Brien: "Gentleman is recorded as voting 'no'."

Porter: "Could you change my vote to 'aye', please."

A. Telcser: "Record the gentleman as voting 'aye'. On this question there are 141 'ayes', 6 'nays', and this bill having received the constitutional majority is hereby declared passed. House Bill 371."

J. O'Brien: "House Bill 371, Skinner. A Bill for An Act to Amend Sections of the Revenue Act, Third Reading of the Bill."

A. Telcser: "Gentleman from McHenry, Representative Skinner."

Skinner: "Mr. Speaker, House Bill 371 will raise the maximum salaries that supervisors of assessments can pay.. can be paid. It is totally up to the discretion of the local county board and I would ask for the favorable consideration of this house."

A. Telcser: "Is there any discussion. Question is shall House Bill 371 pass. All those in favor signify by voting 'aye' the opposed by voting 'no'. Have all voted who wish. Telcser 'aye'. Take the record. This question 127 'ayes', 2 'nays' and this bill having received the constitutional majority is hereby declared passed. House Bill 372."

J. O'Brien: "House Bill 372, W. D. Walsh. A Bill for An Act to Amend the School Code. Third Reading of the Bill."

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



W. D. Walsh: "Mr. Speaker and Ladies and Gentlemen of the House, House Bill 372 reduces the discrimination against dual school districts because of the rate required to qualify for state aid. It makes the new rate in kindergarten through eighth grade 62 cents and for high schools 70 cents to qualify. The effect of this is that it reduces the discrimination by about \$40,000,000 and I urge your support."

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

Schlickman: "The sponsor yield for a couple of questions."

A. Telcser: "He indicates he will."

Schlickman: "It's indicated a fiscal note may be applicable, I'm wondering if anyone requested one. If so, if it was delivered and, if so, what were the contents."

W. D. Walsh: "Well, there was no fiscal note requested. I did, however, ah.. have one from the Superintendent of Public Instruction and ah.. I'm looking for it here. My recollection is that the effect is that it's ah.. \$57,000,000."

Schlickman: "\$57,000,000 in a fiscal year. For one fiscal year."

W. D. Walsh: "Yes."

Schlickman: "My second question is, are we by this bill changing the philosophy, education wise, of the state, that the formations of unit districts should be encouraged."

W. D. Walsh: "Well, that has been the.. of course the difference in rate over the past 20 years has been to encourage consolidation. However, there has been very little consoli-



dation in the past 6 or 7 years. Now there are some petitions now because there is so much to be gained by districts to become unit districts ah.. that there is some agitation now with the pinch on the real estate tax. Ah.., however, it is my firm feeling, and I'm sure this is shared by many other people, that really that's a pretty artificial discrimination. Whether they should be organized as a unit or a duel district. And, as was pointed out at the committee meeting, if you'll look at your high school, Arlington Heights, Lyons Township High School, Park High School, Neutrer High School, if you were to name the ten best high schools in the State of Illinois you would find that they were all organized under duel ah.. systems."

A. Telcser: "Is there further discussion. Gentleman from Champaign, Representative Clabaugh."

Clabaugh: "Mr. Speaker, one of the things I have learned in the long time I've been here is that you should recognize when you're licked and we shouldn't be beaten on this bill. We wouldn't be if all the people from unit districts realized that if this bill is signed by the Governor that unit districts are going to be cut back. But there was one large segment of the unit district people who voted for this type of bill in last session and I'm quite sure they did it to.. hoping to embarrass a Republican Governor. I thought they wouldn't do it this time, but the way things have gone lately, I have a feeling that they'll probably do the same thing again and if they did ah.. my vote and my speech will



not have anything to do with it. However, I shall still vote 'no'."

A. Telcser: "Is there any discussion.. any further discussion. Gentleman from Franklin, Representative Hart."

Hart: "Ah.. thank you, Mr. Speaker, I was glad to hear Representative Clabaugh capitulate. Ah.. really there was never any justification for differentiating between unit districts and dual districts in the method that was done. There are a lot of advantages to unit districts, but those should be left to the consolidation and so forth of the districts. Their efficiencies, etc. built into a 1 through 12 system rather than a 1 through 8 and 9 through 12 that are advantageous. But for years ah.. this political ah.. this monetary stop that has been hanging out there for dual ah.. for unit districts was completely unjustified. Especially in the.. in the differences in the amounts. Dual districts have suffered from this ah.. because of the lack of money that was available to them. And, after all, it's the responsibility of the state to provide an education for everybody and not just ah.. a better education for those who will go along ah.. on the monetary thing. I congratulate Representative Walsh on this bill. I think it's way overdue. I hope the House will support it."

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

Lechowicz: "Thank you, Mr. Speaker, will the sponsor yield to a question."

A. Telcser: "He indicates he will."



Lechowicz: "Is this \$57,000,000 included in the Governor's budget."

W. D. Walsh: "Well, the Governor has an additional ah.. \$134,000,000 for elementary and secondary education, so I suppose I could say yes. And there was some feeling ah.. or some place the Governor was quoted as saying that ah.. he was in favor of eliminating the discrimination. This doesn't eliminate the discrimination, this simply reduces it."

Lechowicz: "Now, the \$130,000,000 figure ah.. my question is is this \$57,000,000 part of it."

W. D. Walsh: "Well, in view of the Governor's statement, I would say yes."

Lechowicz: "Alright, thank you."

A. Telcser: "Gentleman from Adams, Representative McClain."

McClain: "Thank you Mr. Speaker, ah.. Ladies and Gentlemen of the House. Ah.. Representative Walsh, although I think all of us agree that ah.. it's there's discrepancy and dispar.. discrepancy here.. disparity here between unit member districts and dual member districts, the \$134,000,000 that Governor Walker said in excess for elementary and secondary education, we also owe the Teacher Retirement System \$135,000,000. If the courts approve parocio-aid that's \$9,000,000. And now we have \$57,000,000 more for ah.. this disparity. I think that this bill is ah.. an effort really to embarrass the Democratic Governor. It's.. there's not doubt that there is disparity and that things have been done in the past ah.. by other legislators and other legislatures and I



really urge the membership to look to ah.. the total sum which is \$57,000,000 and that, although it's very idealistic and very good, ah.. to please vote 'no'. Thank you."

A. Telcser: "Gentleman from Christian, Representative Tipsword."

Tipsword: "Would the sponsor yield for a question."

A. Telcser: "He indicates he will."

Tipsword: "Can you tell me in the formation of unit districts if my recollection serves me correct, and this is what I want to get checked, doesn't it require a certain minimum evaluation before you can organize a unit district. Some minimum.. like \$6,000,000 or \$7,000,000 before you can organize a unit district."

W. D. Walsh: "I believe that's right, but I would yield to ah.. someone who knows more about ah.. this than I."

Tipsword: "The reason I was inquiring was I think there's one dual district that remains within the district which I represent and they're a dual district yet because ah.. they hesitated at one time and consequently most of their territory was taken by the district and they no longer can really come up with \$6,000,000 valuation, unfortunately, and find themselves having to remain in the situation of a dual district. And I don't ah.. either that or they're going to have to go into another school district. And I wondered, there may be other dual districts in this same situation in the State of Illinois."

W. D. Walsh: "Well, I'm sure that there are many of them that are having a difficult time, a difficult or impossible time, becoming unit districts and ah.. as I said before, it's ah..



an unreasonable distinction. Ah.. if there were to be distinctions perhaps it ought to be on the ah.. number of students in average daily attendance. Or, ah.. that would be a more reasonable one. But I think you're right. I've.. there are some districts in DuPage County that I believe are having this problem."

Tipsword: "May I speak to the bill, Mr. Speaker."

A. Telcser: "Proceed, sir."

Tipsword: "I ah.. I regret the fact I'm a co-sponsor on this bill and I regret the fact that it does cut into unit district funds. I think we've got an obligation to try to come up with additional funds if this bill is passed so that we don't do that. Because, as we were just, as I was just discussing with Representative Walsh, I think there are several districts in the state that would like not to be duel districts and like not to be saddled with the provisions that are imposed on duel districts at the present time, but they have no means of becoming a unit district under the law that presently exists because they require a \$6,000,000 valuation, I believe it is, and for a good reason. I think a district should have an excess of that valuation. I wish that it was required of the duel districts at the present time. So, for those who cannot help themselves otherwise, I feel that I will be constrained to vote for this bill even though: I regret the fact that it may be cutting into the funds of the unit districts."

A. Telcser: "The Gentleman from Peoria, Representative Tuerk."



Tuerk: "Mr. Speaker, I'd like to ask the sponsor a couple of questions."

A. Telcser: "He indicates that he'll yield."

Tuerk: "Yes, Bill, you mentioned that this would cost \$57,000,000."

W. D. Walsh: "That's the note that the Superintendent of Public Instruction's Office gave me, yes. That's their estimate."

Tuerk: "Could you answer the question how this \$57,000,000 would be broken down between high school and elementary districts."

W. D. Walsh: "Well, I'm told that ah.. that it's 47% of this would go to the ah.. elementary schools and 53% to the high schools. Now I'm trying to ah.. corroborate that from the ah.. printout that the Superintendent's Office sent to me. Ah.. Well, until I see something else, I'll have to go with that. Approximately 50-50."

Tuerk: "What would this eventually cost if it ever got the full parady."

W. D. Walsh: "The.. the discrimination now is approximately for fiscal year 1973 is approximately \$100,000,000."

Tuerk: "Well, as I understand it, and you could confirm these figures, do not 70% of the students go to the elementary schools and yet you're saying that it'd be about a 50-50 break."

W. D. Walsh: "Yeh.. that's correct, Fred, but there is.. you have to take into consideration that there is waiting a



25% waiting.. or 20% waiting for ah.. high schools. I think that probably accounts for the ah.. reason that it's pretty close to 50-50."

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

Lauer: "Mr. Speaker, Ladies and Gentlemen of the House, for 25 years the State of Illinois has chosen to exercise its will over the dual districts-unit districts concept. I can say this, that after 25 years it is only those good dual unit districts which have survived. They have proven their own merit. They have proven the merit of the system and the people of these districts have paid a very dear price. in order to preserve a local control of the schools which they deem to be valuable. They have paid dearly in order to establish the concept that the state and the gentlemen of the legislature and of the OSPI do not always know best. It seems to me that after 25 years that we might as well admit that from time to time the people on the local level do really know what is best for their own children and it seems to me that we are penalizing the young people of these dual districts because perhaps their parents are stubborn. It seems to me, ladies and gentlemen, that it is long since time that we forget about the difference of philosophy and get about the basic purpose of why schools exist. That is to educate the young people of the state. Thank you, Mr. Speaker."

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

Geo-Karis: "Mr. Speaker, and Ladies and Gentlemen of the House,



I am one of the co-sponsors of this bill. I'm not opposing the unit districts, but I do feel it's about time that the duel districts have some sort of benefits than they've had before. You might be interested in knowing that there is a case right now that's going to the Supreme Court of the United States, the Rothschild Case, from Highland Park, Illinois, which is attacking the formulas that have been had before.. held before in the State of Illinois for duel districts and unit districts. And I do feel that the Rotchschild Case might well upset the unit districts' allotment. I might site that the reason it's being carried to the Supreme Court is on the basis of the fact that the duel districts have not had due process of law under the 14th Amendment of the Constitution. Therefore, I rise to speak in support of this very valuable bill."

A. Telcser: "Is there further discussion. Gentleman from Tazewell, Representative Kriegsman."

Kriegsman: "I just want to reiterate what Representative Lauer said about the duel district. It is only by grim determination that the people who believe in the dule district have existed. It doesn't really matter which form that you use so long as it works. And evidently there is proof enough that the duel district works. And one of the reasons why it does work is, for instance in my little area of Pekin, there are something like seven different school boards that are governing the schools of that very small district. Now, when you go into unit districts you knock



out seven and make one big school board. And you knock out about fifty interested citizens. Interested in their schools. And this is one of the secrets why the unit district works. Why these people have been willing to be penalized all these years to see that it works. When one school board is bad the others are generally good. When you can have various things happen in school boards and it never really affects the whole system as it would when you have to have one bad school board in a unit district it affects the whole community, the high schools and the grade schools alike. And, therefore, I say give this due consideration. It isn't costing you any more money."

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

W. D. Walsh: "Well, Mr. Speaker and Ladies and Gentlemen of the House, I don't think I can close better than Representative Kriegsman just did. He makes a very valid point of participation in school matters. Now, I submit too that from an administrative standpoint a dual district is an easier and better way to administrate. There are.. there are distinct problems that are typical to high schools and separate problems that grammer schools have. Now, I'd like to respond very briefly to the Gentleman from Adams who thought that we we're trying to embarrass the Democratic Governor and I refer him to the budget book wherein the Governor states, 'through revision of the distributive formula, we must make progress toward equalization of per



pupil expenditures. Greater aid must go to the neediest districts. One way to do this is to compute the formula on a basis which recognizes that in many needy districts attendance is affected by the same factors which make the district needy. Also, the penalty on duel districts should be eliminated.' I respectfully request your support."

A. Telcser: "The question is shall House Bill 372 pass. All those in favor signify by voting 'aye' the opposed by voting 'no'. Gentleman from Lake, Representative Pierce."

Pierce: "Mr. Speaker, to explain my vote, Ladies and Gentlemen of the House, I don't know whether unit district or duel district is better educationally for our children, but I do know this, almost every district in.. almost every school district in my legislative district in Lake and McHenry County is a duel district and the children in those schools are being discriminated against under the present formula. And the taxpayers are being discriminated against in two ways. First we assess our homes at a full 50% of fair market value so because of our good assessed valuation per student we generate less state aid than we should, than many downstate areas with low assessments. Then, secondly, we're discriminated against by the duel district qualifying rate which produces less and less state aid than we should get for our students. So, without settling the educational question, without making the determination whether a unit or a duel district is better, I will say this, the duel district parents, taxpayers and children are discriminated



against in our state. It's unfair. It's unjust. This is a good bill and I intend to support it, whether or not it's in the Governor's budget."

A. Telcser: "Gentleman from McHenry, Representative Skinner."

Skinner: "Mr. Speaker, Representative Pierce is exactly correct, why should any school child be discriminated against because they just happen to live in an area where there are two school boards. Ah.. for that reason I am voting 'yes'."

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

Schlickman: "Mr. Speaker and Members of the House, in explaining my vote, which will be a 'no' vote, I must admit to two conflicts. Number one, I'm a Republican and this is a Republican sponsored bill that will have to be vetoed by Democratic Governor. Number two, I represent a district that is dominated by dual districts. Since I came down to Springfield I've tried, Mr. Speaker, Members of the House, in voting, to be fiscally responsible and to be rational in the approach that I take on bills. I will admit that my judgement has been differed with by the majority of this House on occasion. I hope someday that I'll catch up with the majority or visa versa. Now, we cannot, from a fiscal responsible standpoint, favorably consider this bill without avoiding tax relief or increasing taxes. There just isn't the money to give everything that we feel is needed. Number two, with regard to rationality, if unit districts are no longer to be encouraged, then the rational approach is to end.. to eliminate the incentive and to reduce the qualifying



rate of unit districts to duel districts. I think this is a bad bill. I think it's a irresponsible bill and that one. it should be defeated."

A. Telcser: "Record Representative J. J. Wolf as voting 'present'. Gentleman from DuPage, Representative Gene Hoffman."

G. Hoffman: "Mr. Speaker, Ladies and Gentlemen of the House, during the next two or three or four weeks the School Problems Commission is going to be looking at the entire problem of funding education for the next year. I suggested an amendment to this bill in the Education Committee ah.. which was rejected. This amendment or some similar amendment ah.. is a longer range and more reasonable financing approach to this problem. Now, regardless of what anyone says, there's only so many dollars. If I take a look at the bills that have been put into reduce state revenue against those bills which have been put in to increase state expenditures, I would guess that we have probably passed each other going in opposite directions already. The total school formula has to be considered in its entirety. We can't take it piecemeal. And, as we have in the past, we will be looking at the duel district situation. Therefore, Mr. Speaker, I would like to be recorded as voting 'present' at this time."

A. Telcser: "Record this gentleman as voting 'present'. The Gentleman from Cook, Representative Lechowicz. "

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GENERAL ASSEMBLY

STATE OF ILLINOIS

HOUSE OF REPRESENTATIVES

Lechowicz: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. I concur with the previous Speaker's comments wholeheartedly. I'd like to also point out the fact that this is \$57,000,000 out of the General Revenue Fund which in turn the single or the unit district schools will not have the availability of gathering some of this money. I'd like to be recorded as present."

A. Telcser: "Record Representative Lechowicz as voting 'present'. The Gentleman from Cook, Representative Maragos."

Maragos: "Mr. Speaker and Members of the House. For the reasons expounded by Representative Lechowicz and Gene Hoffman, I too, vote present."

A. Telcser: "Record Representative Maragos as voting present. Koskinski, present. Kozubowski, present. Caparelli, present. Brandt, present. Lemke, present. Terzich, I'll tell you what. Why don't you come up to the Clerk's desk and record yourself as present cause we're going to waste a gosh awful lot of time. Have all voted who wish? Take the record. Ah.. On this question, 112 'ayes' 15 'nays' an undetermined number voting 'present' and this bill having received the constitutional majority is hereby declared passed. House Bills.. 390."

F. B. Selcke: "House Bill 390. J. J. Wolf. An act to provide for a bonus for Illinois residents who are held as prisoners of war in southeast Asia. Third Reading of the bill."

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

J. J. Wolf: "Well, Mr. Speaker and Members of the House. I'm



very happy to present this bill along with 49 co-sponsors. House Bill 390 is a bill that provides a payment to our Illinois prisoners of war at a rate of \$50 per month for each month spent in a southeastern Asia prison camp. We can never fully repay these men for what they've endured, but, it is a small token of appreciation from the State of Illinois to our returning Illinois prisoners of war. I was hoping that this bill could have been called up for a vote yesterday to mark the homecoming of Chief Warrant Officer Ziegler from Springfield, but nonetheless I solicit your affirmative vote today. Now, according to the Illinois Veteran's Commission, there is a possibility that a maximum of 92 Illinois residents might qualify ah.. for this bonus. This figure includes 60 Illinois veterans missing in action and in all probability ah.. probably few if any of these 60 MIA's will be found in Veitnamese Prison Camps. But, I would hope that they all return and will all be able to get this particular bonus. This bill was passed by the Veteran Affairs Committee with a unanimous vote and I would solicit the same on the floor."

