

HOUSE OF REPRESENTATIVES

SEVENTY-EIGHTH GENERAL ASSEMBLY

FORTIETH LEGISLATIVE DAY

APRIL 11, 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 Peter C. Granata - illness;
- Representative John E. Grotberg - illness;
- Representative Fred J. Schraeder - no reason given;
- Representative John F. Wall - illness.



2.

K. Miller: "The House will now be in order. The pray by Joe Cary."

Cary: "Let us pray. Lord, Bless this House and all who work in it. Bless the staff, bless the Clerk and bless all of the pages. Amen."

K. Miller: "Messages from the Senate."

F. B. Selcke: "A message from the Senate by Mr. Fernandes, Secretary. Mr. Speaker - I am directed to inform the House of Representatives the Senate has concurred with the House in the adoption of their amendment to the following Joint Resolution No. 30, concurred in by the Senate, April 10, 1973. Edward E. Fernandes, Secretary."

K. Miller: "Committee Reports."

F. B. Selcke: "Mr. Soderstrom from Committee on Elementary and Secondary Education, which House Bill 805, reported sending back with amendments thereto with the recommendation the amendments be adopted and the Bill as amended do pass."

K. Miller: "Introduction of First Reading."

F. B. Selcke: "House Bill 1114. Boyle et al. Abandoned Mined Land Reclamation Act. First Reading of the Bill. House Bill 1115. Boyle et al. Appropriates \$2.5 million to the Department of Mines and Minerals. First Reading of the Bill. House Bill 1116. Capuzi et al. Amends Vehicle Code. First Reading of the Bill. House Bill 1117. Pappas et al. Amends Vehicle Code. First Reading of the Bill. House Bill 1118. Pappas et al. Amends Use Tax Act. First Reading of the Bill. House Bill 1119. Pappas. Amends



Retailers' Occupation Tax Act. First Reading of the Bill. House Bill 1120. Craig et al. Amends Vehicle Code. First Reading of the Bill. House Bill 1121. Amends Vehicle Code. First Reading of the Bill. House Bill 1122. Schlickman et al. Local Government Land Use Planning and Management Act. First Reading of the Bill. House Bill 1123. Schlickman et al. Creates the Land Use Planning and Management Act. First Reading of the Bill. 1124. Schlickman et al. Appropriates \$2,500,000 to Department of Local Government Affairs. First Reading of the Bill."

K. Miller: "Gentleman from Cook, Representative DiPrima, now moves that the House stand adjourned.... stands recessed until 10:00 AM."

REGULAR SESSION

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

Doctor Johnson: "Lead us almighty God to the opportunities as well as to the responsibilities that lie before us this day. The duties incumbent upon us in this Session are spelled out in the calendar and in our committee assignments, but the opportunities are spelled out clearly in your word. This day we can be diligent in our job as legislators, responsible to our constituents, upright in



our dealings with one another, cordial in our association, scrupulous in our behavior, considerate in our speech, courageous in our convictions, compassionate in our attitude. We pray in your spirit, oh God, please become the guideposts of that which we do this day. Amen."

Hon. W. Robert Blair: "Roll Call for Attendance. Gentleman from Cook, Mr. William Walsh."

Walsh: "Mr. Speaker, will the Journal show that Representatives Granata, Wall and Groberg are absent because of illness."

Hon. W. Robert Blair: "Journal will so indicate." Committee Reports."

F. B. Selcke: "Mr. Klosak, from Registration and Regulation, to which House Bill 551 was referred, reported sending back with the recommendation the Bill do not pass."

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

F. B. Selcke: "House Bill 1125. Timothy Simms. Creates the Illinois Aeronautics Board, within the Department of Aeronautics. First Reading of the Bill. House Bill 1126. North et al. Amends the Insurance Code. First Reading of the Bill. House Bill 1127. Deavers et al. Amends the Illinois Municipal Code. First Reading of the Bill. House Bill 1128. Deavers. Amends the Vehicle Code. First Reading of the Bill. House Bill 1129. Lundy. Public Mass Transit Public Hearings Act. First Reading of the Bill. House Bill 1130. Geo-Karis. Creates the Illinois Area Transportation Act. First Reading of the Bill. House Bill 1131. Tipsword et al. Amends Professional Service



Corporation Act. First Reading of the Bill. House Bill 1132. Pierce et al. Amends Municipal and County Retailers and Service Occupation Tax Act. First Reading of the Bill. House Bill 1133. Sevcik et al. Amends Savings and Loan Act. First Reading of the Bill."

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

F. B. Selcke: "House Resolution 198. Huskey et al."

Hon. W. Robert Blair: "Gentleman from Cook, Mr. William Walsh, on Agreed Resolutions."

Walsh: "Well, we've got just one Agreed Resolution, Mr.

Speaker, that I don't think anyone can argue with and that commends our good friend, the Honorable Romie Palmer, on his ah... birthday today. And Romie's not here, so we won't have to sing, and I approve the adoption of the House Resolution."