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

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

A. Telcser: "He indicates he will."

Ewell: "Ah.. Representative Wolf. While these men were prisoners of war, did they receive a salary?"

Wolf: "Yes, they did."

Ewell: "While they were prisoners of war, did they receive



ingrate promotions?"

Wolf: "I couldn't tell you if they did. I would assume possibly, in some cases."

Ewell: "All right. And ah.. while they were prisoners of war, did they receive interest on the bonds that were due, owing and accrued to them?"

Wolf: "Ah.. I wouldn't know. If it is.. it's from the Federal Government and this bill deals with a bonus from the State of Illinois."

Ewell: "I.. ah.. understand that. Is this bill based upon any form of need..?"

Wolf: "It's based on the premise of being deserved, I believe."

Ewell: "You're saying that this is deserved. It's not a needed thing, is that correct? Is there any provision in your bill for the men who have been wounded, who have been mamed and who have perhaps been ah.. limbless.. armless or in any other way, mutilated from the war?"

Wolf: "Not in this particular bill, but if you want to introduce one, I'd be delighted to be a co-sponsor, Representative Ewell."

Ewell: "Mr. Speaker... very briefly to the bill. I would not cast a 'no' vote against this type of bill. However, I should like to point out that you are not talking about people in need. You're not talking about something that comes as a matter of justice or because the necessity of the matter would require it. I suggest that we are, in deed, generous to people who have adequate bonuses, adequate



onies, and adequate financial aids coming to them. I would suggest that this body would be better off if we could somehow or another turn our attention to the wounded veteran. To those who are lying in hospitals without arms, without legs, without sight, and without hope for the future. I would suggest that these are the men whom this body ought to dedicate its attention to. I'm suggesting that we are misplaced in our priorities because there's not a single man that can say that this is based on need. There is no need for this and I suggest that our priorities would be better suited if we would take another bill and pay attention to those veterans who has truly given, not only of their time but of themselves and who have left in deed a part of themselves in southeast Asia for our country. I suggest that that's where our attention ought to turn and not to the POW simply because they have been prisoners of war. And I should like to be recorded as voting 'present'."

A) ~~Yelczer~~: "Gentleman from Madison, Representative Kennedy."

~~Kennedy~~: "Mr. Speaker, I wonder if the sponsor would yield to a question?"

A) ~~Yelczer~~: "He indicates he will."

~~Kennedy~~: "Yes, ah.. there's an active POW Chapter in my county. And they have contacted me while they are requesting considerable consideration of your bill, they want to know if you plan to amend this to take care of the POWs from World War II in the State of Illinois? Do you



follow me? Did you hear me?"

Wolf: "I didn't hear you."

Kennedy: "I say there is an active Chapter of POW's of World War II in the City of Alton who have contacted me and expressed favorable consideration of your bill as long as they receive the same consideration for the time they spent in prison whether it be Germany, or Africa or wherever it was. I wonder if you've been contacted in that matter too."

Wolf: "I haven't heard anything from them at all. I have received no mail."

Kennedy: "Well, Mr. Speaker. If I may say briefly, I intend to support the bill but I wish the sponsor, I assume it will pass but when it gets to the Senate, would amend it to take care of the prisoners of war in the State of Illinois who were unfortunate POW's of World War II also."

A. Telcser: "Gentleman from Cook, Representative R. Hoffman."

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

It is indeed a sad day when someone rises on this House floor to question or to plant the question that we are not fully concerned with all those who have served and who have given so much in defense of our country. I think this is a good bill. In fact, in considering the aspects of this bill I think we are still not doing all that we could in their behalf. I think these men who have given all and who have spent their time in incarceration in a foreign land in our behalf. I think this is a small amount of



appreciation that we can give to them. Something that the State of Illinois, regardless of what the Federal Government does, for what the State of Illinois will do for them to show our appreciation. And I would say to Representative Wolf, instead of having as many co-sponsors as he has on here, there should be none less than 177 Members on this bill when it leaves the House and I support this proposition."

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

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

I certainly subscribe to the last speaker's comments but I would like to ask the sponsor a question, if he'd yield."

A. Telcser: "He indicates he will."

Calvo: "It's kind of hard to hear, but I don't believe anybody asked. I don't see a fiscal note or a companion appropriation bill, Jake. What will this cost, do you know."

Wolf: "Ah.. in answer to your question, there is a fiscal note filed in the Clerk's Office and the appropriation bill which passed yesterday with a vote of 24 to nothing out of the Appropriation Committee, there's an appropriation of \$250,000 but as I pointed out in these 92, there are 60 missing in action and I doubt whether very many of those are going to be found, unfortunately. I wish they would be and so I assume that there would probably be a considerable lapse back in the General Revenue Fund."

Calvo: "Fine, thank you."

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



Mann: "Ah.. Mr. Speaker and Members of the House. I certainly intend to support this legislation. I would like to point out, however, that there are people who served in Southeast Asia who lost their arms and their limbs and their sight and I would certainly hope that we think about them, too. Ah.. we have witnessed a giant propaganda effort in this country to justify the peace with honor that we have witnessed, all on the basis of ah.. the prisoners of war. And I want to point out once more that I respect the prisoners of war, but they didn't volunteer for that duty,, they were captured. And I would hope that while we praise them we also remember about the shut-ins and about the people who will never come back whose families will get the proceeds of a lousy \$10,000 insurance policy. And, Mr. Speaker, I urge the Members of the House to support this bill."

A. Telcser: "Gentleman from Macon, Representative Borchers."
 Borchers: "Ah.. Mr. Speaker and Members of the House. In relation to Europe, there are some here I'm sure that have been in the liberation of a German prison camp. The average prisoners that we liberated had been in there less than a year. And this particular VietNam situation, some six, seven, eight years.. the conditions are entirely different. Ah.. the prison camps that I saw, they was open spaces there was.. they were crowded. The food was not particular adequate but to a reasonable degree it was adequate. Ah.. due to the shortage of food in Germany itself. The situation



in Viet Nam is entirely different along the food line, the medical line. The Asiatic area, I cannot speak for, I didn't serve there. The Japanese prison camps, I believe, were very, very bad. I'm not sure, do not know they're equal to the Viet Nam, but I.. but the length of time was not as long as Viet Nam. I think there are definitely differences between the World War II prisoner and Viet Nam prisoner and what happened to him. I think there's a world of difference. Now,, I heard of no torturing of prisoners by Germans. Ah.. scare them to death, yes, but we scared the Germans to death too, if we could. The Japanese perhaps differently. I won't speak because I don't know, but I think there's definitely a difference and I think we should take that into consideration and vote for this bill and not think about World War II and what some of them may demand. I'm not interested in giving World War II any additional ah.. monies as a result of being a prisoner. I think we've.. ourselves we've had enough."

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

DiPrima: "Ah.. Mr. Speaker, Ladies and Gentlemen of the House, this piece of legislation has the wholehearted approval of the American Legion, the Veterans of Foreign Wars, the AmVets and the Disabled American Veterans. Now, I don't know what all this quibbling is about. This only affects a handfull of people from the State of Illinois. I think we ought to get this bill, pass it out unanimously and go on with business of the House."



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

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

A. Telcser: "Gentleman has moved the previous question. All those in favor signify by saying 'aye', the opposed 'no'. The gentleman's motion prevails and the Gentleman from Cook, Representative J. J. Wolf, to close."

J. J. Wolf: "Well, Mr. Speaker and Members of the House, in closing I would just like to say the remarks of one of the gentlemen who spoke, it seemed to be on the assumption that none of these returning PW's were ever wounded. And this is.. this is not true. Many of these men were wounded. I would be certainly ah.. agreeable to helping any of our disabled veterans, those who were mutilated, wounded, lost arms and legs, and notwithstanding that disabled veterans do get disability paid from the federal government, I would still be happy to support any measure that would further compensate them. We have to consider also the mental anguish that someone might have undergone in a prisoner of war camp and I'd like to point out one instance of an article I read where a prisoner was forced to kneel in the same spot for 20 days and not even given time to go and relieve himself. I think these gentlemen are entitled to everything we can give them and I solicit your votes."

A. Telcser: "Question is shall House Bill 390 pass. All those in favor signify by voting 'aye' the opposed by voting 'no'. Gentleman from Cook, Representative Yourell."

Yourell: "Thank you Mr. Speaker, Ladies and Gentlemen, those



of you who are concerned about the disabled veterans ah.. not only in Viet Nam, but those that suffer disabling disabilities because they served at Fort Leonard Wood or any other ah.. service oriented station either here or abroad should not be concerned and should be voting for this bill because this afternoon in Higher Education I have a bill that will take care of those who are not prisoners of war, who are not missing in action, but who have been 90 to 100 per cent disabled because of their service oriented ah.. activities. That is in addition to and extension of Representative Wolf's bill and my bill also will include prisoners of war and those missing in action and those individuals in our services who have suffered 90 to 100 per cent disabilities. So, my bill is all-encompassing and, Representative Mann, your ah.. thoughts will be remembered in House Bill 295. I urge everybody to vote 'aye' on this bill."

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

B. B. Wolfe: "Before the previous question, Mr. Speaker, I was going to ask the chief sponsor if he changed his name or if he added me as a co-sponsor and, if it's the latter, I'm delighted to be a co-sponsor of House Bill 390."

A. Telcser: "Record Representative Mugalian as voting 'present' Gentleman from Cook, Representative Terzich."

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

A. Telcser: "We're on the roll call, Representative Terzich, explaining votes. Ah.. your motion is not timely, sir. Have all voted who wish. Take the record. This question



151 'ayes', no 'nays', and 1 answering 'present'. Did you want to vote.. 2 answering 'present'. Record Representative Ewell as voting 'present'. And Houlihan 'present'. 3 answering 'present'. This bill having received the constitutional majority is hereby declared passed. House Bill 411."

F. Selcke: "House Bill 411, Calvo. Bill for An Act to Amend the Illinois Municipal Code. Third Reading of the Bill."

A. Telcser: "Gentleman from Madison, Representative Calvo. Representative Calvo on the Floor. Let's take it out of the record. House Bill 421."

F. Selcke: "House Bill 421, Juckett. Bill for An Act to Amend the Election Code. Third Reading of the Bill."

A. Telcser: "Gentleman from Cook, Representative Juckett. Take that out of the record. House Bill 433."

F. Selcke: "House Bill 433, Huskey. Bill for An Act to establish a penalty of death for murder in certain cases to provide procedures for determination of when it is to be imposed. Third Reading of the Bill."

A. Telcser: "Gentleman from Cook, Representative Huskey. Who is going to handle this, Representative Palmer? Gentleman from Cook, Representative Palmer."

Palmer: "Mr. Speaker, and Ladies and Gentlemen of the House, House Bill 433, as amended, is a product of the joint sponsorship of Mr. Huskey, my colleague, and myself. This is an effort on the part of ourselves and Judiciary II Committee to meet some of the constitutional objections in



the recent Ferman decision. This bill establishes mandatory death penalties. Where is a conviction of murder and if the tryer of facts makes specific findings of fact beyond a reasonable doubt that the death was a result of a premeditated design or that a forceable felony was involved, for instance arson, rape, robbery, burglary, kidnapping, air craft piracy and the unlawful throwing, placing and discharging of a bomb or other destructive device. Or if there is a peace officer involved, or a fireman, or an employee of the Department of Corrections. If such a special finding of fact is made by the tryer of facts, whether judge or jury, then there is no alternative but that a sentence of death be set forth and carried out. The bill as it now exists is a product of the special subcommittee of Judiciary II that conformed some three or four bills to what they believed to be and to meet the constitutional objections in the Ferman decision. Legislatures all over this nation this Spring are considering the mandatory death penalty bills. And this is one of some five bills that will be coming before the House this time. There may be those of you who are for many or any reasons against the death penalty and I certainly would not expect a vote in favor of this bill if that is your philosophical or theological belief, but there are many who do believe in the death penalty and I might remind you that in 1970 the people of this state voted overwhelmingly to retain the penalty. In any event, this is an effort to conform Illinois



law to the constitutional tests set forth in the Ferman decision. There is very little, if any, discretion on the part of the judiciary insofar as the death penalty is concerned if there is a special finding of fact in these particular areas. If there is no special finding of fact by the tryer, then, of course, there can be a conviction of murder in which life imprisonment will ensue. We urge your favorable consideration of this bill."

A. Telcser: "Is there any discussion. Gentleman from Franklin, Representative Hart."

Hart: "Ah.. question of the sponsor."

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

Hart: "Ah.. what kind of instructions or interrogatories ah.. would you indicate ah.. would be tendered to the jury."

Palmer: "I am fairly certain that the specific words that are to be used would be formulated by the Supreme Court, but I would imagine, and I would imagine that they would read something like this, 'Do you specially find that the affect of death was caused by any one of these things that are set out'."

Hart: "Will the jury be instructed that if they so find the death penalty will be mandatory."

Palmer: "I'm certain that that will be the case."

Hart: "Is that incorporated in this bill."

Palmer: "It doesn't.. no, it is not incorporated in this bill. But there is an area, of course, that we get into insofar as the ah.. the Supreme Court is concerned. Their ah..rule



making authority and so forth. Every constitutional safeguard will be provided."

Hart: "Well, you know, that's.. that's ah.. a very meaningful sounding phrase, but I don't know whether or not it's in this bill. Ah.. you're.. in other words what you're saying is that you're going to leave it to the Supreme Court if this bill is enacted into law to promulgate rules of procedure as to the special findings of fact. Is that correct."

Palmer: "At the time, if you'll read the bill, there must be the conviction of murder and these things."

Hart: "Well, I understand that, but my question was are you saying that, if this bill is passed and signed into law by the Governor, that then the Supreme Court will have to come up with special rules of procedure with reference to the ah.. ah.. instructions to the jury and the questions that are tendered. Is that right."

Palmer: "In my judgement, there will be.. there will have to be a uniformity of words that are used on the special findings of fact and the Supreme Court, in its rule making powers, certainly would have that right."

Hart: "Ah.. if the jury, then, ah.. knows that if they make certain findings ah.. the mandatory death sentence will follow and if they don't make certain findings it will not follow. Could.. Could they make a finding of fact that was ah.. against all the weight of the evidence."

Palmer: "If they were to so make a special finding of fact, which was against the manifest weight of evidence presented,



of course, it would be taken up on an appeal. Now, these cases automatically go to the Supreme Court for a review, as they do now."

Hart: "Well, ah.. I'm not sure that the bill provides that that is an appealable issue. Ah.. in other words, I.. the point I'm gettin at ah.. Representative Palmer, is that, as I understand the Ferman decision, it leaves room for discrimination in ah.. in a person's committing the same act. If we're now going to leave room for the jury to make.. to the same discriminations by way of a finding of fact, I think we're back in the same situation. I support the idea that the ah.. death penalty should be restored ah.. if it's ah.. if you could say that it has been abolished, it should be brought back, but I.. I see nothing, really, in this legislation which changes ah.. the situation and does not permit ah.. which eliminates discrimination which could be made by juries. If they decide, in their own deliberations in the jury room, that this is murder, yes, but it isn't the kind of a murder that should be ah.. punished by death and they make a finding of facts that's against the weight of the evidence, we're right back to the point where we were where they can discriminate in the enforcement of the penalty. So, I question whether or not this meets the decision of the ah.. the Ferman problem and ah.., as I've said before, I think there's a whole lot of pitfalls in ah.. in the ah.. trying to overcome the Ferman decision and I'm not sure we're ready ah.. to vote on this matter at this



time. Certainly the membership ah.. probably this is pretty quick action on this bill after it comes out of committee and I wonder if people oughtend to be given a chance to study it a little further."

Palmer: "Well, the ah.. I don't know and ah.. that the.. there was anything in the Ferman decision that told any jury or any tryer of fact that they cannot reach a decision or if they do reach a decision they have to reach it in a certain way. The only thing that I can say, if.. is that if there is not the special finding of fact in these cases, the guys can make.. then sentence to an indeterminate term of not less than 14 years. And you say that this is a ah.. unconstitutional discretion. I don't know how in the world.. I don't think it is, first of all. What Ferman says is that, in my opinion, is that if facts exist and are proven beyond a reasonable doubt, that ah.. that alternatives, the special findings, the alternatives that are set forth in this bill, are found beyond a reasonable doubt, then it is mandatory that the person be sentenced to death. There's no equivication on that. There's no discretion. Now you indicated and talked about a jury discretion and I don't think the Ferman decision went so far as to tell a jury as to what they could or could not decide. If there were circumstances where the jury or the.. there was proof aduced beyond a reasonable doubt, that one of the alternatives were present and that the jury ah.. then came back without the specific finding in this, ah.. I don't know how that we can correct



that and I don't think Ferman says anything about that. I think it said what it had to say was that judicial discretion in these matters had to be minimized or uniformly ah.. held to a certain standard and that's what we've sought to do in this bill. We believe that it will meet the constitutional test."

Hart: "Well, I ah.. I want to say I'm not really ah.. trying to minimize your efforts. I appreciate all the time and effort that's gone into this. But it's my judgement that ah.. either the facts support ah.. what happened or they don't support what happened and ah.. there cannot be, I mean, when all the evidence is in, for instance, you either.. either a specific thing happen.."

Palmer: "Mr. Speaker, just a moment, I can't hear a word that the gentleman is saying or what he's talking about."

A. Telcser: "Proceed, sir."

Hart: " I say it's my judgement that ah.. when all the facts are in on a particular case there can be no question about whether or not ah.. these things happened or didn't happen. And probably ah.. I would at least, personally, prefer a judicial determination rather than a ah.."

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

Stone: "Well, Mr. Speaker, on a point of order, it seems to me that we're having a dialogue here. I'd like to listen to debate, but dialogue, no, and it seems to me this is what we have."