Hon. W. Robert Blair: "All right, the question's on the adoption of the Agreed Resolution. All those in favor, say 'aye'. Opposed 'no'. The 'ayes' have it and the Agreed Resolution is adopted. Ah.... House Bills, Second Reading."

F. B. Selcke: "House Bill 388. B. B. Wolfe. He here? Not here."

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

F. B. Selcke: "House Bill 389. Giorgi. He's not here, Mr. Speaker."

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

F. B. Selcke: "House Bill 392. Pierce. Bill for an Act to amend the Election Code. Second Reading of the Bill. No



Committee Amendments."

Hon. W. Robert Blair: "Any Amendments from the Floor?"

F. B. Selcke: "Amendment No. 1 Pierce. Amend House Bill 392 on Page 1, line 5, by inserting before the word 'section' following section 1 on page 1, by deleting 'as added' and inserting in lieu thereof 'as amended'."

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

Pierce: "This is a mere wording amendment, the Reference Bureau found, although they drafted the Bill. It's so minor and technical, we wouldn't even mind it in the Governor's Amendatory Veto. It changes 'is added' to 'is amended' which is the way the Bill should have read, as in many existing statutes, and it puts Section 1 where it just says 'section' in one place, so this is strictly a ah... housekeeping amendment. No substance to it, and I therefore offer adoption of Amendment No. 1 to House Bill 392."

Hon. W. Robert Blair: "Discussion on the Gentleman's Amendment? Question's on its adoption. All those in favor, say 'aye'. Opposed 'no'. The 'ayes' have it and the Amendment is adopted. Further Amendments? Third Reading. Let's go back and pick up Mr. Giorgi."

F. B. Selcke: "House Bill 389. Giorgi. An Act relating to election of County Board Members. Second Reading of the Bill. No Committee Amendments."

Hon. W. Robert Blair: "Any Amendments from the Floor?" Third Reading. "Now, for what purpose does the gentleman from Cook, Mr. B. B. Wolf, arise?"



Wolf: "I'm sorry, I thought you had 388 on the Board, Mr. Speaker."

Hon. W. Robert Blair: "Would you like me to go back there?"

Wolf: "Ah... yes, please, get rid of it."

Hon. W. Robert Blair: "I'd be happy to accommodate you. Read 388."

F. B. Selcke: "House Bill 388. B. B. Wolf. Bill for an Act to amend the Revenue Act. Second Reading of the Bill. No Committee Amendments."

Hon. W. Robert Blair: "Any Amendments from the Floor?"

F. B. Selcke: "Amend House Bill 388 on page 1 by deleting line 31 and inserting in lieu thereof of the following and so forth."

Hon. W. Robert Blair: "Gentleman from Cook, Mr. B. B. Wolf."

Wolf: "Thank you, Mr. Speaker, and a pleasant good morning to you."

Hon. W. Robert Blair: "Likewise."

Wolf: "Thank you."

Hon. W. Robert Blair: "You're welcome."

Wolf: "Oh, what a beautiful day. This Amendment was requested by the Committee and it's a clarification amendment and I would ask the House to adopt the amendment."

Hon. W. Robert Blair: "Any discussion?"

Wolf: "Clarification... It's clarification in 388. The clarification of the Amendment, Mr. Speaker and Ladies and Gentlemen of the House, only indicates that the ah... extension would apply only to the ah... corporate farms and not to



.... and as as a result of the Supreme Court Decision, the Committee indicates that the Amendment would be proper in order to clarify the intent of the Bill."

Hon. W. Robert Blair: "All right, any further discussion? All rights, the question's on the Adoption of the Amendment. All those in favor, say 'aye'. Opposed 'no'. The 'ayes' have it and the Amendment is adopted. Are there further Amendments? Third Reading."

F. B. Selcke: "House Bill 396. Hart. Bill for an Act to Amend an Act relating to township organization. Second Reading of the Bill. One Committee Amendment. Amend House Bill 396 on page 6, line 18, by inserting after the period, the following: Following the dissolution of all townships in the county and so forth."

Hon. W. Robert Blair: "Gentleman from Franklin, Mr. Hart."
Hart: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill just clarifies ah.... the law and makes it ah... assured that the ah.... new county government will have all of the duties and obligations of the commissioned county government ah... requested by township people, and I move for the adoption of the Amendment."

Hon. W. Robert Blair: "Discussion. Question's on the adoption of the Amendment. All those in favor, say 'aye'. Opposed 'no'. The 'ayes' have it and the Amendment's adopted. Are there further Amendments? Third Reading."

F. B. Selcke: "House Bill 397. Hart. Bill for an Act to amend the Election Code. Second Reading of the Bill. No



Committee Amendments."

Hon. W. Robert Blair: "Any from the Floor? Third Reading."

F. B. Selcke: "House Bill 398. Hart. Bill for an Act to amend an Act to provide law in relation to Counties. Second Reading of the Bill. No Committee Amendments."

Hon. W. Robert Blair: "Any from the Floor? Third Reading."

F. B. Selcke: "House Bill 399. Hart. Bill for an Act to amend an Act relating to county boards. Second Reading of the Bill. No Committee Amendments."

Hon. W. Robert Blair: "Any Committee Amendments from the Floor? Second Reading of the Bill."

F. B. Selcke: "House Bill 402. B. B. Wolf. Bill for an Act to amend an Act relating to child custody. Second Reading of the Bill. One Committee Amendment. Amend House Bill 402 on page 10, by deleting line 11 and inserting in lieu thereof the following: That he appear personally with a child and so forth."

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

Wolf: "Thank you, Mr. Speaker. The ah... amendment was indicated as being essential and necessary in this custody jurisdiction bill because of the Johnny Linguist case and provides for an attorney for the child in the child's best interest, and I would ask the House to adopt the amendment."

Hon. W. Robert Blair: "All right, discussion? Question's on the adoption of the Amendment. All those in favor, say



'aye', opposed 'no'. The 'ayes' have it and the Amendment is adopted. Are there further Amendments? Third Reading."

F. B. Selcke: "House Bill 404. B. B. Wolf. Bill for an Act to amend Paternity Act. Second Reading of the Bill. No Committee Amendments."

Hon. W. Robert Blair: "Are there any amendments from the Floor?"

F. B. Selcke: "Amendment No. 1. Wolf. Amend House Bill 404, on page 1, lines 1 and 5, by deleting 8 and inserting in lieu thereof 7, and on page 4, line 14, by deleting the coun....."

Hon. W. Robert Blair: "Gentleman from Cook, Mr. B. B. Wolf."

Wolf: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House, the first portion of the Amendment is merely a correcting portion by deleting 8 and inserting 7, and the other portion of it is also a correcting amendment. It removes the term 'county jail' since we no longer refer to that in our statutes, and instead of that, we insert 'a penal institution' other than the penitentiary. I would respectfully ask your adoption of this Amendment."

Hon. W. Robert Blair: "All right, is there discussion? The Chair is appointing Mrs. Dyer as the Temporary Speaker."

Mrs. Dyer: "All right, all in favor of the gentleman's Amendment, say 'aye'. All opposed. 'Ayes' have it. The Amendment is adopted. Any further Amendments? Third Reading. House Bill 412."



F. B. Selcke: "House Bill 412. Pappas. Bill for an Act to amend the Vehicle Code. Second Reading of the Bill. No Committee Amendments."

Dyer: "Any Amendments from the Floor? Third Reading."

F. B. Selcke: "House Bill 417, Barry. Bill for an Act to amend the Civil Practice Act. Second Reading of the Bill. Two Committee Amendments."

Dyer: "Gentleman from ah.."

F. B. Selcke: "Committee Amendment No. 1. Amend House Bill 417, page 4, by deleting lines 14, 15 and so forth."

Dyer: "Gentleman from Cook, Mr. Wolf. For what purpose does the gentleman rise?"

Wolf: "Point of parliamentary inquiry."

Dyer: "Proceed."

Wolf: "Shall I state my point?"

Wolf: "Now, how do we refer to you? As Mr. Speaker, Madame Chair Lady, Madame Chairperson, Mrs. Speaker, Miss Speaker or Ms. Speaker."

Dyer: "I'm informed by my Parliamentarian that the correct title is Madame Speaker."

Wolf: "Thank you, Madame Speaker."

Dyer: "Oh, the Gentleman.. Mr. Barry.. Representative Barry."

Barry: "Madame Speaker and Ladies and Gentlemen of the House, the two amendments are Committee Amendments. They're merely technical amendments. One, to delete a line that was doubly typed and the other is to remove a phrase that



became unnecessary in the opinion of the Committee and I suggest the adoption of the amendment."

Dyer: "Any discussion on the amendment? If not, the amendment is adopted. Ah.. any further amendments?"

F. B. Selcke: "Amendment No. 2. Amend House Bill 417, page 11 and so forth."

Dyer: "The gentleman from Bureau moves for the adoption of Amendment No. 2. All in favor say 'aye'."

Members: "Aye."

Dyer: "All opposed 'nay'. Amendment is adopted. Third Reading."

F. B. Selcke: "Ah.. House Bill 419. Taylor. Bill for an Act in relation to Work Study Program for high school students. Second Reading of the Bill. Ah.. one Committee Amendment. Amend House Bill 419, page 1, line 5 by deleting 'area' and inserting in lieu thereof 'school districts' and so forth."

Dyer: "Gentleman from Cook, Mr. Taylor."

Taylor: "Madame Speaker, Ladies and Gentlemen of the House, Committee Amendment No. 1 simply changes the word area and places in lieu thereof school district of sub-school district. I move for the adoption of Committee Amendment No. 1 to House Bill 419."