A. Telcser: "Alright, I think your point is very well taken, sir."

Hart: "Ah.. I did not consider it dialogue, I considered it a question and answer. Ah.. I don't intend to break the rules and I'm sorry if Representative Stone ah.. doesn't consider this a matter of sufficient importance that we have some discussion about it. These bills just came out of committee with the amendments on them. I don't know, this week I think. I think it's one of the most important issues before this General Assembly in this session and I would certainly ah.. wonder about anybody that would question a through discussion of the issues. But, ah.. I feel on this bill that the allowance of a jury determination as to whether or not different things happened provides the kind of discrimination which does not meet the Ferman test. I support the restoration of the death penalty. I do not believe this meets the constitutional test. I salute the efforts of the Judiciary II Committee and the subcommittee which tried to work these things out. I think their entitled to all the credit in the world for doing it. I personally don't agree with the results and that's why I'm dis.. having this questions of the sponsor. And ah.. that will be upon the basis of which I determine my vote. Thank you very much."

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

Leinenweber: "Thank you, Mr. Speaker, Members of the House, I rise in support of this bill. I was on the Judiciary Com-



mittee that considered this bill and Representative Hart has raised a key issue which distinguishes the Hyde bill from the.. this bill and ah.. the other bills which came out of the Judiciary Committee and that is the issue whether or not the invocation of the death penalty was a.. the findings upon which the death penalty would be invoked was a part of the hearing.. part of a.. more properly on a hearing of aggravation and mitigation or a part of the crime itself. There was substantial feeling that, by creating a type.. types of offenses upon which the death penalty would fall, that you were, in effect, creating a separate classification entitled, for lack of a better term, capitol murder. It was the decision of the committee, therefore, that the specific findings upon which to base the imposition of the death penalty was properly for the tryer of fact. Now the Hyde bill takes the opposite approach and that is that the imposition of the death penalty is part of sentencing the findings are part of aggravation and mitigation and, therefore, he takes the approach of the separate three judge panel. My own personal opinion is that you're creating with the latter approach a constitutional problem because of the fact that ah.. they.. only a specific type of murder ah.. requires the specific mandatory death penalty. So it was best left to the tryer of fact. The process was explored and the special interrogatories was decided upon as the only way to have the tryer of fact conclude that the charge was properly a capitol murder type of charge. Con-



sequently, the committee bills as they come out of committee, is in the form of Representative Palmer's bills. The question of jury discretion, in my opinion, is avoided, Representative Hart, by virtue of the fact, and I feel this is very important that the jury would not be told and could not be told and if they were told it would be it would make the.. the writing would make the bill unconstitutional because then they would be faced with the discretionary question of whether or not to find the individual guilty of capitol murder or just plain murder. Consequently, their decision would be based, technically, solely on the evidence which the results would naturally follow. Therefore, I feel that this bill is the proper approach to meet the constitutional requirements of the Furman case."

A. Telcser: "The gentleman from Cook, Representative Berman."

Berman: "Thank you Mr. Speaker, I rise in opposition to this bill. I think that there is, regardless of whether you agree or disagree with the question of whether there should be a death penalty in the State of Illinois, I think that this approach to this question ah.. carries with it certain inherent defects that may result in people that should be incarcerated winding up on the streets and, in particular, I would call the House's attention to the first element that is to be found, Subsection B-1, which it requires a finding of.. by the tryer of fact, by the jury, that the murder was preme.. was perpetrated pursuant to a premeditated design. Now, I would submit to you that you may have a murderer who



commits a murder and the jury, for whatever reason there is, may find him guilty of murder and find that he.. that the act was not premeditated. And I believe that that would be an inconsistency because one of the elements of murder is premeditation. And, in fact, what you're going to wind up doing by the passage of this bill is allowing a man who should be incarcerated, that should remain at the very minimum in jail for a very, very lengthy period of time, if not his whole life, ah.. winding up on the streets because of an inconsistency in the verdict that he was found guilty of murder, but the jury found that it was not premeditated. And I think that this is a fault in this bill that really works against the idea of either capitol punishment or consistency in verdicts and I would urge a no vote."

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

Duff: "Mr. Chairman, I feel ah.. obviously there are five capitol punishment bills that are going to come before this House. This is the first one to be heard. I think that some of the points that have been raised are very good ones. I think Representative Berman's point is a very good one, but I think it's ah.. because this is such a very serious subject and because it's going to be very difficult for this House ah.. to be totally judicious on such a complicated problem, that perhaps warrants some expressions on the two different aspects of the bill. On the one, you have the specific enumerated crimes which the sponsor has chosen to put on and the method by which he has suggested determining



that they are clients. On the other hand, you have the effort to meet the procedural and constitutional problems posed by the Furman decision. Now, the goal of the subcommittee and the committee which ah.. tried to assist all of the sponsors in finding it was.. primarily find out what would be in their best judgement a constitutional capital punishment bill, if indeed there is such a thing. under the recent decision. The committee amendments to all five bills are exactly the same with the exception of the specific additional elements the sponsors wanted punished by death. The Supreme Court in the Furman decision left some room open for the reimposition of the death penalty. But, since the 5 to 4 decision had nine separate opinions. It is hard to make a definite prediction as to what they will except. The clearest option they left open was for the mandatory imposition of the death penalty upon conviction. They did not appear to leave much, if any room, for the use of standards to guide the judge or jury. In any case, the standards would have to allow no descretion or discrimination as many of the proposal have. At least three State Supreme Courts responding to the Furman decision have held that the U. S. Supreme Court case required a mandatory death sentence. Those states were Ohio, North Carolina and Delaware. Thus, all the categories listed and all the bills would require death upon conviction for the specific crime. Now, the trial by jury aspect is perhaps the most complicated. If the



state is going to impose the death penalty for a certain type of murder, for example pursuant to agreement for pecuniary gain, the determination has to be made by the jury and not the judge. The additional feature of an additional element of an offense without which the greater penalty, that is death, that cannot be imposed. If the jury where a jury trial is not waived would not make this determination, a challenge to the statute could be made based on the grounds of a denial of trial by jury. It would be analogous to having a jury make a determination that a killing occurred leaving it to the judge to decide whether it was murder or manslaughter. Thus, the committee amendment has the jury making special findings of one of the additional alternative elements listed along with making the determination as to whether there was a murder committed. The jury can bring in a murder conviction without making a special finding, but this is not really discretion as to the sentence, but simply a factual finding on a narrow issue. Without the special finding there can only be imprisonment. With the special finding there must be a sentence of death. The system suggested here is similar to the one we have heard would be presented to Congress by President Nixon, but it is not identical. Under the equal protection problem the amendment seeks to anticipate some of the other constitutional charges. It has been said by the ACLU and others that there still would be a prosecutorial discretion as to when to seek the death penalty. Either by



prosecuting for a separate capital offense or requesting a special finding. There is burgeoning case law in this area already. The amendment requires the submission to the jury of the entire list of additional alternative elements. So that it will be true in all cases and eliminate what the Furman decision called 'freakish dispositions'. There is an.. if there is any evidence of a murder being committed in a way described by one of the additional elements the prosecutor will have a hard time withholding it and will have no choice as to whether the jury makes this factual determination as they are required to make the special findings under this bill. The Illinois Appellate Court case on this subject was ordered.. argued by Senator John Knuppel. It is People vs. McCollough, not yet argued before the Illinois Supreme Court. It held that the statute defining the felony of involuntary manslaughter violated the equal protection clause of the Illinois Constitution by providing for an entirely duplicative misdemeanor of reckless homicide. This is one of the kinds of problems that has been eliminated in this bill. Now, while it is.. I could go further to express the constitutional aspects. I think that it is important to know if the Representative Berman's comment on the constitutionality and the vagueness of terms and a couple of these specific offenses listed does probably ah.. injure the bill, but this was not a part of the bill to which the subcommittee attended. Thank you."

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



Rayson: "Well, Mr. Speaker and Members of the House, I certainly rise to oppose this particular bill. It's been said before we have many capital punishment bills before this body and I consider this perhaps the worst of the four. Not that any of them are especially good, because I think when we want to painstakingly to research a decision and look for straws in the wind in order to hang somebody without addressing himself to many of the forms of discriminations that the court also alluded to, we chasing our windmills. And I suggest that if there's any plausible case for capital punishment it should lie in federal legislation as to federal crimes. Now, why is this bill so particular bad. First, by having this special finding for alternative elements, it suggests we have a two-tier type of panelling. One.. maybe on the one hand you can get off on the minimum of 14 years, but if you have these special alternative findings you automatically get the chair. It makes the judge a hanging judge. It even violates the spirit of the Ferman case where some of those justices in their sort of wistful way suggested ah.. mandatory penalties without discretion, without selectivity, may be constitutional, that particular finding of some of the justices meant you either find him and put him to the chair or you acquit him. This is the two-tier approach. We give 'em the chair or we give 'em 14 years. So, I suggest that this doesn't even comply with some of the language of the Furman case concerning a mandatory sentence for a special crime. And



no matter what we say, the Furman case stands for the proposition that the death penalty is cruel and unusual punishment under the 8th and 14th Amendments. And the court even went so far as to reverse over a 100 murder convictions. And, in large parts, did their duty on the subject, but I guess they didn't have guts enough to go all the way. So, because they haven't gone all the way, why should we in some sort of clinical fashion try to shape up something which would be, at its best, very dubiously constitutional. And, I say we should vote this bill down. I know some of the other bills ah.. have grappled with the problem more painstakingly and ah.. more juridically and ah.. but this bill, no matter how you slice it, has unconstitutionality written all over it. I urge the defeat of this bill."

A. Telcser: "Gentleman from Peoria, Representative Day."

Day: "Will the sponsor yield for a question."

A. Telcser: "He indicates he will."

Day: "Well, may.. I note that there is only one offense or crime indicated in the list here requiring the mandatory death sentence that requires premeditation. That's the first one. Is that correct."

Palmer: "That is in the bill, yes."

Day: "Now, as I understand it, what we would be doing then would be to mandate the death sentence if the death occurred as a result of negligence while the attempt was being made to perpetrate one of these crimes listed. Is that correct."



Palmer: "Well, Representative Day, I can't hear you. I'll be honest with you and ah.. there.. this is an extremely important bill. I don't understand what your question is."

Day: "Well, my question is is it true that under this bill when the culprit is attempting.. in the act of attempting to commit one of the crimes listed in Items 2, 3 and 4 and a murder results as a result of his negligence this bill would require a mandatory death sentence in that case."

Palmer: "Negligence would be something less than murder if it was committed in that direction. And, if you'll look at line 19, 'where a person is convicted of murder, and then these additional elements are present, then there has to be mandatory.. the imposition of a mandatory death sentence."

Day: "But there does not have to be.. necessarily have to be a finding of premeditation."

Palmer: "In murder there has to be premeditation and I'll call your attention to the law as it now stands. He either intends to kill, and that's found on line 19 of the amendment and that's presently law. That's premeditation. You've got to find that."

Day: "Mr. Speaker and Ladies and Gentlemen of the House, a reading of this bill clearly indicates that there is only one of the offenses listed here which requires premeditation. The other offenses that are listed say that the mandatory death sentence must be given if the murder was committed while an attempt was being made to commit one of the other crimes that are listed. Now, traditionally in Illinois and



I think throughout the United States people have felt, when they have felt that the death sentence was proper sanction for an offense they have limited it to cases where there was premeditated murder. And I think that we should proceed here on the basis of having the punishment fit the crime. And I don't think that we should mandate the death sentence in a case, for example, where there has been a successful burglary and the victim is escaping and negligently runs over someone, I don't think that is a case where the people of this state expect a mandatory death sentence. I think it should be limited to cases of premeditated murder if we're going to have it at all."

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

Getty: "Will the sponsor yield."

A. Telcser: "He indicates he will."

Getty: "Ah.. Representative Palmer, ah.. regarding the concept of promeditated which appears vnder Number 1 in line 23, is not this the historical item that was necessary in common law and carried on through the statutes in one way or another ah.. which was required to find murder as opposed to the other degrees of manslaughter."

Palmer: "Manslaughter, yeh."

Getty: "So, in effect, Representative Palmer, what we are doing, are we not, is merely to put the concept of premeditated ah.. and make a special finding that it was premeditated and then we are back, as it were, in the same position that we were prior to the Furman case in the State of Illinois



or is that what we're trying to do. Is that right."

Palmer: "The.. the ah.. if you'll look at the present law he either intends, and you'll find that on line 10, 'he either intends to kill'. Intention to kill includes the mental factor of some planning, some scheme. One has to do with a cold-blooded murder and if we say that, if the jury so finds that this is true, the man will be put to death. This, I believe, is perhaps the.. and is the class.. I'll say it is a classical situation, common law situation, but there is no escape. If Furman means anything it is a clear message to the states that there shall be a uniformity of sentences for equal or like offenses and these kind of things. That's my belief of it. "

Getty: "Well, Representative Palmer, if I understand it correctly then wherever intent to kill is proven that is murder. This was the traditional premeditated concept. What we are apt to do today is to, in effect, legislate that every time the jury finds that there was premeditation which you have suggested to us and I'm in agreement is the concept which makes it murder. We are now, today, asked to vote that every time there's a conviction for murder it will be with the death penalty. I can't see any other answer."

Palmer: "You perhaps are right on that, but I don't see that this is any great objection to the bill. If you feel that it is, Mr. Getty, you sat on that committee. Mr. Day was the vice-chairman of that committee, and we discussed it in committee. Nothing was brought up at that time. You



feel that that was a constitutional objection or will not meet the constitutional test set forth in Furman I'll be glad to bring it back and discuss it with you. What we are attempting to do is to meet constitutional tests in Furman."

Getty: "Well, Mr. Palmer, I think it necessary here to say ah. in defense of the committee and the subcommittee of which I was a member that that committee and subcommittee sought to address itself to the constitutionality of the bill without going into the specific areas which the various sponsors of the five bills which are before this House sought to have as mandatory for the death penalty. Now, that was made very clear at the committee meeting and it was part of Representative Gibb's report from the subcommittee. Ah.. we did not address ourselves to any of these subcategories."

Palmer: "Well I.. may I.. I don't want to keep this thing going, but I would have assumed that the, and I was not a member of that subcommittee, but the object was to overcome the constitutional infirmities that Furman suggested in the states in which the decision got up to them for decision. And ah.. that.. I would have hoped that ah.. the committee did do that, the subcommittee did do that. I don't see anything wrong with a man, if you want to say that you.. if you will agree with me that this fits the classification of cold-blooded murder, I don't see any great problem with it, but if you want to talk about it I'll be glad to bring it



back."

Getty: "Well, I think Representative Palmer's suggestion of bringing it back from Third to Second Reading is well taken. I, for one, would be unable to support this bill today and I would urge the members of the House to vote against it if it does stay on Third Reading. I do not oppose the death penalty per se. I want to make that very clear before this House. However, I do find specific fault with ah.. Number 1 which makes any premeditated murder ah.. punishable by the death penalty as being nothing more than that which we have traditionally had under common law and under the law of the State of Illinois."

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

Mann: "Would the sponsor yield for a question."

A. Telcser: "He indicates he will."

Mann: "Ah.. Romie, do you intend to bring this thing back.

If you do there's no sense spending any more time on it."

Palmer: "Well, I would agree with that. There's no use of grinding up the time of the House, the members here. I will bring it back after I make one statement that this thing did come up before Judiciary II in a form different than what you find in the amendment. It is a modification of the Florida law that was enacted some time recently in which many states of the union are doing now.. are taking off on that, I assume, that the committee then, certainly the subcommittee, then did study these aspects. I would further have assumed, and do assume, or would have assumed that the



committee, subcommittee, did make.. pay special attention to these things. Now, if ah.. I'll be very happy to bring it back based on these statements."

A. Telcser: "Okay, the gentleman has asked me to take this out of the record. Are there any objections. Hearing none we'll take it out of the record. Representative Campbell, for what purpose do you rise, sir."

Campbell: "Ah.. Mr. Speaker and Ladies and Gentlemen of the House, a little bit on the brighter side. We have a group of student nurses from Lake Buell Hospital in Danville in the upper right rear of the gallery and ah.. these are from the district of Representative Cox and Representative Craig and myself. And I'd like for them to stand."

A. Telcser: "Senate Bills Second Reading. Senate Bill 39."

F. Selcke: "Senate Bill 39."

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

Davis: "Ah.. on the point of personal privilege. You know.."

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

Davis: "This House is a cosmopolitan group. Some of us are preachers, teachers and farmers and whatnot. A great number of us are not lawyers. And while I enjoy all of this constitutional talk about the death penalty and all that sort of thing, I wish these gentlemen, for the benefit of us who are not lawyers in here, when they bring this bill back and bring it up again, I wish they would discuss whether or not the death penalty is a deterrent to crime."



This is what I'm interested in. Whether or not they believe this is a deterrent to crime. And this is the only reason I would be induced to vote for it if they think it's going to stop crime and we people in here who are not lawyers would like to know if you have any figures to show us when you bring it back."

- A. Telcser: "Senate Bills Second Reading. Senate Bill 39."
- F. Selcke: "Senate Bill 39. An Act to implement the Constitution of 1970 in relation to the Office of the President of the Senate by amending certain acts therein named. Second Reading of the Bill. No committee amendments."
- A. Telcser: "Amendments from the Floor, Third Reading. Senate Bill 40."
- F. Selcke: "Having a hard time. Senate Bill 40. An Act to authorize attendance at the National Legislative Conference for Legislative Leaders. Second Reading of the Bill. No Committee Amendments."
- A. Telcser: "Are there amendments from the Floor? Third Reading. Senate Bill 41."
- F. Selcke: "Senate Bill 41. An Act to amend Section 2 of the Space Needs Act. Second Reading of the Bill. No Committee Amendments."
- A. Telcser: "Are there amendments from the Floor? Third Reading. Senate Bill 42."
- F. Selcke: "Senate Bill 42. An Act to amend Section 4 of an Act relating to operation of the General Assembly. Second Reading of the Bill. No committee amendments."