Dyer: "The Gentleman has moved for the adoption of the amendment. Is there any discussion? All in favor say 'aye'."

Members: "Aye".

Dyer: "Opposed? Amendment is adopted. Third Reading."



F. B. Selcke: "House Bill 432. Flynn. Bill for an Act to Amend the Public Aid Code, Second Reading of the Bill. No Committee Amendment."

Dyer: "Are there any amendments from the Floor? Third Reading."

F. B. Selcke: "Ah.. House Bill 434. Williams. Bill for an Act to Amend the Election Code. Second Reading of the Bill. Two Committee Amendments. Committee Amendment No. 1. Amend House Bill 434 on page 1, line 8, by deleting the word 'section' and on page 1 and so forth."

Dyer: "The Gentleman from Cook, Mr. Williams."

Williams: "Thank you. Madame Speaker, Ladies and Gentlemen of the House, ah.. let's see.. House Bill 434 amends the Election Code making it now a uniform.. throughout the state by elimating the population requirement of 500,000. That in wherever it is possible ah.. public buildings will be used as polling places. Ah.. Committee Amendment No. 1 which is a good one adds a County Board or the Board of the Election Commissioners. It is a good amendment and I move the adoption of Committee Amendment No. 1."

Dyer: "The Gentleman moves for the adoption of the Amendment. Is there any discussion? All in favor say 'aye'. Opposed 'no'. Third Reading. The amendment is adopted."

F. B. Selcke: "Ah.. Amendment.. Committee Amendment No. 2. Amend House Bill 434 on page 1, line 8, by inserting immediately after 11-4.1 the following: (a) and on page 1.



by adding after line 12 the following and so forth."

Dyer: "Gentleman from Cook, Mr. Williams."

Williams: "Ah.. that's also an excellent Committee Amendment.

And it now says that the County Board or the Board of the Election Commissioners shall request the proper agency of local government to make available ah.. school buildings and other public buildings at no charge.

And I also move the adoption of the Amendment #2."

Dyer: "The Gentleman moves the adoption of Amendment No. 2.

Is there any discussion? All in favor say 'aye'. The opposed 'no'. The Amendment No. 2 is adopted. Are there any further amendments? Third Reading. The Gentleman from Cook, Mr. Wolf."

Wolf: "On a point of personal privilege, I'd like to introduce my office-mate, Representative George Ryan, who's in the gallery to the rear. And it's nice to have him with us today."

F. B. Selcke: "Ah.. House Bill 437, Hirschfeld. Ah.. Bill for an Act relating to the creation of Office of County Counselor by County Board. Second Reading of the Bill. Ah.. Committee Amendment.. Apparently Committee Amendment No. 1 was tabled. Committee Amendment No. 2. Amend House Bill 437 on page 3 by adding a new paragraph to read as follows. 'This Amendatory Act of 1973 did not apply to any home rule unit and county'."

Dyer: "Ah.. the Gentleman from Champaign, Mr. Hirschfeld."

Hirschfeld: "Thank you, Madame Speaker, ah.. Amendment No. 2



is simply the home rule exclusion amendment. And I move its adoption."

Dyer: "The Gentleman moves the adoption of the Amendment. Is there any discussion? All in favor say 'aye'. Opposed 'no'. The amendment is adopted. Are there any further amendments? Third Reading."

F. B. Selcke: "Ah.. House Bill 438, Hirschfeld. Amends an Act relating to plats. Second Reading of the Bill. One Committee Amendment. Amend House Bill 438 on page 3 by deleting lines 10, 11 and so forth."

Dyer: "Ah.. gentleman from Champaign, Mr. Hirschfeld."

Hirschfeld: "Ah.. Thank you, Madame Speaker. The Amendment on House Bill 438 in affect is the bill due to the fact that the Legislative Reference Bureau made an error and miswrote the bill. So I had to prepare an amendment which is the bill. And ah.. I move its adoption. It.. it merely ah.. ah.. specifies what the bill intended to specify, namely that farmers will be allowed to sell a single lot of land of less than 5 acres ah.. and not fall within the restrictions of the Plat Act."

Dyer: "Ah.. the gentleman moves the adoption of the Amendment. Is there any discussion? All in favor say 'aye'. Opposed 'no'. And the Amendment is adopted. Any further amendments? Third Reading."

F. B. Selcke: "Ah.. House Bill 443. Dave Jones. Bill for an Act to amend the Income Tax Act. Second Reading of the Bill. No Committee Amendments."



Dyer: "No Committee Amendments? Are there any amendments from the floor? Hearing none the bill will move to Third Reading."

F. B. Selcke: "Ah.. House Bill 446. Ah.. Choate. Bill for an Act relating to alcoholic liquor. Second Reading of the Bill. No Committee Amendments."

Dyer: "Are there any amendments from the floor? Third Reading."

F. B. Selcke: "House Bill 449. Ah.. Hanahan. Bill for an act to amend the Illinois Pension Code. Second Reading of the bill. No Committee Amendments."