- A. Telcser: "Are there Amendments from the Floor. Third Reading. Senate Bill 43."
- F. Selcke: "Senate Bill 43. An Act to repeal an Act creating a Senate Chamber Maintenance Commission. Second Reading of the Bill. No Committee Amendments."
- A. Telcser: "Are there Amendments from the Floor? Third Reading. Senate Bill 44."
- F. Selcke: "Senate Bill 44. An Act in relation to State finance. Second Reading of the Bill. No Committee Amendments."
- A. Telcser: "Are there Amendments from the Floor? Third Reading. Senate Bill 45."
- F. Selcke: "Senate Bill 45. An Act to amend Sections 1, 2 and 3 of an Act relating to operations of General Assembly. Second Reading of the Bill. One Committee Amendment. Amend Senate Bill 45....."
- A. Telcser: "Gentleman from Lake, Representative Murphv."
- Murphy: "Mr. Speaker, this amendment is merely striking the reference to a temporary speaker, which we do not have anymore under our rules. I move the adoption of the amendment, please."
- A. Telcser: "Gentleman has offered to move the adoption of Amendment 1 to Senate 45. All in favor, signify by saying 'aye', the opposed 'no' and the Amendment is adopted. Are there further amendments? Third Reading. Senate Bill 46."



- F. Selcke: "Senate Bill 46. An to amend Section 1 of a Act to provide for, and fix compensation of the General Assembly. Second Reading of the Bill. No Committee Amendments."
- A. Telcser: "Are there further amendments? Third Reading. Consent Calendar Third Reading, Third Day."
- F. Selcke: "House Bill 283. An Act to amend Section 1 of an Act to designate certain areas of State Parks and Memorials, Parkways. Third Reading of the Bill."
- A. Telcser: "Question is, shall House Bill 283 pass? All those in favor, signify by voting 'aye', the opposed by voting 'no'. Have all voted who wished? Take the record. Getty 'aye'. Berman 'aye'. Lemke 'aye'. Terzich 'aye'. Take the record. This question, 121 'ayes', no 'nays', and this Bill, having received a constitutional majority, is hereby declared passed. B. B. Wolfe 'aye'. Barnes 'aye'. Jim Houlihan 'aye'. Brinkmeier 'aye'. Davis 'aye'. Herlo 'aye'. Mann 'aye'. Giglio 'aye'. Bob Dunne 'aye'. Huskey 'aye'. Caldwell 'aye'. Hunsicker 'aye'. O'kay, Motions. On the order of Motions appears House Bills 45 and 46, for which purpose the gentleman from Cook, Representative Caldwell is recognized."
- Caldwell: "Thank you, Mr. Speaker. Ah... House Bills 45 and 46 were scheduled to be heard in the Public Utility Committee last Thursday. Ah... it was sup.... we heard that they attempted to hear them, but because of the debate on the CTA Bill, the Committee did not meet officially. The



Chairman was very considerate and courteous but due to the lateness of the hour, we heard one witness on Tuesday when he had gotten special permission last Thursday to have the Bill heard one-half hour after we adjourned. Obviously, some of the witnesses having been here all day had to leave and part of the Committee heard one witness. The Bill then was rescheduled to be heard by the Chairman with permission of the House, and at the time of the scheduled hearing, the Democrats had a caucus, and as a result, this Bill has never been heard. The majority leader, upon finding out what had happened, had suggested that I file a motion and this is the result of the present action. I would appreciate a favorable vote on the matter, Mr. Chairman, and would like to have the Bill voted at this time."

A. Telcser: "Is there any discussion? Gentleman has moved that House Bills 45 and 46 be discharged from Committee. All those in favor, signify by voting 'aye', the opposed by voting 'no'. It will take 89 affirmative votes. Have all voted who wished? Take the record. This question, there are 80 'ayes'. Who sought recognition, Representative Caldwell? Representative Caldwell, for what purpose do you rise, Sir."

Caldwell: "Mr. Speaker, in order for the entire membership to understand the dilemma, which brought about this request, ah.... I explained that Mr. Schoeberlein, the Chairman of the Committee, ah... had been unable to have



a full Committee at anytime to hear these particular bills. Ah.... the Majority Leader, Mr. Walsh, upon hearing what has happened, has suggested that I file this motion in order for the Bills to have a fair hearing. The forty-five days were up and we had no other course and ah.... I would hope that we now get the necessary 89 votes to have these Bills heard."

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

Schoeberlein: "Ah.... Mr. Speaker and Ladies and Gentlemen of the House. The sponsor of these two bills is correct. They were in a caucus. The caucus lasted longer than a half hour as they expected to take time. We sat there for an hour, an hour and fifteen minutes and then the Bills had died and I believe they should be revived at this time and that they be given the necessary 89 votes."

A. Telcser: "To be on the safe side, ah.... it appears to me that the motion which is filed on the calendar may be an improper motion in view of the fact that the forty-five days is past. So if we can given them 107 votes, we can take it from the table, because under the rules, the forty-five days is expired and they are tabled, so that would take 107 votes. Let's take another roll call. The question is, shall House Bills 45 and 46 be taken from the table and put on the calendar. All those in favor, signify by voting 'aye', the opposed by voting 'no'. It will take 107 votes. Gentleman from Cook, Representative B. B. Wolfe."



- B. B. Wolfe: "Would the motion also require a specific length of time for extension. Now we're taking it from the Table, the forty-five days have expired, so should the motion say 'and extend the time to fifteen days or thirty days, whatever it is', so that we know that it can't be tabled again on the forty-five day rule?"
- A. Telcser: "I think your point is well taken, Representative Wolfe. Gentleman from Cook, Representative Washington." Washington: "Mr. Speaker, will you run the tally board, please?"
- A. Telcser: "For the record, Representative Caldwell, take from the Table and ah... extend your time fifteen days, is that satisfactory? Have all voted who wished? Take the record. On this question, there are 127 'ayes', no 'nays', and the gentleman's motion to take House Bills 45 and 46 from the Table and place them on the Calendar for an extra fifteen days prevails. Is that all right? Representative Tipsword, for what purpose do you rise, Sir?"
- Tipsword: "Mr. Speaker, if this under the right order of business, ah... being the chief sponsor of House Bill 711, I would like to move that we ah... Representative Brian Duff be added as a co-sponsor of that Bill if it could be so journalized and would request unanimous consent therefor? House Bill 711, Representative Brian Duff."
- A. Telcser: "If there will be no objections, it will be journalized. Representative J. J. Wolf, for what purpose



do you rise?"

J. J. Wolf: "On a point of parliamentary inquiry, Mr. Speaker."

A. Telcser: "State your point."

J. J. Wolfe: "I just voted for Representative Caldwell's Bills a few minutes ago on a motion to take from the Table. Now, my question is, if it is taken from the Table, does it now appear on the Calendar on the Order of Second Reading or...?"

A. Telcser: "No, it's still in the Committee."

J. J. Wolfe: "Not if we take from the Table, do we? When a Bill is taken from the Table, does it not go on the Calendar? That's my question. I know what our purpose was to give the Bill a hearing in Committee. I'm not too sure that's what we did."

A. Telcser: "It's the Chair's understanding, Representative Caldwell, that when we took your Bill from the Table, we recommitted it back to the Committee for the extra 15 days. Is that correct, Sir?"

Caldwell: "Yes."

A. Telcser: "Well, so the record will show that we have taken House Bills 45 and 46 from the Table and recommitted them to the appropriate committee for an extra 15 days. Agreed Resolutions. Representative Douglas, for what purpose do you rise, Sir?"

Douglas: "On the order of motions, Mr. Speaker. I was trying to get your attention. I would like to asked leave of the House to Table House 322."



A. Telcser: "Are there objections? Hearing none, House Bill 322 will be tabled. Representative Tipsword, for what purpose do you rise, Sir?"

Tipsword: "Mr. Speaker, again ah... on the same House Bill, House Bill 711, that I mentioned previously, ah... I've had an additional request that Representative Ralph Dunn might be added as a co-sponsor of that Bill."

A. Telcser: "Are there any objections? Hearing none, Representative Dunn will be entered as the co-sponsor. Representative Fleck, for what purpose do you rise, Sir?"

Fleck: "Well, Mr. Speaker, I would like to request leave of the House to extend the reporting date of the Spanish Speaking People Study Commission to May 15."

A. Telcser: "Are there any objections? Hearing none, the time will be extended to May 15. Agreed Resolutions."

F. Selcke: "House Resolution 144...."

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

Rayson: "Well, Mr. Speaker, I arise to appoint a personal privilege."

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

Rayson: "Ah.... Today I was going to introduce a Constitutional Amendment resolution to put a proposition before the voters in the 1974 election. The proposition, whether or not there should be state funding of public schools and furthermore, the proposition whether we should go to a graduated income tax and have full implemented tax reform and the



abatement of the real estate property tax, insofar as the financing of the public schools. Yesterday, we had a decision from the Supreme Court, bearing no decision on an 8 to 4 decision, which if anything would make a justice feel his grandfather's happy in his grave, because it suggests that this is a political circuit and we can't wander therein, even though we all know there's discrimination, gross discrimination in using the real estate property tax for this purpose. So in...."

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

Juckett: "Well, Mr. Speaker, he has risen to a point of personal privilege, and I have not heard any reason for a point of personal privilege."

A. Telcser: "I think your point is well stated, Representative Juckett. What is your point of personal privilege, Representative Rayson?"

Rayson: "My point is, I would have introduced this today. I will not, but I certainly hope that our distinguished speaker, the new Robert Blair, will carry on with what I quoted him saying in the papers, and that is the voluntary proposition to this effect before the voters in 1974. Thank you."

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

Walters: "Thank you, Mr. Speakers. A point of personal privilege."



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

Walters: "I would like to inform the Veteran members of this Body that former Representative Ed Layman, who most of you remember, has sent several postcards to some of the Members, including Representative McAvoy, Springer and myself, and I would like to let you know where he is. He is down at Real Foot Lake in Tennessee fishing, which makes him extremely happy, and he said in his postcard 'I enjoy this life much better than being bothered by you and Hirschfeld. Please tell John, Best regards, Ed Laymen'. He will be up here to have a fish fry, I hope, but he said that ah... the only way he'd be up for a fish fry is if we all vote no on ERA. Thank you, very much."

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

Stone: "Mr. Speaker, I would like unanimous consent to have Representatives Hirschfeld, Ralph Dunn, Ebbesen and Beaupre added as co-sponsors of House Bill 647."

A. Telcser: "Are there any objections? Hearing none, it will be so journalized."

F. Selcke: "House Resolution 140. Washburn et al. House Resolution 141. Sharp et al. House Resolution 142. Ralph Dunn et al."

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

W. D. Walsh: "Ah.... Mr. Speaker and Ladies and Gentlemen of the House. I would like to point ah... just before going



into this, that I've heard from Representative Art Simmons. He's in Hawaii, looking at Amendments. Ah.... these are some additional agreed resolutions. The first one by Representatives Washburn, Ryan and Beaupre, congratulating Coach Al Hubert and the St. Anne Cardinals for their remarkable finish in the ah.... Class A tournament at Champaign last week. House Resolution 141, in my opinion, should not be an agreed resolution."

A. Telcser: "Gentleman has.... Are there further resolution?"

W. D. Walsh: "Yes."

A. Telcser: "We'll take 141 out of the record if it's not agreed. Take that out of the record. There is one more.

W. D. Walsh."

W. D. Walsh: "House Resolution 142 by Representative Ralph Dunn, congratulates the Murphysboro Red Devils, and thanks them for the honor and excitement they have given the Murphysboro Township High School 1972-73 basketball season. I move the adoption of the agreed resolutions."

A. Telcser: "Is there any discussion? Gentleman has offered to move the adoption of the agreed resolutions. All those in favor, signify by saying 'aye', the opposed 'no'. The resolutions are adopted. Representative R. D. Cunningham, for what purpose do you rise, Sir?"

R. D. Cunningham: "Mr. Speaker, yesterday we had Resolution 127 and we entered into an agreement with someone that it would be heard today. We were yielding to the Prisoner of War welcoming committee. And all these people in the



balcony, I have reason to believe have come to hear 127 and so we want to be heard if that is possible."

- A. Telcser: "Representative Cunningham, under the provisions of Rule 73, you are proposing to change the rules and that Resolution will be referred to the Rules Committee. However, under that rule, if you wish, you can put a motion to suspend that rule, the provisions of rule 73, which would take 107 votes."
- R. D. Cunningham: "Mr. Speaker and members of the House. At this time, I should like to make a motion that we suspend Rule 73 for immediate consideration on Resolution 127. Those of you who have checked it know that this Resolution deletes subparagraph B of Rule 23. This is the obnoxious, vexatious, nuisance that wastes a great deal of the time under the 45 day rule for a Bill to come out of Committee. It is significant that I have asked each of the learned gentleman, who claimed authorship of the Rules, that we are now laboring under, if he were the author of that rule, the 45-day rule, and I can find none who will admit that they were the author. I spoke to Representative Katz, Representative Wolf and all looked far away and say, 'No, not aye that did so'. We are reminded of the line from President Kennedy, after the Cuban fiasco. He said 'Victory has millions of Fathers, but defeat is an orphan.' In this particular instance, we have shown by experience here in just a few weeks that it is utterly impractical to saddle ourselves with a 45 day rule that is unrealistic.



It handstrings the effective operation of the Legislative process. We need not compound that error by sending this Resolution to its grave in the Rules Committee. We can here and now strike a blow for efficiency and economy in the governmental process. I urge all of you to vote your heart and conscience by giving us a green light on the proposition that we adopt now Resolution 127."

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

W. D. Walsh: "Let me hasten to say, Mr. Speaker and Roscoe that I do not rise to confess to authorship of the 45-day Rule. On the other hand, I think it would be a good idea if your proposal went to the Rules Committee. The Rules Committee is going to meet today, immediately after adjournment, and I'm sure that we can take this matter as well as other matters that have been suggested by the Membership. I do think there is some merit to the 45-day Rule. It does have the affect of moving Bills along and that certainly is good, especially as we're beginning to get bogged down. So I would respectfully asked the Membership to vote 'no' on the Gentleman's motion and I would remind the Speaker that this takes a 107 votes, because he is, in effect, discharging the Rules Committee."

A. Telcser: "That's correct, Sir. The gentleman from Cook, Representative Schlickman."

Schlickman: "Mr. Speaker, if it will satisfy the gentleman, as to paternity, I will admit to having conceived the idea



of the 45-day Rule in 1967 and I appreciate very much its maturity. If he wants to file suit, I can be served personally or by substitution."

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

B. B. Wolfe: "I heard my name mentioned in debate and I'm glad that our colleague, Gene Schlickman clarified the authorship of Rule 23, the 45 day rule. Ah... Roscoe, you've got a point. The rule is a very hard rule, but I think if it was modified to accommodate the Membership of the House on grounds shown for good cause and ah... extend the Rule for that good cause, we'd have a good rule and we'd speed up the business of the House."

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

Katz: "Mr. Speaker, and Ladies and Gentlemen of the House. I'm not sure if the gentleman from Lawrence lost a Bill in Committee that was killed due to the 45-day Rule. I would suggest that it's already had some very excellent effects in terms of moving us all along. Unfortunately, we are like everybody else, and unless some kind of whip is put over us, we tend to procrastinate. I think that the overall affect of the rule, that as the gentleman mentioned, I had nothing to do with coming up with, that the overall affect is a desirable one and I think that the gentleman from Lawrence as he frequently does is sort of pulling their own leg. I think that he really would recognize that it serves a generally useful purpose. It would be ashamed to delete that requirement that will be



an is already moving along much faster than it otherwise would or than it has done if previous sessions. If he thinks there is a specific thing that needs done to the rule, an exception that needs to be engrafted, then I'm sure if he communicates with his Speaker who is the ah.. Rules Committee or his Majority Leader who is on the Rules Committee that they will in fact take it up with the Rules Committee and we will have the effect of improving the rule rather than eliminating it. The elimination would not be in his interest or the legislature's interest or the people's interest and I would oppose the motion."

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

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

A. Telcser: "Gentleman has moved the previous question."

All those in favor signify by saying 'aye', the opposed 'no' the gentleman's motion prevails and Representative Cunningham to close."

Cunningham: "Mr. Speaker. I would say to Representative Schlickman that the Paternity Act is quite clear. His liability is long since barred by the statute and I should point out that I questioned fingered other people and you as being the author of that and those.. the other persons have not come forward. Now, I've counted noses on this matter. And my whips reported to me that we do not have 107 votes. It's like another flame that's waiting action here that doesn't have 107 votes either. So, for that reason, Mr. Speaker, I'm going to withdraw my motion



and I'm going to appear before the Rules Committee this afternoon and fight the battle for all of you. I'm going But, we'll be back early next week to try to push this thing through. Thank you very much."

A. Telcser: "You're welcome. Representative Schneider, for what purpose do you rise?"

Schneider: "Thank you, Mr. Speaker. Might I.. listening to the Majority Leader a minute ago ah.. reminded me of a question I'd like to place before him if I might ask the Majority Leader to respond on a Rules question."

A. Telcser: "Parliamentary inquiry."

Schneider: "That's appropriate. Thank you. Ah.. Bill, would you have some idea in your own mind as to whether or not the Rules Committee is going to deal with the question of our vacation as it relates to the 45 day rule? For example, we'll be going out the 12th of April, returning the 24th which measures out to about 12 days. I want to be certain that when I return that those 12 days do not accumulate on my bill and it dies a natural death while we're on vacation. Could you enlighten me ah.. to whether or not there has been a ruling on that or whether the Rules Committee will be dealing with it today?"

A. Telcser: "Representative Walsh will respond."

W. D. Walsh: "Ah.. the decision as to whether it's alive or dead in view of our vacation is entirely up to the Majority Leader as I understand it. No, I'm kidding. We will address ourselves to that. And other people have thought



of that. We will talk about that at the meeting today. May I say that in connection with ah.. our vacation. The week of April the 3rd or the Tuesday, April 3, is as many of you know, Election Day in many townships throughout the state. For that reason, we will not be in session on Tuesday, April 3rd but will instead be in session on Wednesday, April 4th and ah.. the following two days, and we'll hopefully adjourn on Friday of that week. Ah.. Committees for that week, the Tuesday Committees will be on Wednesday, the Wednesday Committees on Thursday, and the Thursday Committees on Friday."

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

J. J. Wolf: "Well, Mr. Speaker, this is primarily directed to the new Members.. ah.. with respect to having your names added as co-sponsors of a Members bill. I know this has happened in the past and while I am personally delighted with all the co-sponsorship I can get, this may not always be the case and I think it should be made clear to the new Members that instead of going to the Clerk's Office and having themselves added or their names added as co-sponsors that they should get permission of the sponsor of the bill. I understand that the Rules Committee is going to come up with something and prepare regular forms for this. In the meantime, I think it'd be well-taken if the new Members would consult the sponsors before having their names added to the bill. Thank you."



A. Telcser: "Senate Bills. First Reading."

F. B. Selcke: "Senate Bill 49. Bill for an Act to amend the Illinois Municipal Code. First Reading of the Bill. Senate Bill 106. An Act to provide the law in relation to marriages. First reading of the bill. Senate Bill 136. An Act to amend the Revenue Act of 1939. First Reading of the Bill. Senate Bill 177. An Act creating the Rule of Transportation Assistance Demonstration Project, First Reading of the Bill. Senate Bill 230. An Act to authorize the Department of Transportation upon return purchase price.. to reconvey by quick claim deed land located in Cook County no longer needed for highway purposes. First Reading of the Bill."

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

W. D. Walsh: "Mr. Speaker, I move that the House stand in recess for 15 minutes for the purpose of a Republican Conference to be held in Room 212. And we will return at five after two."

A. Telcser: "Gentleman from Union, Mr. Choate."

Choate: "Ah.. Mr. Speaker, I would ask the Democratic Members to come to Room M-5, M-5 immediately so that we can get back on the floor as soon as possible."

A. Telcser: "Okay. The House will stand in recess."



Hon. W. Robert Blair: "The House will come to order.. For what purpose does the gentleman from Madison, Mr. Kennedy, arise?"

Kennedy: "Ah, Mr. Speaker, I wonder if you would enforce the appropriate rule and clear the aisles on the right of my.. over there and over there and overthere... and lets get on with the business of the House."

HON. W..Robert Blair: "I think your point is well taken. Door keepers and assistant Door-keepers see that the aisles are cleared to those persons that aren't entitled to the floor so we can proceed with the business of the House. All right. On the calendar on the order of vetos.. appears motions with respect to vetoes.. House Bill 89.. on which the chair recognizes the gentleman from Cook, Mr. Garmisa. Now, just a moment... The, you have filed two motions with respect to that and, ah, its my understanding the Clerk, that both of those motions have been placed on the desk as you advised the Chair which of these motions you desire to have called."

Garmisa: "Mr. Speaker, Ladies and Gentlemen of the House. I move that House Bill 89 do pass, the amendatory veto of the Governor to the contrary, notwithstanding"

Hon. W. Robert Blair: "All right. Now, that.. wait a.. I'll certainly recognize you, just so we've got it straight as to which motion it is. He has read



Hon. W. Robert Blair: "Alright.. On the Calendar on the Order of ah.. Vetoes, appears Motions with respect to vetoes on House Bill 89 on which... on which recognizes the ah.. gentleman from Cook, ah.. Mr. Garmisa. Now ah..., just a moment here. Ah.. you have filed two motions ah.. with respect to that and ah.. it's my understanding from the Clerk that those motions have been placed on the desk. Would you advise the Chair which of those motions you desire to have called?"

B. Garmisa: "Ah.. Mr. Speaker, Ladies and Gentlemen of the House, I move that House Bill 89 do pass. The Amendatory Veto of the Governor to the contrary is notwithstanding."

Hon. W. Robert Blair: "Alright.. Now, that... that... Wait.. I'll... I'll certainly recognize you. Ah.. just so we've got it straight as to which ah.. which motion ah.. ah.. it is, he has read the language from one of the two motions which he filed. And, that will be the motion to which the House directs its attention. Now, the gentleman from Lake, Mr. Pierce, is ah.. ah.. raising a point of order."

D. M. Pierce: "Ah.. Mr. Speaker, ah.. House Rule 48 ah.. provides an Amendatory Veto that the question shall be, 'shall the House adopt the Amendment?'. Now, I understand ah.. the gentleman from Cook, Mr. Garmisa, has filed that motion ah..., 'shall the House adopt the Amendment?'. And according to Rule 48, that motion would have precedence. Am I right?"

Hon. W. Robert Blair: "Alright.. Ah.. the Attorney General, by opinion issued October 11, 1971, has ruled that with



respect to Section 9e of the Constitution the provision under which this particular ah.. Amendatory Veto was returned ah.. to this House by the Governor, that there are two courses of action available to the House. The first being that the Bill shall be considered in the same manner as a Vetoed Bill. But, the specific recommendations may be accepted by a record vote of the majority of the Members elected to each House. Now, if you'll read carefully the Attorney General's opinion, it's quite clear ah.. that a.. a ah.. a motion ah.. to override ah.. is the ah.. appropriate motion to use if you want to address yourself to an Amendatory Veto ah.. by treating it as a Vetoed Bill. And, I take it that it is thrust of Mr. Garmisa's ah.. motion. Gentleman from Lake, Mr. Pierce."

D. M. Pierce: "Mr. Speaker, the ah.. Bill appears on the Calendar under 'Amendatory Vetoes' and it has been carried there two or three days. Rule 48, which is not in consistent with the Attorney General's opinion, provides that upon a Amendatory Veto, the question shall be, 'shall the House adopt the Amendment?'. Now, a written Amendment must be filed under Rule ah.. 44. And, I believe, the gentleman from Cook, Mr. Garmisa, did file the written motion ah.. to accept the Governor's Amendment."

Hon. W. Robert Blair: "Well, he.. he actually ah.. provided himself with both options. Ah.. he filed a motion ah.. to override the Governor's Veto and he also provided himself with the option ah.. to concur with the Governor's specific



recommendation. Both of which are permitted under the provisions of Section 9e of the Constitution of 1970."

D. M. Pierce: "But, doesn't our Rule provide a priority that under Amendatory Vetoes, the question shall be, 'shall the House adopt the Amendment?', especially when that written Amendment has been filed by the Sponsor of the Bill?"

Hon. W. Robert Blair: "The House Rules ah.. does not provide a priority. Ah.. what the House ah.. The House Rules are silent with regard to the motion which the gentleman has put, ah.. concerning the treating of an Amendatory Veto as ah.. a Vetoeed Bill. And ah.., inasmuch as the Rules in that particular item, by the way, is under consideration by the Rules Committee, as you well know, we discussed the whole subject of.. of the Amendatory Veto situation in our Rules Committee. And ah.., for that reason, I ah.. it will be the Chair's ruling that inasmuch as the Rules are silent with regard to the ah.. handling of an... of an override of a Vetoeed Bill which is returned as an Amendatory Veto, that that would a proper and is a proper procedure under... and provided for under Section 9e of the Constitution as setforth... as clearly setforth in the Attorney General's opinion of October 11, 1971."

D. M. Pierce: "And, they prevail over Rule 48 which states the question shall be, 'shall the House adopt the Amendment?'"

Hon. W. Robert Blair: "Rule 48 only addresses itself to one of the two options which are available ah.. concerning Amendatory Vetoes. That is where the gentleman... a gentle-



man would desire to proceed ah.. to concur ah.. with the specific recommendations. Now, the gentleman from Cook, Mr. Garmisa ah.. did file a motion with respect to that. He also filed one, as I've indicated, that would address itself to this as a Vetoed Bill. And, he's moving to override. And, it would be the Chair's ruling that that motion ah.. is a proper one."

D. M. Pierce: "The Calendar does carry it as an Amendatory Veto."

Hon. W. Robert Blair: "There's no... That's right.. I.. I certainly agree with that. But, 9e ah.. is the Amendatory Veto Section of the Constitution. Ah.. but ah.., in Section 9e, the Assembly is given ah.. the option of treating an Amendatory Veto as either on the one hand, a Vetoed Bill or on the other hand, ah.. as one that's returned with specific recommendations ah.. with which the Assembly can Act. Now, the Attorney General's opinion to which I referred, I think, makes that abundantly clear. And, he has chosen to go... He's asked that we call and before us is the motion to override."

D. M. Pierce: "Well, I think, we need a Constitutional Amendment. But, I'm not going to dispute the Speaker, although I disagree with him, because you have the right to make the ruling here. I do feel, under Rule 48, the question is clear. The question shall be, 'shall the House adopt the Amendment?', especially when it's carried as an Amendatory Veto. I take your ruling is the other way. And, I suggest



that we work on the Rules. And, it certainly convinces me that we need some clarification of the Constitutional provision on Amendatory Vetoes. And, I think, we'll have that before us in this Session." (42)

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Hon. W. Robert Blair: "All right, the Gentleman from Cook, Mr. Fleck."

Fleck: "Well, Mr. Speaker, I'd like to remind the Representative from Lake, that there is precedence for this. If he will remember, last fall in the Seventy-seventh General Assembly I made a motion which was worded exactly as this motion is to override the Governor's amendatory veto of my Litter Control Act. And that passed the House, worded exactly on that motion as this motion is worded, and if my memory serves me correctly, Representative, I do believe you voted to override the veto. I think there is precedence here and I think the Speaker is correct in his ruling."

Hon. W. Robert Blair: "All right, ah, is there further discussion concerning the gentleman's motion?... All right, now, wait a moment. There was a point of order raised. Are there any additional points of order. He did not have an opportunity yet to argue his motion. Points of order? Points of order. All right, then Mr. Garmisa, do you want to address yourself ah, to your argument concerning your motion?"

Garmisa: "Yes, I do, Mr. Speaker, Ladies and Gentlemen of the House. I made this motion, after giving it much thought, after much discussion, after much soul searching, and I think that the arguments are basically that we do have to enact this emergency subsidy immediately in order to avoid the difficult constitutional problem that have been generated by the Governor's action. Then, too, Mr. Speaker, I believe we have to re-assert the Legislative Primacy in the drafting



of Statutory language. WE have to stand by the Legislative process. When expensive deliberations and negotiations in the Legislature result in the.. in an agreed compromise. The Governor's amendatory veto of a transient subsidy, this House Bill 89 has placed this faith in a very difficult legal situation. Our constitutional lawyers who studied the Governor's message and the pronouncements of our Supreme Court, and they conclude, Mr. Speaker, that if the General Assembly accepts the Governor's recommendations for changes, the subsidy would, at the very least, be subject to a long drawn out lawsuit. The constitutional waters around the new veto provisions of the 1970 Constitution are murky and they are unknown. The waves have not yet settled about the Clinger Case which threw out baracades. Whether the Governor's changes to House Bill 89 be upheld or not, but it does appear, that there is enough of a challenge possible to tie up the transient bill in court thus blocking immediate aid to the CTA and other operations. Mr. Speaker, I think that there's a clear case of brinkmanship, the impact is here, and it won't take too much to send the CTA over the cliff. The Governor's changes are clearly substantive. They go way beyond mere technical corrections. They, in fact, go to some of basic policy decisions made by this bill. The Governor's message does not substitute a completely new bill, as in the Clinger Case, but the Governor's recommendations do make major changes that are not in accord with the original legislative intent. The court has not given us clear guidelines on the principal scope of the Governor's amendatory veto,



and until the justices clear up this vague area of the Constitution, we cannot responsibly risk a test case on a crucial appropriation such as House Bill 89. We are therefore, Mr. Speaker and Ladies and Gentlemen of the House, left with one clear, clean, immediate Constitutional right to a valid House Bill 89, and that is to adopt this motion, and to enact this bill today, and for this I ask your support, Mr. Speaker, and the support of every member of this House."

HON. W. Robert Blair: "Any further discussion? The gentleman from Lawrence, Mr. Cunningham."



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

R. D. Cunningham: "Mr. Speaker and Members of the House, it's the height of nonsense to characterize the Governor's Amendatory Veto as did one Chicago Politician as quote, 'an insult to the Legislature'. I want to say to you, Member of the House, that if that be the correct nomenclature for the Governor's Amendatory Veto, your constituents and mine want you and me to be insulted every day between now and July 1 and after we come back in the Fall when there will be probably many more Amendatory Vetoes to consider. What a poetic irony it is that a Democrat Governor from Chicago would rescue the State Treasury that belongs to all of the people of Illinois from those of us who would play give away with the C.T.A. How good it is to have a Governor who knows that, even in these days of modern math, two doesn't equal one. How fine it is to have a Governor who knows that two for one isn't fair regardless of how many Leaders certify that it is. I want to say to you, on behalf of the Downstate Republicans, that we're proud of the position that Governor Walker has taken in this matter. We say to him, 'Godspeed'. Hurry for Governor Walker, even though he runs on the Democratic ticket, he acts and thinks like a good Republican should. I'll be proud to stand with him."

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



Mann: "Mr. Speaker, may we have a little order, Mr. Speaker.

Well, Mr. Speaker and Members of the House, if my information is correct, everybody but Martha Mitchell has called one of us concerning this measure, and I would like to say, however, not one citizen in the 24th District, deep in the heart of Chicago, has called me to object to the Governor's amendatory veto. And the reason that they have not called me or written me, is that nine and nine makes 18, as well as 12 and six makes 18, and the People of the City of Chicago are interested in an efficient, operating CTA. They're not interested in the niceties of an amendatory veto. Now, let's lay it on the line. We say there's a crisis here, we say there's an emergency crisis. For each of my ten years there has been an emergency crisis. But the difference is, this is the first time since I've been in the General Assembly that a Governor has had the courage to stand up and lead on a CTA crisis. Now the Governor has a right, ladies and gentlemen of the House to express himself. He happens to have been elected in the 1972 primary and general election as the Governor of all the People of the State of Illinois. Now there are some people who are saying on my side of the aisle that this is a party split, its bad for the party. I don't agree with that. Perhaps the Republicans would like to see a party split. I take an other view. I think it's healthy for the Democratic party to have two strong leaders. A strong chief executive of the City of Chicago, a strong Governor of all of the People of the State of Illinois.



And when we hear talk about a split, let's recognize that two strong leaders together can make a great party even stronger. This debate is not over \$3,000,000. We have a.. close to an 8 ah.. an \$8,000,000,000 budget here in the State. This debate is over political strength. And, as I before, political strength in the City is good, political strength in the State is good. It's not only a question of the primacy of the Legislature vis-a-vis the Governor, it's also a question of the strength of the Legislature vis-a-vis the Chief Executive of the City of Chicago. Mr. Speaker and Members of the House, we have \$18,000,000 immediately available for the Chicago Transit Authority. No one is going to believe that the Governor of the State of Illinois has said no to the C.T.A. and let's put that right on the record. Let's defeat this motion."

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

Fleck: "Well, now, wait a minute ah.. "

Fleck: "Mr. Speaker.."

W. Robert Blair: "Wait just a minute, Mr. Fleck. What.. what's the nature of your ah.. matter. Mr. Borchers, I'm sorry."

Borchers: "My name was used in debate and I would like to.."

W. Robert Blair: "Wait a minute who.. I'm.. I really am at a loss. Was it Mr. Mann that did it."

Borchers: "Yes."

W. Robert Blair: "Mr. Mann, did you."

Mann: "To the Chief Executive of the City of Chicago."

W. Robert Blair: "Well, I frankly did not hear, Mr. Borchers,



your name used.

Borchers: "It was used."

W. Robert Blair: "Was it. Alright. O.K. Ah.. proceed with your matter of personal privilege."

Borchers: "It is.. it is tremendously interesting to me that for the first time I think this session Mr. Mann and I are on the same side. All I wanted to say is, to make the records clear, it was Mr. Roscoe Cunningham who gave that beautiful, well-thought-out speeck a few moments ago. My only regret is that I did not do it."

W. Robert Blair: "Alright now, Mr. Mann.. Alright, now Mr. Mann says his name was used in debate and he's back up for a second go, not for debate but for a matter of personal privilege, is that it."

Mann: "Well I just wanted to say, Webber, this is the first time and probably the last. Thank you very much, Mr. Speaker."

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

Fleck: "Well, Mr. Speaker, Ladies and Gentlemen of the House, this is a duel edged political issue. I'm the first to admit it. We have the issue of how much money the Chicago Transit Authority will receive in emergency aid and then we have the political issue of the emerging crisis of the Executive and Legislative branches of government in a possible collision course. We were down here for a month while the leadership in this House and the Senate negotiated and worked on a C.T.A. bill which most people and the majority



of the members in each House voted for and supported. Now, the Governor never was seen during those negotiations. The Governor's presence was not felt now was the Governor heard. The only thing the Governor said was he would like to see the money come out of motor fuel tax funds instead of General Revenue. But, we won't go into that, Gentlemen, of Downstate, that's.. we're in General Revenue now, so let's discuss General Revenue. The Governor waited till we passed a bill and then he put an amendatory veto on it. And every member of this House knows how I feel about the amendatory veto and the proper separation of the powers of this government. Clearly the amendatory veto is substance. Clearly this House when they voted out Joint Constitutional Resolution 7 indicated their feelings on the amendatory veto. Well, I'd like to reflect upon what the Governor has said in his State of the State Message and it would be very interesting for you people to hear this. What he said and what he did. On page 6 of his State Message the Governor said, 'I will be available to consult. I will be accessible. I will work with your leadership.' Where was the Governor while we were working on this bill. Also, the Governor said, 'We cannot have one man rule. We cannot have war between the brothers of the branches of government. We shall be partners.' He went on to say, 'Historically the Legislature and the Executive were conceived as being co-equal. The safeguard of our Democracy was thought to lie in checks and balances.' Then he made reference to



Washington with the increasing powers of President over Congress. And he went on to say, in his State of State Message, 'I do not want that imbalance in Springfield, but I stress that the procedures of the General Assembly are yours to decide and rightfully so.' And so, I say to the Governor, 'rightfully so.' The Legislature is here and elected to legislate and not the Executive. Is not elected to legislate, he is to exec.. carry out and execute the laws that we legislate. The Governor, in his State of the State Message, said that we should legislate, but suddenly we're dancing to a new and different tune. Ladies and Gentlemen of the House, I think this motion is correct. I think we're taking the right step. Because we have two threats, if we continue on the course of not facing up to our responsibilities as legislators we might as well enact nothing be enacting clauses, let the Governor send them back to us by amendatory veto and we can convene until fall and take a nice vacation. Or, if we're going to be faced with the increasing power of the executive branch to the point that someday, not this term, maybe not ten years from now, but 30 or 40 years from now, we'll have a demagogue down there on the second floor and we will lose and the people of this State will lose. This is the first step to maintain the balance of power that the Governor talked about and we should take it and rightfully so because it is our duty and responsibility and I urge everyone's support for this motion."