Dyer: "Ah.. are there any amendments from the Floor?"

F. B. Selcke: "Ah.. Amendment No. 1, Hanahan. Amend House Bill 449 on page 2, line 10 by deleting 55 and inserting in lieu thereof, 50."

Dyer: "Ah.. the Gentleman from McHenry, Mr. Hanahan."

Hanahan: "Mr. Speaker and Members of the House, Amendment No. 1

to House Bill 449 would bring into the question of whether or not to amend the State Policemen at the age of 55 to allow them to retire at age 50. This

amendment would allow the state firefighters ah.. the firefighters under the same act as the pension laws.

And I move to adopt Amendment No. 1 which would allow the state firefighters the same privilege."

Dyer: "Now the gentleman moves the adoption of Amendment No. 1. Is there any discussion? All those in favor say 'aye'. Opposed 'no'. The amendment is adopted.



Are there any further amendments? Third Reading."

F. B. Selcke: "House Bill 452. Bluthardt. Bill for an Act to amend the Election Code. Second Reading of the Bill. No Committee Amendments."

Dyer: "Are there any amendments from the floor? Third Reading."

F. B. Selcke: "House Bill 453. Bluthardt. Bill for an Act to amend the Election Code. Second Reading of the Bill. No Committee Amendments."

Dyer: "Are there any amendments from the floor? Third Reading."

F. B. Selcke: "House Bill 458. Juckett. Ah.. Bill for an Act to amend the Illinois Municipal Code. Second Reading of the Bill. One Committee Amendment. Amend House Bill 458 on page 1, line 1 and so forth."

Dyer: "Gentleman from Cook, Mr. Juckett."

Juckett: "Mr. Speaker, I would move the adoption of Committee Amendment No. 1 to House Bill 458."

Dyer: "The Gentleman moves the adoption of Committee Amendment No. 1. Is there any discussion? All in favor say 'aye', opposed 'no'. The amendment is adopted. Any further amendments? Third Reading."

F. B. Selcke: "House Bill 459. Fleck. Is he there?"

Dyer: "I can't see him. Mr. Fleck? Take it out of the record."

F. B. Selcke: "House Bill 460. McMaster. Bill for an Act to amend the Revenue Act. Second Reading of the Bill. One Committee Amendment. Amend House Bill 460, page 1, line 19, by deleting 'clerk' and inserting in lieu thereof,



'board'."

Dyer: "Gentleman from Knox, Mr. McMasters."

McMaster: "Ah.. Ladies and Gentlemen, I would move the adoption of Committee Amendments to House Bill 460."

Dyer: "The Gentleman moves the adoption of the Committee Amendment. Is there any discussion? All in favor say 'aye'. Opposed, 'no'. The amendment is adopted. Are there any further amendments? No further amendments? Third Reading."

F. B. Selcke: "House Bill 468. Washington. Bill for an Act creating the Right of Privacy Commission defining its powers and duties. Second Reading of the Bill. No Committee Amendments."

Dyer: "Are there any amendments? Third Reading."

F. B. Selcke: "House Bill 474. R. A. Walsh. Bill for an Act to amend the School Code. Second Reading of the Bill. One Committee Amendment. Amend House Bill 474, page 1 by adding after line 6 the following Section II and so forth."

Dyer: "The Gentleman from Cook, Representative Walsh."

Walsh: "Ah.. Madame Speaker and the Members of the House, Committee Amendment No. 1 provides that anyone who has a teacher education tuition waiver at the time this bill would become law would not lose that tuition waiver. Would remain in school until the expiration of ah.. the waiver that had been granted. I move the adoption of the Committee Amendment."



Dyer: "Gentleman moves the adoption of the amendment. Is there any discussion? All in favor say 'aye'. Opposed 'no'. The Committee Amendment is adopted. Are there any further amendments? Third Reading."

F. B. Selcke: "House Bill 481. Macdonald. Bill for an act to creat a Scenic Rivers System by zoning streams and so forth. Second Reading of the bill. Four Committee Amendments. Amend House Bill 481 on page 3, line 27 by deleting Agriculture and so forth."

Dyer: "Lady from Cook, Representative Macdonald."

Macdonald: "Madame Speaker, I would recommend the adoption of Committee Amendment No. 1 which was placed on the bill in order to clarify Zone B which has delineated 660 on each side of the river. And this is for the purpose that the normal banks of the river shall be established as of October 1, 1973, which was put there as a date in the future so that it might not have been considered an arbitrary high-water level. I would recommend the adoption of this amendment."

Dyer: "The Lady moves the adoption. But for what purpose does the Gentleman from Champaign, Mr. Hirschfeld arise?"

Hirschfeld: "Madame Speaker, Members of the House, I would suggest to the Members of this House on both sides of the aisle, that they pay extremely close attention to this bill. Representative Macdonald and I have discussed it at great lengths. But this is the Scenic Rivers Bill. And the Committee Amendments are being put on at this stage



of the game and I would suggest we have a little more order because this may be one of the most important bills we discuss in this term."