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



Washington: "Mr. Speaker and Members of the House, the controversy around House Bill 89 has been built up and dramatized by the press, and perhaps rightly so, as a struggle between the two Democratic giants in the State. One here in Springfield and one in Chicago. You might call it the Battle of the Titans over the question of how the spoils should be distributed. Well, that battle is either above me, Mr. Speaker, or it's beneath me, but I assure you it's not a part of me. I'm not concerned with that struggle. And I say if it is a struggle simply for power then, in light of the issue around which the struggle is revolving, I'd say a plague on both of their houses. I'm motivated here today by only one concern. My concern is very simple, very narrow. It's embodied in my district at home. If I grabbed either one end of this in horn, of this dilemma, and the other horn gets uptight about it, I assure you I shall not worry about it. Recrimination any way grows out of a vote that I make today, the burden of carrying that recrimination will not be on my shoulders because I know the critical road is long and only those endure who learn how to give as well as take. I have one concern and that is simply this that the people in my district are tired of being played with. They are not ping pong balls. They're concerned about how much they're going to have to pay to go to work. They want their budgets straight. They want to know how much money they're going to spend. Even more, they are entitled to the peace of their beds at night with-



out worrying whether or not they're going to have to cut back on their food budget to pay for car fare. That's my only one abiding concern. That leads to this position. If we uphold the amendatory veto of the Governor, as Representative Garmisa so ably pointed out, then this business might well wind up in the courts for an interminable period of time. There is a clear and present probability that there will be no legal determination of this issue for months. And in the meantime the people in the City of Chicago are concerned about rates. I do not have the luxury of going back to my district and telling people that I have voted for anything short of the most immediate possible relief that they can possibly get and I intend to do just that and only that. I am not concerned about the struggle of the Titans. I would hope that they would resolve it. And I say this to each of them, if this is going to be the pattern of legislation or the manner in which the people's business is going to be treated in the next four months, then God Bless us. This business is bigger than either one of them. And if they don't think so, let them walk through my district and get a sounding. They're not concerned about who is going to be the political giant in this State. They're concerned about their own immediate, pressing needs. And I think we have to address them.. ourselves to that. And so, with malace towards none, and some charity towards the one who I am not supporting, I'm going to support this motion of Representative Garmisa to override the Governor's



veto, Thank very much.

W. Robert Blair: "The Gentleman from Logan, Mr. Lauer."

Lauer: "Mr. Speaker, ladies and gentlemen of the House, if any of my constituents are in the gallery this is going to come, I'm sure, as a surprise, will also come as a surprise to a number of those from across the isle from the city of Chicago, but for what I consider to be good and sufficient reason, I intend to cast a vote in favor of Mr. Garmisa's motion. It seems to me that we up state and downstate people have to recognize that there are equal powers. In fact, we do have a situation where with the attacks and the legislation by the courts, now legislation by the Governor, it would seem to me that the people of the state are paying us 17,500 dollars a year to perform a completely unnecessary function, and that perhaps maybe the best thing we could do would be to vote ourselves out of existence if we are not going to cease back again the legislative function. We have not had the leadership that we would expect, however, it seems to me that if leadership does not come from second floor then it behooves us to take the leadership and even though Mr. Walker has come up with what would be to the people of my district a better bill, it seems to me that since this legislature the House of Representatives and the Senate did over many hours of work to come up with a compromise that was acceptable to 236 people and the Democratic process being what it is, that it now behooves all of us to reassert ourselves and say this is



The policy that we saw fit to make. Either execute it sir, or do whatever you can. At this point, if we come up with a hundred and seven votes and if the Senate comes up with their appropriate number of votes, Mr. Walker will have no choice but to recognize that the legislative function is viable in this state. Ladies and gentlemen, I strongly urge you to join me in voting to override the Governor's veto!"

W. Robert Blair: "Gentlemen from Cook, Mr. Rayson."

Rayson: Thank you Mr. Speaker and members of this House. I rise rather reluctantly, but do so in favor of this motion. Now if this is being billed consultation between a chief executive of Chicago and the chief executive of this great state it's being done in kind of a different peculiar level. I feel very strongly about the amenditory veto process however, I supported the Fleck Constitutional Resolution, as I've always tried to be consistant since the constitution set forth this amenditory power. As we quote the constitution in the "D" section above the Governor can reduce a veto item, but I don't see anything in the constitution to raise a share of another local entity..mandatorally.. as being other than a completely substantive of matter, and something that I do not think the Governor has the right and power to do in the legislative process. Now I might say right here that I feel uncomfortable about this position because if there is a political showdown between the Governor, and any other elements of the Democratic



party

party, I would think in most cases I would side with the Governor. I think the Governor is a tremendous man and I think, and I have faith, that he'll be the greatest Governor we ever have in the state of Illinois. But I feel that I can only vote in this matter in this plain, at this time, and knowing that the C.T.A. problem is with us, by the time they get this shovel full of money we're gonna have to come back and reconider and we're gonna have to something visceral about a transportation systems act and we're gonna have to do something about writing motor fuel tax funds instead of priority for Public Transit, hereafter. Until then, I feel that as of now That this is a proper motion and it should be supported.

W. Robert Blair: "Gentlemen, from Cook, Mr. Schlickman."

Schlickman: "Mr. Speaker, will the sponsor of this motion yeild to a question?"

W. Robert Blair: "Ah.. He indicates that he will, proceed."

Schlickman: "Sir, the issue of contitutionality, mandatory veto, separation of power, and the issue of partisanship have been raised in support or in opposition to your motion. What concerns me is that I haven't heard any discussion regarding the merit of the Governor's amendatory veto, and I'm wondering if before we're called upon to vote on your motion, if you would care to respond headon, directly to the substance of the Governor's amendatory veto."

Garmisa: "Representative Schlickman, I would like to respond to that. I believe, that other than the testing of the con-



stitutionality of the amendatory veto as it has been applied in this instance, it would also do irreparable damage to the bill itself. Mr. Speaker and ladies and gentlemen of the House, the city of Chicago and the county of Cook, is making a great sacrifice when they are coming up with their Motor Fuel Tax funds, in order to give the C.T.A. the relief that it so sorely needs. And when the city of Chicago, the county of Cook voted out this relief, they voted it out on the basis of one dollar of local funds--for two dollars of state funding, and we have argued this out in this House until the air was blue, and we have come to the conclusion that the only, and the truly formula is to give the necessary relief to all mass transit districts in this state was on the formula that we perscribed for in House Bill 89."

Schlickman: Mr. Speaker and members of the House, if I may address myself to the motion."

W. Robert Blair: "Yes, proceed."

Schlickman: "I recall a statement made by Representatives of the city of Chicago, and the county of Cook, and the very outset of this matter that they had sufficient monies available to match on a one and one basis with the state. I was taken back and somewhat surprised by the gentleman when he suggested...implied...that legislative action should be determined by the city of Chicago and the county of Cook, and yet he seems greived that the Governor, who is a state constitutional officer should not participate in the matter



of developing public policy. The gentleman when he originally spoke on behalf of his motion, cited a U.S. ... an Illinois Supreme Court decision with which, as many of you know, I am most familiar-The Clinger Case. The case in which the Illinois Supreme Court decided that the former Governor of this state had gone beyond the scope of the amendatory veto, and that as a consequence, the state aid to non-public school bills were called unconstitutional. The gentleman suggests that because of that decision, and the rental criteria in it as to what constitutes legitimate scope, suggests that by the Governor, the present Governor, as exercising present constitutional authority the amendatory veto, that he will jeopardize the program that contained in House Bill 89. I suggest to the gentleman that that is not the case. In the state aid to non-public schools situation, it was the Sec.. it was the Auditor of Public Accounts that withheld the money and forced the constitutional issue. The money will be spent, whether or not somebody... ah.. questions the constitutionality. Mr. Speaker, I'm very grieved, and members of the House, that because of the C.T.A. crisis we are evolving and developing a state wide transportation program that is spouted on the elements of politics and partisanship. As a Republican, I'm delighted and I'm pleased that we have a Governor who is willing to face up to issues, and who has by this amendatory veto injected some intelligence, some rational. I think it's unfortunate that by the C.T.A. crisis we haven't directed

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ourselves to the immediate issue on one hand concern ourselves later with the long range issue, but as things are now developing we have a state wide transportation program, coming into being, one that involves politics, partisanship, and a frittering away of the General Revenue Funds to the detriment of the people of the state of Illinois."

W. Robert Blair: "Gentlemen, from Cook, Mr. Ah.. Will, Mr. Leinenweber." "Gentlemen, from Will, Mr. Kempiners, I'm sorry."

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

W. Robert Blair: "Alright, the previous question has been moved, all those in favor of the previous question, say Aye."

Members: "Aye."

W. Robert Blair: "Opposed... Ayes have it, the previous question's been moved, now the gentleman from ah...ah..., Cook Mr. Garmisa."

Garmisa: "Very briefly, Mr. Speaker, ladies and gentlemen of the House. I have heard some of my Democratic colleagues make the statement that Governor Walker is our Governor, that he is the only Governor we have. Well, Mr. Speaker, I agree with that, that is true, however, we must not equate that with my country---may it always be right, but my country, right or wrong. And Mr. Speaker, the Governor in his application of the amendatory veto in this instance, is dead wrong, and I therefore ask for the support of every member of this House.



W. Robert Blair: "Alright, the question is, shall House Bill 89 pass the amendatory veto of the Governor to the contrary notwithstanding. All those in favor will vote 'Aye', and the opposed, 'No', and this requires 107 votes for passage. Alright now, Ah.. The gentleman from Ah.. Cook, Mr. Richard Walsh."

Walsh: "Mr. Speaker, ladies and gentlemen of the House, as one of the few Cook county Republicans who intends to oppose this motion, I would like to ah... just briefly explain my vote. Ah.. we hear a lot of reasons why we should be for or against this motion, it seems to me that the worst is those who are voting to support the motion out of spite. We're not gonna let that Governor get away with what he's trying to do. I think that's ridiculous, ladies and gentlemen, and those of us who served ah.. two years ago, ah.. certainly didn't encounter arguments such as this when we were presented with numerous amendatory vetos. We have in front of us two alternatives, both alternatives are going to provide the C.T.A. with 18.9 million dollars. The question is, ah... the source of funds. Ah... the Republican position ah... in this measure really amazes me because a originally we Republicans proposed a two dollar local, one dollar state ratio. Ah... through negotiation ah.. it ended up just the opposite. It seems to me that we should be thrilled with the Governor's resolution of this problem, and support it whole heartedly. I would like to point out to those who fear a termination of service in the event that we do not



override the veto. From July, 1971 to June 1972, the city of Chicago and the county of Cook, voluntarily contributed to the C.T.A. 9.5 million dollars. Nothing has been contributed since that time notwithstanding the receipt by those Governments of tremendous sums of revenue sharing. If there is litigation on this bill, in the event we do not override certainly local governments can contribute it's funds now. It's clear that the state has make a commitment to contribute at least 9.4 million dollars. Even if this bill were to be held unconstitutional, why should we rush in and establish the president of a two dollar state, one dollar local funding for an operated, operating subsidy? I think it's bad policy and ladies and gentlemen, in view of the expression of just about everybody down here for... in favor of a Metropolitan Transit Authority the concern over the Democratic leaders in the county of Cook to override this veto indicates to me that in the event we do so, we can forget about a Metropolitan Transit Authority for the Northeastern part of the state of Illinois. Now one further thing really amazes me ladies and gentlemen, is the... the concern of the Chicago Transit Authority, ah... in urging of the overriding of this veto. I don't know why they should be concerned at all, since their their going to get the same dollar amount either way. Ah... why they should tell us that is should be a two dollar state and a one dollar local basis...

W. Robert Blair: "Alright please bring your remarks to a close, your on top of your two minutes."



Walsh: "...and I'm just enclosing Mr. Speaker...just like to say that the C.T.A. ah.. position is so crazy in indicating the basis on which they want funding, I wonder if they might come to us and ask for the money in small bills. I vote 'No'."

W. Robert Blair: "Gentlemen from Boreau, Mr. Barry"

Barry: "Mr. Speaker and ladies and gentlemen of the House, it's not very often that I oppose my seat mate, but it's obvious to those of us on this side of the aisle, that that's what I'm going to do this time. And I mean my leader. Mr. Choate, who I have loved and revered for many years and voted for him for Speaker as the people on this side of the aisle certainly know, but this is a serious thing with me, I've been here many many years, as I say it's not often that I opposed my seat mate, but the people in the gallery don't know, I think the members should know, that there is a solution to this problem and it was offered a short hour or so ago, and that solution is the one to one match bill be taken as it is, and that a three million dollar loan for a full year in addition be given to the C.T.A.. Now as I say, I don't think the people in the gallery know that, but certainly the members should know that...membership should know that... before they cast their vote. And I think that's the answer to confrontation... and would think that we shouldn't be voting on this today, but we should be voting on it perhaps next week because the urgency of getting this thing done today is not here. And I say this as a downstate



Democrate, I want my Democrats...Democratic friends and my friends from the Cook county area otherwise to know this, I say this..this is the kind of a guy who voted against C.T.A. because there was nothing in it for downstate of any consequence, there was never any package, I've talked to the Governor as short a time as fifteen minutes ago, and he didn't know anything about a package and I respect what he said and I respect my leadership, they didn't sell it as a package, but there's nothing in for downstate, so I voted against C.T.A. on the first go-around, I would do so again, at the same time as a downstate Democrate, I defend Cook county all the time, and I would like to help C.T.A. and I think we can if we go this route. What I say when I make speeches in upopular places like ah.. the chambers of commerces in the various cities that I represent, I say that we downstate, get a 5 to 10 percent rate on sales tax for common schools, from the Cook county area, because that's where the money is, that's where the action is, that's where the big dollars from sales tax comes from."

W. Robert Blair: "Alright would you bring your remarks to a close now?"

Barry: In closing I also defend Cook county when I say when they need money for schools, and when they've got 13 or 15 hundred kids in a block and one package of matches during that school strike that set off the whole city, it's the kind of a problem we don't have downstate, so I'm here to tell you that I think we ought to resolve this thing by



listening to our Governor, and for the moment voting 'No' against the override."

W. Robert Blair: "Gentlemen from Lake, Mr. Deuster."

Deuster: "Mr. Speaker, ah.. some suggestion has been made here that it might be improper for the Governor of the state of Illinois, whose been duly elected to exercise the powers that the Constitution of our state has given to him. Ah.. and I think each of us here, Democrates, Republicans, ah.. alike have all been elected and given one vote, and I don't think we have to go back home to our districts and hang our heads in shame if we exercise our powers and cast our votes. And neither do I think there's anything wrong with the Governor of this state even though he's of the other party other than myself, I didn't vote for him, and my inclination would be to oppose him, but there's nothing wrong when the people of the great state of Illinois elect a Governor who's endowed with some powers and who chooses to exercise them, and I might say there's also been the suggestion that there's something wrong with the Governor who doesn't seat down in the back room and cut a deal. Ah.. and I think maybe there's something refreshing about a Governor who lets the legislature work it's will and then independently looks at the product and decides rather he's gonna sign it, veto it, or exercise his amendatory veto. And I can say from personal experience, for my fellow Republicans, that President Richard Nixon has done the same thing on many occasions with Congress. Now sometimes he's indicated in advance rather he's going to



veto or sign, but many times it's a shock and a surprise, and I can say that the gentlemen on the other side of the aisle that President Lyndon Johnson, President John Kennedy did the same thing and there's absolutley nothing wrong in my mind for a Governor whatever his politics, to stand up and exercise the powers that have been constitutionally endowed upon him, and for those reasons I'm going to vote 'No'."

W. Robert Blair: "Gentlemen, from Cook, Mr. Douglas."

Douglas: "Mr. Speaker and Members of the House, I feel some responsibility to my consituents to explain my vote. I'm not unaware of the persumed political implications of what the Governor has done. It's no secret to any member of this House how stongly I have taken positions which have been on occasion, opposed to many of the things that have emanated from the city of Chicago, but I feel very simply on this issue, polictice aside, that this decision by the Governor is a anti Chicago position. I feel it is my obligation in respect and out of a sense of responsibility to my constituents to take a position which is in the best interest of the city of Chicago and I feel that is it proper and appropriate for me to vote against the Governor's veto, and I vote 'Aye'."

W. Robert Blair: "Gentlemen, from Cook, Mr. Huskey."

Huskey: "Mr. Speaker, ladies and gentlemen of the House, I would like to explain my vote on this issue. When I voted against House Bill 89, and I still oppose it, I am now



voting to override the Governor's veto because there's a larger issue involved. That issue is the very integrity of our legislative process. House Bill 89, which I oppose non the less, was past by both Houses of the legislature with cooperation from both parties, and by all sections of the state. At no time did the Governor participate in any of the deliberation that lead to the passage of that bill. I do not believe in having abstained from the process, that he should be allowed to overturn this legislature..legislative process. This is the question, of being able to see force and not getting confused with the individual creed. Because of the larger issue involved, which could set a pattern for the next four years, a most undesirable pattern, I must say, and I favor overriding the veto of House Bill 89."

W. Robert Blair: "Gentlement from Cood, Mr. Barnes."

Barnes: "Mr. Speaker and members of the House, I think,ah... in all of the conversation that we have had here today, and all of the eloquent speakers, I think there's something that has gotten lost, and that's the service of mass transportation to millions of people in the city of Chicago who can not go about their ordinary business of their day without it. I think we have lost also concerning the many outstanding people that are employees for the Chicago Transit Authority, some 11,000 of them. I think that is wrong for them to caught up and political hemming and hayhing not knowing how this thing will... will ultimately come out, and not knowing just how they will be able to plan for the future in the coming



days. I think that it is unfortunate that this issue had to be caught in the kind of politics that are involved here. I think in the end result there's only one answer, one question to resolve here and that is..It's the question of rather or not the largest city in the state of Illinois will have a Mass Transit System to be able to allow millions of people to go about their normal business. I think that in terms that have been given to that question by the Governor of this state I think that perhaps he overlooked the simple responsibility that he has to insure that millions of people would be able to plan their lives accordingly, and according to the ways that they have to measure each day. I'm proud to cast a 'Yes' vote for this override, I think that many people in my district along with many people in the city of Chicago will be happy if we can come up with the necessary 107 votes to settle this matter today and get on about the business of the state.