Dyer: "The point is well-taken, Representative Hirschfeld. And I would request a little quiet so we can hear the Lady from Cook present her amendment. Ah.. Representative Macdonald moves the adoption of Amendment No. 1. Is there discussion on this amendment? All in favor say 'aye'. Ah.. for what purpose does the representative from Cook, Representative Kosinski arise?"

Kosinski: "Ah.. Madame Speaker, in view of the noise and the fact that there may have been some inattention and in view of the fact that my colleague across the aisle called our attention to this specific amendment, I wonder if the amendment would again be explained prior to the vote?"

Dyer: "I expect it would. Would the sponsor please explain the amendment again? Representative Macdonald?"

Macdonald: "Yes, I'd be happy to Madame Speaker. This clarifies Zone B which are.. is the distance of the frontage of the river."

Dyer: "We're listening to the Lady from Cook, explain the amendment to the Scenic Rivers Bill. Amendment No. 1."

Macdonald: "Amendment No. 1 defines the footage on each side of the river which is determined to be 660 feet measured perpendicularly to each of the normal banks of the river. It also provides ah.. that October 1, 1973, will



used as the high-water mark ah.. to measure the land back on the 660 feet. That's what this amendment does."

Dyer: "For what purpose does the gentleman from Peoria, Mr. Tuerk, arise?"

Tuerk: "Madame Speaker, I wonder if the electrician could turn the power up on the microphone. I think Mrs. Macdonald is speaking into the microphone but we don't seem to be getting any power."

Dyer: "Thank you. All right. Is there any discussion of Amendment No. 1?" Representative Kosinski."

Kosinski: "Madame Colleague, I'm not certain as to what the amendment does to change the original bill. Does this increase the footage or decrease the footage?"

Macdonald: "On the original bill there were no limitations on the banks. There were objections by other Members of the House and also public objection that there had been no ah.. definite footage put on or no definite mileage limit. So this was established to satisfy those objections."

Kosinski: "And the premise on which the exact footage was established, may I understand that?"

Macdonald: "In the testimony and in hearings of course it was established that there should be some definite rather than just an indefinite amount of land that could be taken. So it was established that from the hearing and the testimony that 660 foot.. feet was the acceptable ah.. determination of the land."



Kosinski: "Was this acceptable to the Agriculture Department?"

Macdonald: "Well, they didn't oppose it at that point."

Dyer: "For what purpose does the Gentleman from Macon,
Representative Borchers, arise?"

Borchers: "I'd like to ask the sponsor of the amendment a question. Now is this ah.. it was.. I couldn't hear a little while ago because of the amplification I presume and also the noise in this chamber. On this particular it ought to be a little bit more quiet incidentally. Ah.. but ah.. is this perpendicular from the center of the river or from a point on the bank?"

Dyer: "Ah.. it's from the center of the river."

Borchers: "In this state, unlike most states in this land, the title lies in the center of the channel. And I want to make certain about that six hundred feet to point from which it arises. It is from the center of the river."

Dyer: "It's from the.. Let me read the amendment and this will clarify probably some of the questions. 'Where private land is involved, the maximum limit of the boundaries of Zone B as delineated by the Department is 660 feet on each side of the river measured perpendicularly to each of the normal banks of the river. For this purpose the normal banks of the river are the banks of the river as of October 1, 1973. It's not otherwise delimited by unofficial survey, map or chart heretofore prepared and filed for record by the Federal Government or the State of Illinois. Nothing in this section prohibits the



owner of land along the river and in the Department from mutually agreeing in writing to the inclusion in Zone B of a portion of the owner's land in excess of the maximum limits prescribed by this paragraph."

Borchers: "I would like to point out that I agree that there is a little bit ofa it is not quite clear. Again, I repeat, in this State, and a few others, there's contrary to most States in this land, the title rises in the center of a channel, as I understand it you...a this says. from a point perpendicular to the bank. Well the bank is not the dividing line in relation to the land ownership in this State. It's the center of the river. Now the land underneath the flowing water, the center of the stream."

Dyer: "Well Mr. Borchers, this Amendment has to do with the zone on the bank. This I'm..or Mr. or Representative Borchers, this has to do with the zoning on the bank."

Borchers: "Now wait a minute, I've had so much confusion between advice all around me that I didn't hear the Speaker."

Dyer: "The Amendment has to do with...the river...not with the river, but with the land on the banks of the river."

Borchers: "That's the point I'm trying to make. The land title starts in the land underneath the center of the river, not the bank."

Dyer: "This has nothing to do with titles. Excuse me Representative Borchers, let's see if we can get it a little bit quiet. This may be one of the most important bills in this



session, I think its terribly important that everyone understand the point Representative Macdonald is trying to clarify. Could we have a little quiet?"