W. Robert Blair: "Gentlemen from LaSalle, Mr. Hunsicker..ah Livingston, I mean."

Livingston: "Mr. Speaker and ladies and gentlemen of the House, The city of Chicago and the county of Cook admitted that they have 10 million dollars available for operating the C.T.A., to July the 1st, and I personally see no reason whatsoever for the General Assembly to give, and I say give or make a present, however you want to call it, of 12 million 600 thousand, as originally provided for in House Bill 89. This would be the height of irresponsibility of this legislature



and I think an insult to the taxpayers of downstate Illinois. I see no harm in raising fares for the C.T.A. 5¢ or even 10¢ if they have to, everybody has gotten a increase in salary since the last nickel raise went on, you can't even park your car for 30 minutes for 50¢ in Chicago, let alone operate it. Now we hear alot of talk down here about a soft match and a hard match and matching funds. Mr. Speaker and ladies and gentlemen, in my book there are at all tax money is a hard match and it ought to be so protected and I think that we should uphold the Governor's veto on this and vote 'No'."

W. Robert Blair: "Gentlemen from Cook, Mr. Marafos,"

Maragos: "Mr. Speaker and members of the House, I very seldom get up to explain my vote, but on a vital issue that concerns my district, which represents the southeastern part of the city of Chicago, and many of the suburban area...vital..surbu..southern suburban areas, I feel strongly that we have to override the veto in order.. for two reasons. One is the question of constitutionality and the applicability of the question of the constitutional powers of executive over the legislature and especially the thin area in which we are now proding for the last three years is a question of an amendatory veto. And the other question that concerns me is a human question of the riders of the C.T.A. in my own district. Fortunatly or unfortunatly I do not represent a three car or four car family area where everybody can go to work with an automobile and do their job and contribute to



their welfare of their families of the society. I come from an average home area, where they are supporting their families and need a good Mass Transit System to survive and a viable one. Unfortunately the timing, that has been spoken earlier, unfortunate timing of this question, has been locked in other issues, but my conscience has to tell me as a legislature, that I have to uphold the constitutionality of the legislation to become co-equal in determinations with the other branches of government and at the amendatory veto should not be used indiscriminately. And secondly, I cannot understand how we as legislatures who voted only two weeks ago, 154 to 6 with Mr. Fleck's constitutional amendment to abolish the amendatory veto and know we come and say we'll agree with some of the provisions in a way that's been formed. As the sponsor of this bill has stated, there are grave constitutional questions if we don't override the veto even if we allow the Governor to have his say, there will still be grave constitutional questions rather we can even get one dime to support the Mass Transportation System of Chicago. For those reasons Mr. Speaker, I implore to override the veto, and I vote 'Aye' on the motion.

W. Robert Blair: "Gentlemen, from Cook, Mr. Mahar."

Mahar: "Yes, Mr. Speaker and ladies and gentlemen of the House, in the interest of getting on with the very important business of this body, I'm not going to explain my vote, you can see it on the board."

W. Robert Blair: "Gentlemen, from McHenry, Mr. Hanahan."



W. Robert Blair: "Oopps, there he goes."

Hanahan: "Mr. Speaker and members of the House, very simply on the explanation of my vote, as we've passed out at the House of Representatives about a week ago, House Bill 307, that if signed into law or passed by the Senate of the state of Illinois will cost the taxpayers at a general revenue of about 21 million dollars. Now I have no great elusions that the Governor of this state, of my party, will treat that bill any differently than he has treated House Bill 89. I feel that if House Bill 307 reaches the Governor's desk, and this is the area of transportation reimbursement for downstate school districts and suburban Cook county school districts the same Representatives that are voting red right now are going to be coming around looking for an override of vetos then. And I just suggest that they have a little common sense in this whole era, that the Governor was not elected to be God, he was just elected to do.. administer to laws and the appropriations set forthby this General Assembly. And I think what we're acting on right now signifies whether or not we want a strong legislature or a strong Governor. As for me, I was elected and will be reelected by the people because I feel that I represent their veiwpoints. The Governor was not elected to represent their veipoints , he was elected to administer laws, and I think he ought to be told by 107 votes up there on that board."

W. Robert Blair: " Gentlemen, from McLean, Mr. Deavers."

Deavers: "Mr. Speaker I would like to explain my vote. Govern-



or's commonly go with the legislatures votes 'Yes' and 'No'.
C.T.A. needs your help now and many of you wonder how.
Follow my lead and vote green, make your vote seen.

W. Robert Blair: " Gentlemen, ah..from ah..Who?...Oh..Macon,
Mr. Alsup, I'm sorry, Mr. Alsup."

Alsup: "I didn't ask to be recognized.

W. Robert Blair: "Oh I'm sorry, I'm sorry." Gentlemen from
Madison, Mr. Calvo."

Calvo: "Mr. Speaker and ladies and gentlemen of the House, just
briefly in explaining my vote, as the man said,..ah..Harold
Washington was malice toward none certainly not with malice
toward the Governor, but I would just like to say one thing
in this bill there's over 500 thousand dollars for the Transit
Authrority in my district, and that is not matched, and I am
happy the Governor left that alone, but it is being matched
presently by over 700 thousand dollars in St. Louis and in
Missouri, and I want to tell you that if this bill doesn't
pass as it is, that those buses will not be running April 1st.
That'll be the end of that Transit System in St. Louis area
April 1st. I just want to say this, if this veto is not
overridden, this bill will be in court so long that my people
will be walking for a long time. And I'd just like to say
that those people that will be walking, and that will need
those buses to get to the doctor, and to go places, and to
go to work are the people that not only voted for me, but also
for Governor Dan Walker and I'm happy here today to do some-
thing for Governor Walker and to vote 'Yes' to override this



veto, so that we can keep these Transit Systems running.
Thank you."

W. Robert Blair: "Gentlemen, from Madison, Mr. Kennedy."

Kennedy: "Thank you Mr. Speaker, Mr. Speaker and ladies and gentlemen of the House, You've listened to lots of reasons why you should or should not override Governor Walker's veto, one issue here that's been brought up is a political fight between Governor Walker and Mayor Dailey. Well, that's good, I know both Mayor Dailey and Governor Walker and they both know me, and I appreciate the fact that they're cordial to me, but I also might say that a come election time that neither one of them bothered to see me. That's the practical side of politics. They talk about a fight...a you could look in the gallery, you got a fight ..ah.. between ah.. the women, the pros and cons, the VRA's. A very influenced lady from the township that I now live in, I think I see her in the gallery, is a strong opponent of VRA. So political fights are a part of American history, and that's good. It's also been brought out that there is a division of a Governor Walker, has attempted to eliminate the General Assembly and I agree with that, disagree with th..ah.., I agree that he is trying to do that, I disagree with his reason on it. I voted for C.T.A. the first time, and I'm going to cast the 'Yes' vote to override this veto."

W. Robert Blair: "Gentlemen from Cook, Mr.Caldwell."

Caldwell: "Thank you Mr. Speaker, Mr. Speaker and ladies and gentlemen of the House, we've been down here more than



three months and when we came one of the outstanding issues that we knew that we would have to address ourselves to was Mass Transit in Illinois. The C.T.A., I've been down here now going into seven years and each time we have had to wrestle on a very meager plan trying to solve the problems of the C.T.A. in particular, and mass transit throughout the state, in general. We have had many caucuses and many conferences and all of us have worked hard and I thought that we had arrived at the beginning of the solution of this problem. I sat in this seat behind me when the Governor gave his budget message, and I heard him say distinctly that mass transit would be the problem for the legislature to follow. I took him at his word and when we came up with several different plans and we ended up with the plan that is in House Bill 89. I believe that the legislature addressed itself to the problem and I believe that House Bill 89 is the beginning to the solution, and I for one, felt that if the Governor was going to use the amendatory powers that the constitution has granted him, ah.. he should have indicated to us during his budget message what route he wanted us to take. I believe it's unfair at this point. I have another point to make that's going to cause me to vote green. Ever since January, people in my district have said to personally, and I have some letters, and I have some cards, and I've had some phone calls, they want a solution to this problem. The people in my district are working people and they want to know how on earth they are going to plan their



lives so that they can go to and from work without wondering if the C.T.A. is going to be closed down. I'm very proud to vote green in this instance and I vote that way because I feel that the people in my district would want it that way, as they have indicated. I think that we are on the right track, I think that we ought to vote green and pass this bill right now and continue on with the solu... the problems that confront us."

W. Robert Blair: "Gentlemen from Cook, ah.. Mr. Totten.."

Totten: "Mr. Speaker to explain my vote. You know, in this session of the General Assembly, we've heard alot about the new Bob Blair. In the last couple of days we've seen alot about the new Governor Walker. During his campaign, he promised that patronage was no longer needed and he would keep hands off. A pork-barrel and blackjack approach to secure votes to sustain his position on this amendatory veto has taken place in the last couple of days. I don't think that this is what the people of Illinois wanted when they voted for Dan Walker for Governor. I perferred the old Dan Walker. Although in my mind, and in my district, my conscience tells me that a 50-50 formula is much better. This blackjack and pork-barrel approach, I resent, and I am asking all those Republicans, who are holding off and those who have voted red, to think for a moment and change their light to green, to pass Representative Garmisa's motion. Thank you."

W. Robert Blair: "Gentlemen, from Cook, Mr. McGah."

McGag: "Thank you Mr. Speaker and ladies and gentlemen of the



House. I'm in a district at the far west end of Cook county, and it goes out into Page county and think we only have one C.T.A. bus route, and that's the bus route out to the village of West Chester. However, although we're not served very directly by the C.T.A., the C.T.A. vitally important to the whole economy of the area. It's ... If it wasn't for the C.T.A. the express ways going west and north-west would be impossible to drive on. Therefore I'm very happy to go along with.. and ah..vote for Representatives Garmisa's motion to override. Thank you. "

W. Robert Blair: "Gentlemen, from Ogle, Mr. Brinkmeyer."

Brinkmeyer: "Mr. Speaker and members of the House, I don't have a single unit of mass transit in the.. in my entire legislature district, but I did vote for House Bill 89, and I did so on the assumption that there'd be some downstate school district getting some relief in the form of ah.. increased transportation reimbursement. Subsequently, I've been advised that House Bill 307, is not part of a package, now therefore, personally, I would like to support the Governor on this issue. Unfortunately I have another problem, I stood in front of high school senior government classes for 25 years and lectured on the necessity of maintaining a balance of power between the legislative, executive, and judiciary. I see the amendatory veto as another example of the erosion of the ah.. the power of the legislature. For this reason Mr. Speaker, I would like to be reported as voting present."

W. Robert Blair: "Gentlemen, from Whitside, Mr. Miller:"



Miller: " Well, Mr. Speaker and members of this House, I want to point out to every member of this House that I voted 'No' on House Bill 89 because the people of my district are opposed to furnishing funds to operate mass transit in some other area outside of my district. I voted 'No' when it came to concurrence from the Senate, but I standing up here today, Mr. Speaker, not voting on C.T.A., but voting on a principal. As far as I'm concerned, Mr. Speaker, I do not agree with the new constitution giving unlimited powers, if that's the way it's being construed, to the Governor of this state to completely change legislation after it's passed by the General Assembly. I interpret the new constitution as merely saying that if there's some minor errors, that then, that that could be suggested changes by the Governor. That's not what we're talking about here today. This is going to be a long session Mr. Speaker, it's a long time till July the 1st. As far as I'm concerned the principal of everything that comes out of this General Assembly is going to be established here today. Mr. Speaker, for that reason and for that reason only, I'm very proud to vote 'Aye'."

W. Robert Blair: "Gentlemen, from McLean, Mr. Bradley."

Bradley: "Thank you Mr. Speaker, Mr. Speaker and ladies and gentlemen of the House, I would like to briefly explain my 'Yes' vote. I think we're forgetting this in House Bill 89, there is some money in there for the downstate transit system and in my particular area, it is very vital to keeping that bus transportation...keep those buses rolling and provide



the transportation for the people in the Bloomington, Normal area. Just recently the Normal city council did not address themselves to the problem of finance the bus lines for the next six months of this ah.. present year. And if we don't get the 37,38 thousand dollars that's in House Bill 89, those buses are going to stop running completely. Now I know that there is also, has been reported to on the floor of the House today, part of a package. I supported C.T.A. because I know that the people in Chicago and the members of this House Floor are going to support House Bill 307 and have done so, so that we can get some relieve for our school bus systems and there's going to be some 21 million dollars provided through the bus trasportationsystems for our children for our school children, in downstate Illinois. I think it's a good trade-off and very happy to support C.T.A. in the first place and I'm reluctant to caught in the position that we're in here this afternoon but I'm going to continue to support the motion because I think we do have a package, inspite of what been said by some members of this side of the isle, be- I notice that on occasions they voted for 307, but they didn't vote for this. In my opinion, we do have a package and I'm happy to continue to support this motion and this bill and hope that it passes. Thank you Mr, Speaker."

W. Robert Blair: Gentlemen from Cook, Mr. Hyde."

Hyde: "Mr. Speaker, and ladies and gentlemen of the House, I'm going to vote 'Aye' on this bill not because I think the Governor abused the amedatory veto power which the constitution



gave him, the Supreme Court decision on the parochiade, to the contrary notwithstanding, and not because I think it's proper for state state legislatures, particularly Republicans to attempt to henrods in the General Revenue Fund, ah.. whne we're going to need every nickel we can get, to inact tax reform and replacement of Revenue's loss because of personal property tax abidment but because of my abiding fear that this legislation if the amendatory veto is upheld will result in a court test and sure as day follows night it's the declaration of unconstitutionality and the subject of mass transportation in my district where I have as much C.T.A. traffic as any as any district in Illinois. It's much to important to the welfare of the community to run the risk that a fare increase and curtailment in services will result. But with admiration to the Governor's stand, and with some misgivings, because I would like to do everything possible to protect the General Revenue Fund from in roads ah... that are..ha..if only temporary in nature ah.. but because of my fear of unconstitutionality should the amendatory veto stand I vote 'Aye'."

W. Robert Blair: "Gentlemen, from Peoria, Mr. Schraeder."

Schraeder: "Mr. Speaker and members of the House, There's a little irony in today's voting, we all are aware of our constituents and their plans and hopes, but it's most unusual on a bill such as this, that it's a must and it's so important to the state of Illinois and for the areas around Chicago and Cook county and yet ont one of my constituents



have contacted me, either by letter, postcard, or what have you, in regards to this matter and it's been before us for many months. There's irony in it and I just wonder rather my fellow legislatures from the 46th district have been contacted. So this vote today on the override of the Governor's veto is my decision and will not reflect the views of my constituents because I do not know what their feeling is. I voted for the original C.T.A. bill because it was a package, I thought the package was good for my people, I thought the package was good for the state of Illinois. I think everyone in the state of Illinois has to be represented not only by the people of our district but by the people of the entire state, and I will continue to support that position, but above and beyond that I would like to say that as I've said before, just a few weeks ago, that in the state of Illinois under the constitution, we have three branches: the executive, legislative and judicial. And I am firmly convinced that an over-ride of the Governor's veto is necessary if we want to continue being an effective legislative branch and not be subserving it to the other branches and I might add that we are already subserving to the judicial and I don't want to become subservient to the Executive. I intend to support the CTA in future legislation only and if the contention that it covers the entire metropolitan area of Chicago. I think that is necessary, but above and beyond that, we have to maintain the three branches of government and I have to sustain the veto and vote 'yes'



on this measure."

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

D. E. Griesheimer: Mr. Speaker and Ladies and Gentlemen of the House. I rise to speak in opposition to this particular motion and the thing that causes me to speak on this and to take this position has to do with the complete lack of comment with regard to the people. We have heard that this is a battle between titan; the titan that runs Chicago and the titan that runs Illinois. We've also heard that this is a battle between parties and now we here, also, that it is a battle between the legislation and judicial and the executive. Well I think it's just about time that this legislature starts realizing that there's somebody else involved. A true fourth area of government and it's the people back home. It seems very strange to me that on the outset of these proceedings, that the Republican organization, if we have one here, was suggesting that there only be a one-third contribution of State funds to Cook County. Then we went to fifty-fifty. Then we went to the present formula of two-thirds - one-third and yet we cannot live with the Governor's now veto, bringing it back to where we were to begin with. I would like to reply to Representative Schraeder who said that his people hasn't contacted him. Well...."

W. Robert Blair: "All right. Give the attention your attention. He's certainly given you his. Go ahead."



D. E. Griesheimer: "Thank you, Mr. Speaker. The people from the 31st District have contacted me in volume and they want to see the Governor sustained on this and I'm honored to be voting the same way as my Democratic colleague, John Matijevich, and I want to cast my 'no' vote on this motion."

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

Duff: "Mr. Speaker. As a person who voted 'no' on these bills, because my real concern about the need to start towards a regional transportation authority in northeastern Illinois. I'm not less concerned about some of the aspects that have been mentioned here today in regard to the fact that we did not have the assistance of the Governor when we needed him. All we had were the comments that he would veto it because of his stated position on motor fuel taxes. Then I have the amendatory veto here in my hand, or the message to us, and I find all of a sudden no reference, no comment, whatsoever to what he said was the crucial part of the issue. I think it would have been a little more courageous to have stood his grounds at least on his position. Now I feel it's important that the integrity of this House in spite of the fact that I have voted more in the past, be upheld, and I vote 'aye'."

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

Gibbs: "Well, Mr. Speaker, Ladies and Gentlemen of the House, In explaining my vote I would like to reiterate what I said in the past that here in Springfield, we support our



transit system by a five bill pack. I believe that other areas, if we have to finance them with the real estate taxes should do the same thing. I believe what we are trying to do here is choose the lesser of two evils, and based on that premise, I have to vote 'no'."

W. Robert Blair: "Gentleman from Peoria, Mr. Day."

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

I don't rise so much to explain my own vote as I do to possibly offer assistance to my colleague on the other side of the aisle, who indicated that he hadn't received any word from the people in our District. Now, the people in our District spoke out very clearly a few years ago when our mass transit system was in danger, and by their referendum, they voted in a five cent property tax, to support our own mass transit district and they didn't come down here and asked the taxpayers in general of the State of Illinois to bail out the Peoria Transit District. Now I can tell the representative from our District that the people in the rural areas of our district are very much opposed to this Bill. And I can tell the Representative from our district that there is nothing in this Bill that requires a one for one match in the case of downstate transit district. It provides for an overall sum to be divided between all of them, certainly not any guarantee of a one for one match. And I can assure you that the people downstate would much prefer Governor Walker's amended bill than they would a dollar for dollar match."