Borchers: "Well, look, what I'm tryin to get clear is, in this State, the land title starts in the middle of the channel on the land, not the water. Now this says from the bank, it could be, if its a wide river, say 100 feet wide, you have a difference of that 600 feet measurement from the center of the river, which is the land title, or the bank, which is 600 foot further back, which means if the river is 100 foot wide, then actually the State will control 6⁶⁰ feet, because of the water situation instead of the 600 feet, which is a quarter...come to think about it, is a quarter of a mile. Well, that's alright, we'll discuss all that later. Now what ifto clarify that."

Dyer: "Well, Representative Borchers, this has to do with the bank, not with the river itself, because it will vary, of course, from place to place. But it is 660 feet on each side of the river bank."

Borchers: "Well now the bank of the river that I own are subject to wash. What banks, exactly, are your talking about where the edge of the water is, the low water...whether its a high water, where the river sometimes comes over a bank, or sometimes, its like, its like this. Now what is the bank?"

Dyer: "That's why I read the Amendment, Representative Borchers, because we have established that water mark as of October 1,



1973. A date in the future so that we can not be accused of prejudicial determination."

Borchers: "Now, let's get that straight. Now the water mark as of October 1, 1973, and where the river is at that time is the water mark. Now in the Sangamon River on October 1st, normally, you can jump across it in certain areas. But if there happens to be a good rain, its maybe ten foot high. Now which is gonna be the bank?"

Dyer: "As of October 1, 1973, that will be the mark set."

Borchers: "But you understand that in case we have a flood, it can go back a half a mile over a bottom land, which in turn, will throw it 6 and a quarter of a mile further on back into the back land. Now is this a logical thing?"

Dyer: Yes, I believe; I believe it is."

Borchers: "In other words, you realize that this, under this terminology you could be taking not only a half a mile... From the point of during the flood of October 1st, a half a mile there, plus another quarter of a mile, which is nearly a mile of control of land although the river normally may be three quarters of a mile away."

Dyer: "Well, Representative Borchers, first of all, I don't believe we are taking anything, we are zoning the land and it could just as easily be and that's why a date in the future was chosen, because it could just as easily be an exceptionally low water mark."

Borchers: "But it isn't necessarily so. And if it happened to be a rainy flood at that time, you are certainly controlling



in some places, possibly a mile of land...under zoning."

Dyer: "That's possible, Representative Borchers."

Borchers: "Well, is this logical?"

Dyer: "I feel it is, that's why we set it up in a date in the future."

Borchers: "I feel this because I'm a land owner on the river bottom, that would take in even houses and land and barns and everything else."

Dyer: "For what purpose does the Gentleman from Cook, Representative Piotrowicz, arise?"

Piotrowicz: "Madame Chairman, Madame Speaker, and Ladies and Gentlemen of the House, we are doing the sponsor of this Bill a great disservice and ourselves a great disservice in not giving these Amendments in her Bill the attention that they really deserve. When it comes up again for Third Reading, the same questions are going to be asked by many members of this House, its going to take another one or two hours of discussion of this and I would ask that we give the Lady from Cook County, the sponsor of this very very important Bill, the kind of attention that she deserves as a member of this House and the kind of attention that a Bill of this magnitude importance deserves. Madame Speaker, I would ask that you insist that there would be this kind of order."

Dyer: "Your point is well taken, Representative Piotrowicz. I'm going to bang the gavel one more time and I hope the members will cooperate and let the Lady from Cook explain



her Amendment. For what purpose does the Gentleman from Lake, Representative Matejevich arise?"

Matejevich: "Well, I was going to make a point of order, but I see the Gentleman from Macon isn't up anymore, because I thought they were engaging in battle."

Dyer: "Thank you, your point is well taken. For what purpose does the Gentlemen from Stevenson County, Representative Rigney."

Rigney: "Mrs. Macdonald, isn't it true that in your original Bill without the Amendment, theoretically, this zone B could even run back as much as three or four miles, or ten miles. It's unlimited under your original Bill, is this correct?"

Macdonald: "That's correct, Representative Rigney."

Rigney: "So to my friend, Mr. Borchers, maybe I don't like the Bill either and I'm probably going to have to vote against it on Third Reading, but I think we must say as far as the Amendment itself is concerned, it is a good Amendment."

Dyer: "Is there any further discussion of Amendment No. 1? Are we ready for the question? All those in favor of Amendment No. 1 say aye, opposed no, the Amendment is adopted. Are there any further Amendments?"

Jack O'Brien: "Amendment No. 2. Amends House Bill 481 on page 3, line 18, by adding after the words "respect of river in" the following "Zones A and B of" and on page 6, line 20, by deleting the word "Zone", and adding in lieu thereof "Zone A and B"."



Dyer: "The Lady from Cook, Representative Macdonald."

Macdonald: "Madame Speaker, this Amendment simply was to clarify the broad term of the word system. There was some objection that Zones A and B were unclear in that... in the system, and that a members of the Agricultural or the a...a...people in the agricultural community asked that we define Zone B and A specifically rather than using the term system in this Section. For that point of clarification, I have offered this Amendment."