W. Robert Blair: "All right, thank you. Here we go.... Mr. VonBoeckman from Tazewell."

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

I only have one thing to say. We had a former Speaker of the House here present this morning and he gave us a few words of wisdom on taking up too much valuable time and I think ah.... that didn't sink in too good, but I would just like to state my reasons why I'm voting 'yes' on this measure. I am vitally opposed to the amendatory veto of the Governor. Therefore, I vote 'yes'."

W. Robert Blair: "Have all voted who wished? Gentleman from Fulton, Mr. Schisler. All right. The machine got too hot Schisler there and ah..... it locked. All right, now, I recognized the gentleman from Fulton, Mr. Schisler. We're just about wound up now."

Schisler: "Mr. Speaker, record me as voting 'present'."

W. Robert Blair: "Schisler 'present'. Gentleman from Cook, Mr. B. B. Wolfe."

B. B. Wolfe: "Mr. Speaker, I feel called upon to explain my 'aye' vote. I think the Governor was in error in his efforts to put the Bill in the shape he thought it ought to be in view of the budget. I think he is as much concerned as I am about the transportation system in the City of Chicago. But there's a greater and over-riding point in issue that perhaps some of the members of the House have not been aware of, and I'd like to point it out to them. The Bill that's before the House is an appropriation



bill. Section 9E of the Constitution provides for a procedure for a reduction veto in an appropriation bill which only requires eighty-nine votes to return that appropriation to the original appropriation that this House and Senate voted when the Bill reached the desk of the Governor. If we would permit that ah.... If we did not over-ride the veto of the Governor, we might establish a precedent here in the State of Illinois that the Governor could, in an appropriation bill, under Section 9E, the mandatory veto, reduce the appropriation and then require a hundred and seven votes of this House, rather than eighty-nine. So to maintain the constitutionality concept, provided in the Constitution, I reluctantly vote 'aye' to over-ride the veto of the Governor."

W. Robert Blair: "Wait a minute now. Gentleman from Peoria, or Tazewell, Mr. Kriegsman."

Kriegsman: "Mr. Chairman, I would just like to explain my vote. We got into that unholy situation that either way you go it's a robbery on the State Treasurer. And I just hate to vote to be robbed of the downstate's money. And for that reason, I vote 'present'."

W. Robert Blair: "Have all voted who wished? Gentleman ah.... from McHenry, Mr. McGrew."

McGrew: "Mr. Speaker, Members of the House. I have supported the CTA package in the beginning. I believe in the concept. I think that the people living in Cook County certainly deserve the mass transit system there. After my vote,



however, I have been approached by Representative Mann, by everyone except Martha Mitchell, and have been confronted in many different places, at many different times, about many different occasions. I resent much of this. Therefore, please record me as 'present'."

W. Robert Blair: "Have all voted who wished? Gentleman from Cook, Mr. Mann."

Mann: "Well, Mr. Speaker, Members of the House. Now that the ah... Illinois House of Representatives has reasserted its primacy, I assume that all of my colleagues from Chicago would gladly support a resolution urging the aldermen in the City Council to also reassert its primacy, and Mr. Speaker, Members of the House, ah... I vote 'no'."

W. Robert Blair: "All right. Palmer 'present'. Have all voted who wished? The Clerk will take the record. On this question, there are 113 'ayes' and 49 'nays' and the gentleman's motion, and 6 'present', and the gentleman's motion prevails. Gentleman from ah... Vermilion, Mr. Craig."

Craig: "Mr. Speaker, having voted on the prevailing side, I now move to reconsider the vote of which House Bill 89."

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

Telcser: "Mr. Speaker, I move that motion lie upon the table."

W. Robert Blair: "All those in favor of the gentleman's motion, say 'aye', the opposed 'no'. The ayes have it and the the gentleman's motion is tabled. The motion to reconsider is tabled. Send the message to the Senate, will you, Mr.



Clerk?"

Fredric B. Selcke: "Yes Sir."

W. Robert Blair: "All right, are there announcements? Gentleman from Cook, Mr. Capuzi."

Capuzi: "Mr. Speaker, Ladies and Gentlemen of the House. I would like to have the unanimous consent to post House Bill 319 in the House Human Resources Committee. Inadvertently this Bill was heard last week and was inadvertently was left off of the posting this morning. I would like to have the unanimous consent to post this Bill."

W. Robert Blair: "All right. Is there objection? Hearing none, the gentleman's request will be granted. The Gentleman from Wayne, Mr. Blades."

Blades: "Mr. Speaker, I would like to announce that the Agricultural Natural Resources Committee will meet in C-1 shortly after adjournment."

W. Robert Blair: "All right. Further announcements. Gentleman from Madison, Mr. Calvo."

Calvo: "Mr. Speaker, I would like to move that ah... Representative Cal Skinner be allowed to be shown as the sponsor on House Bill 462 and 463. He has made this request of me and I would like to move for unanimous consent that Representative Skinner be shown as a sponsor on those two Bills."

W. Robert Blair: "Objection? Hearing none, be granted. Gentleman from Kane, Mr. Schoeberlein."

Schoeberlein: "Ah.... Mr. Speaker, Ladies and Gentlemen of the



House, The Public Utilities Committee will meet immediately after adjournment in M-4. Now you are only going to be detained about four minutes, because I think we are going to have pretty good news for you as to why we are going to get out early. So please there 100 percent."

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

R. Dunne: "Mr. Speaker, is the Executive Committee going to meet here on the floor of the House?"

W. Robert Blair: "Gentleman from, Cook, Mr. Collins could answer the gentleman's question."

Collins: "Yes, Mr. Speaker, the House Executive Committee will meet on the floor of the House shortly after adjournment."

R. Dunne: "Mr. Collins, Representative Collins, will witnesses be sitting in our seats, Sir?"

Collins: "It is my desire to have Committee members occupy the front row of seats. I would ask nobody to be on the floor except members, staff and witnesses and some witnesses will have to occupy seats. I intend to allow no one else to have access to the floor and will ask spectators to reside in the gallery."

R. Dunne: "Representative Collins, if I may. Ah.... although I'm not on your Committee, I am very interested in hearing some of the testimony. Would you hold my seat open, please."

Collins: "Certainly you can have your seat unless you would like to give it to a lady."



W. Robert Blair: "All right. We're just about there boys.

Now, the gentleman from Cook, Mr. Shea."

Shea: "Mr. Speaker, I'd like to welcome back one of our colleagues whose been sick. He did take time to get out of a hospital bed and come down to say hello today, Mr. Richard Carter."

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

Jones: "This is to advise the Members of the Higher Education Committee that we will meet after adjournment in M-3."

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

Pierce: "Mr. Speaker, Representati-e Catania has asked to be a co-sponsor of House Bill 174. As a chief sponsor of that Bill, I would ask leave to add her as a co-sponsor. to House Bill 174."

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

Yourell: "Thank you, Mr. Speaker. Representative Catania and Representative Getty have indicated a desire to be co-sponsors on House Bill 290, and I asked leave of the House for that permission."

W. Robert Blair: "The Gentleman from Cook, Mr. Getty."

Getty: "Mr. Speaker, Representative Roman Kosinski has asked to be a co-sponsor of House Bill 737, of which I am principal sponsor. I would ask leave."

W. Robert Blair: "Objection? Hearing none, be granted. Gentleman from Cook, Mr. Jake Wolf."

J. Wolf: "Mr. Speaker, I would request the unanimous consent of the House to have House Bill ah... 587 posted. It was



heard last week and postponed and was inadvertently left off of the posting."

W. Robert Blair: "Gentleman from Christian, Mr.... Oh, leave will be granted. No objection. Leave's granted. Gentleman from Christian, Mr. Tipsword."

Tipsword: "Mr. Speaker, I just wanted to inquire if the Rules Committee is going to meet now after adjournment also?"

W. Robert Blair: "Gentleman from Cook, Mr. William Walsh, will answer you."

W. Walsh: "The Rules Committee will meet a half-hour after adjournment in Room M-5."

W. Robert Blair: "All right. That would be 4:30. We can get out of here in just a minute now. Any further announcements? Any further questions? Gent.... Oh.... what about the concurrence. O'kay. On the calendar on the order of concurrences, there is one matter here we want to have action on. On the Calendar, on the order of concurrences, appears House Bill 184, with respect to the gentleman's motion concerning Senate Amendment No. 1, gentleman from McLean, Mr. Deavers."

Deavers: "Mr. speaker, and Ladies and Gentlemen of the House, I'd like to make a motion at this time to concur with the Senate Amendment to House Bill 184, of which I am the principal sponsor. The amendment, if you will recall the original Bill, gave 30 days forgiveness. This now gives 10 days, and also include the Governor's appointees for the first four months of 73 also to file late disclosures."



W. Robert Blair: "All right. Now, the Gentleman from Cook, Mr. Mann."

Mann: "Mr. Speaker, just very quickly, I would like to acknowledge one of the great..."

W. Robert Blair: "Wait a minute, there is a motion..." Gentleman from Cook, Mr. Shea."

Shea: "Mr. Speaker, I rise to support this motion. I think that this will resolve the question in many of the elections that are going to be held in April of this year, and I'd appreciate the support of the House."

W. Robert Blair: "Alright, the question is, shall the House concur in Senate Amendment No. 1 to House Bill 184. All those in favor will vote aye, the opposed no. This is final passage and requires 89 votes. Have all voted who wished? Take the record. On this question, there are 127 'ayes', no 'nays', and the House concurs in Senate Amendment No. 1 to House Bill 184. Leon 'aye'. Now, Mr. Mann."

Mann: "Well, Thank you, Mr. Speaker. I just wanted to acknowledge the presence in the rear balcony one of the great labor leaders in the State of Illinois, Mr. Frank Mingle, of the UAW. Would you stand up, Frank."

W. Robert Blair: "All right. Is there anything further? Either side. All right, Gentleman from Cook, Mr. William Walsh, on the adjournment motion."

W. Walsh: "Mr. Speaker, I move that the House do now adjourn until Tuesday, March 27, at 9:30 AM in perfunctory session



and 10:00 AM for regular session."

W. Robert Blair: "All right, all those in favor of the gentleman's motion to adjourn, 9:30 perfunct, 10:00 regular session next Tuesday, say 'aye', opposed 'no'. The ayes have it. It's been a long day. We are adjourned."



HOUSE OF REPRESENTATIVES

SEVENTY-EIGHTH GENERAL ASSEMBLY

THIRTIETH LEGISLATIVE DAY

MARCH 22, 1973

10:00 O'CLOCK A.M.

THE HONORABLE W. ROBERT BLAIR, SPEAKER

IN THE CHAIR



GENERAL ASSEMBLY

STATE OF ILLINOIS

HOUSE OF REPRESENTATIVES

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

Representative Richard A. Carter - illness;

Representative Bernard E. Epton - no reason given;

Representative Peter C. Granata - illness;

Representative John C. Hirschfeld - illness;

Representative Gene L. Hoffman - no reason given;

Representative Peggy Smith Martin - illness;

Representative John F. Wall - illness.



K. Miller: "The House will come to order and prayer by ah..
Joe Carey."

Carey: "Let us pray. I have made a covenant with my chosen one. I have sworn to David, my servant. Forever will I confirm your posterity and establish your throne for all generations. Amen."

K. Miller: "Messages from the Senate."

F. B. Selcke: "Message from the Senate by Mr. Fernandez, Secretary. Mr. Speaker, I am directed to inform the House of Representatives that the Senate's adopted the following Senate Joint Resolution, the adopted of which I am instructed to ask concurrence of the House of Representatives with Senate Joint Resolution number 26 adopted by the Senate, March 21, 1973. Edward E. Fernandez, Secretary. Messages from the Senate by Mr. Fernandez, Secretary. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has passed the bill of the following title and passed which I am instructed to ask concurrence of the House, Senate Bill 72, 92, 111, 118, 133 passed by the Senate March 21, 1973. Edward E. Fernandez, Secretary."

K. Miller: "Committee reports."

F. B. Selcke: "Ah.. Mr. North from the Committee on Cities and Villages which House Bill 445 was referred reported the same back with recommendation that the bill do pass. Mr. North, Cities and Villages, which House Bill 420 was referred, reported same back with recommendation that the



bill do pass. Mr. North, Cities and Villages, which House Bill 247 was referred reported the same back with amendments thereto with the recommendation that the amendments be adopted and bills amended do pass. Mr. North from Cities and Villages which House Bill 352 was referred, reported same back with the recommendation that the bill do not pass. Mr. McMaster from Counties and Townships which House Bills 406, 437, 438, 424 were referred, reported same back with amendments thereto, with the recommendation that the amendments be adopted and the bill as amended, do pass. Mr. Eluthardt from Elections, from which House Bill 212 was referred, reported the same back with amendments thereto with the recommendation that the amendments be adopted and the bill as amended, do pass. Mr. Bluthardt from Elections, from which House Bill 167, 392, 452, 453, 479 were referred, reported the same back with the recommendation that the bills do pass. Mr. Bluthardt from Elections, which House Bill 176 was referred reported the same back with the recommendation that the bill do not pass. Mr. Bluthard, from Elections, which House Bill 480 was referred, reported the same back with amendments thereto with the recommendation that the amendments be adopted and the bills as amended, do not pass. Mr. Soderstrom from Elementary and Secondary to which House Bill 495 was referred, reported the same back with the recommendation that the bill do pass, be re-referred to Appropriations. Mr. Soderstrom, Elementary and Secondary,



which House Bill 504 was referred, reported the same back with the recommendation that the bill do pass. Mr. Capuzi, from Human Resources, which House Bill 321 was referred, reported the same back with amendments thereto with the recommendation that the amendments be and the bills amended, do not pass and be placed on the Speaker's table for two legislative days prior to being tabled. Mr. Capuzi, from Human Resources, which House Bill 416, 543 were referred reported the same back with amendments thereto with the recommendation that the amendments and the bill as amended, do pass. Mr. Capuzi, from Human Resources, which House Bill 432 was referred, reported same back with the recommendation that the bills do pass. Mr. Tuerk, from Industrial Affairs, which House Bill 313, 381 were referred, reported same back with amendments thereto with the recommendation that the amendments be adopted and the bill as amended, do pass. Mr. Duff, from Judiciary II, to which House Bill 161, 270, 271, 404 were referred, reported same back with the recommendation that the bills do pass. Mr. Duff, from Judiciary II, to which House Bill 260, 269, 323 and 658 were referred, reported same back with amendments thereto with the recommendation that the amendments be adopted and the bills as amended, do pass. Mr. Randolph, from Revenue, to which House Bill 121 was referred, reported the same back with the recommendation that the bill do not pass. Mr. Randolph, from Revenue, to which House Bill 143 was referred, reported the same back with amendments



thereto with the recommendation that the amendments be adopted and the bill as amended, do pass. Mr. Randolph, from Revenue, to which House Bills 300, 388, 483, 484, and 485 were referred reported the same back with the recommendation that the bills do pass. Mr. Randolph, from Revenue, to which House Bill 634 was referred reported the same back with amendments thereto with the recommendation that the amendments be adopted and the bills as amended, do pass. Mr. Randolph, from Revenue, to which Senate Joint Resolution 10 was referred, reported the same back with the recommendation that the House concur with the Senate and the adoption of the resolution. Mr. Neff, from Transportation, to which House Bill 222 was referred reported the same back with amendments thereto with the recommendation that amendments be adopted and the bills as amended, do not pass. Mr. Neff, from Transportation, to which House Bill 317 was referred reported the same back with the recommendation that the bill do not pass. Mr. Neff, from Transportation, to which House Resolution 30 was referred, reported the same back with recommendation that the resolution do not pass. Mr. Neff, from Transportation, to which House Resolution 58 was referred reported the same back with the recommendation that the Resolution do not pass as amended. Mr. Neff, from Transportation, to which House Joint Resolution 5, was referred, reported the same back with the recommendation that the Resolution be adopted. Mr. Washburn from Appropriations



to which House Bill 245, 557, 558, 560, and 633 reported the same back with amendments thereto with the recommendation that the amendments be adopted and the bill, as amended, do pass. Mr. Washburn, from Appropriations, to which House Bill 264, 457, 559 were referred, reported the same back with the recommendation that the bills do pass. Mr. Washburn, from appropriations, which House Joint Resolution 18, reported the same back with the recommendation that the resolution do adopt. Mr. Bluthardt from Elections to which House Bill 136 was referred returned the same back pursuant to Rule 23-D. The bill was ordered tabled. Mr. Capuzi from Human Resources to which House Bill 147 was referred returned the same back and pursuant to Rule 23-D the bill was ordered tabled. Mr. Tuerk from Industrial Affairs to which House Bill 207 was referred reported the same back pursuant to Rule 23-D and the bill was ordered tabled. Mr. Epton from the Committee on Insurance to which House Bills 150 and 225 were referred reported the same back pursuant to Rule 23-D that the bills were ordered tabled. Mr. Duff from Judiciary II to which House Bill 235 was referred reported same back and pursuant to Rule 23-D it was ordered tabled. Mr. Klosak from Registration and Regulation to which House Bills 257 and 258 were referred reported the same back and pursuant to Rule 23-D the bills were ordered tabled."

K. Miller: "Introduction of new bills. First Reading."



F. Selcke: "House Bill 766, Fleck, et al. Amends the Municipal Code. First Reading of the Bill. House Bill 767, Calvo, et al. Amends an Act relating to Appellate Courts. First Reading of the Bill. House Bill 768, DiPrima et al., Amends the State Employees Retirement System. First Reading of the Bill. House Bill 769, Bradley. Amends the Illinois Vehicle Code. First Reading of the Bill. House Bill 770, Waddell, et al. Weather Modification Control Act. First Reading of the Bill. House Bill 771, Waddell, et al. Appropriates \$50,000 to the Department of Registration and Education for the Weather Modification Control Act. First Reading of the Bill."

K. Miller: "Mr. Washburn moves that the House recess til 10:00 this morning. And it's a good thing."