Dyer: "Alright, the Lady moves for the adoption of Amendment No. 2. Is there any discussion? All those in favor of the adoption of Amendment No. 2 say aye, opposed no, the Amendment is adopted. Any further Amendments?"

Jack O'Brien: "Committee Amendment No. 3 amends House Bill 481 on page 8, line 3 and 18 by inserting afterward the word "published"after the word"circulation"."

Dyer: "The Lady from Cook, Representative Macdonald."

Macdonald: "Madame Speaker, this again is an Amendment for clarification. It merely states that in the publications that they should be local. This is the intent of this Amendment to have local publications of notice."

Dyer: "The Lady moves the adoption of Amendment No. 3. Is there any discussion? All in favor say aye, opposed no, the Amendment No. 3 is adopted. Are there any further Amendments?"

Jack O'Brien: "Committee Amendment No. 4. Amends House Bill 481 on page 8, by inserting after line 11 and before line



12, the following and so forth."

Dyer: "Representative Macdonald."

Macdonald: "Madame Speaker, of course, I would have to oppose this particular Amendment. This Amendment requires the Department of Conservation to purchase the entire Scenic River System after the local county boards adopt their boundaries and rules and regulations. If this Amendment were to prevail, the entire purpose of the Act would actually be destroyed. The purpose of the Scenic Rivers Bill is to preserve these waterways by zoning them. The zoning aspect protects the rivers from destruction, it protects them from the change in their existing character, it protects the future generation so that these waterways can be appreciated. If the Department of Conservation were to purchase these water boundaries the adjacent property as provided in Amendment No. 4, we can assure the cost to the State of between 10 and a hundred million dollars, depending upon the width of the zone taken and the maximum width where required. Over 300 miles of waterways are to be protected. And if the maximum that include between 10,000 and 100,000 acres, especially considering this severance pay and damages to land owners. It is easy to say that easements don't cost much. However, when you tell a landowner that you are going to pay for preserving his property, and he cannot change that property, he will ask for full value of that land and an easement price. Easements have never been used in



Illinois with any great success. Normally, it takes as much time and money to purchase an easement as it does to purchase a simple title to any property. Under the provision of Amendment No. 4, if the landowner had his property included in the zone, he could demand that the Department of Conservation purchase the land. If this were the case, this body of the General Assembly would have to appropriate the total amount of the estimated cost of the land immediately. I know that each one of you as each one of you do, that the State Treasury simply does not have an excess of 10 to 100 million dollars. Finally, let me emphasize that Amendment No. 4 destroys the total concept of this Scenic Rivers Bill. The key to this Bill is that it will allow preservation and stop further deterioration of these scenic rivers. With Amendment No. 4, this preservation cannot be guaranteed because of the extraordinary cost. It may be difficult to understand, but when the State relocation expenses can become very costly for the State. When the State has to purchase the property, the crop production is stopped. Knowing what the price of food is today, we simply cannot afford to take anymore land out of crop production. When the State has to purchase the land, the county suffers a tax loss, base loss. No State agency says property taxes, a.. so the county must suffer the reduction....or, or no State agency pays property taxes so that the county must suffer a reduction in their total base which can directly



or indirectly affect school districts of that county. By stopping Amendment No. 4, all zone areas of the Scenic River System remain as status quo and nothing changes. The farmer continues to use the land and the customary agricultural production, the cabin owner continues to use his cabin for pleasure in leisure time, and the mining industry continues their business as usual. If Amendment No. 4 remains on this Bill, all of these land uses will be forced to change. Ladies and Gentlemen of the House, I implore you to vote no on the adoption of Committee Amendment No. 4 to House Bill 481."

Dyer: "Does the Lady move to table Amendment No. 4?"

Macdonald: "No, I am just opposing it, Madame Speaker."

Dyer: "The sponsor is opposing Amendment No. 4. For what purpose does the Gentleman from Madison, Representative Calvo, arise?"

Calve: "Madame Speaker, Ladies and Gentlemen of the House, I arise in support of Committee Amendment No. 4 and would just like to attempt to correct a few, what I consider in my experience, to have been misstatements that was made by the sponsor of the Bill in opposing Committee Amendment No. 4. In the first place, the Committee Amendment does not require the State of Illinois to take this property by fee simple titles. The Committee Amendment says that the State shall acquire the property by fee simple or such lesser interest. Now that would be at the option, not of the landowner, but of the State of Illinois. Now all



the State, the Department of Conservation of the State of Illinois need acquire in this land. Could I have a little order Mr...Madame Speaker? Could I have a little order please, Madame Speaker?"

Dyer: "Your point is well taken. I urge the members of the House to listen very carefully to Representative Calvo's explanation of Amendment No. 4."

Calvo: "All the State need acquire is that the Department of Conservation of the State of Illinois need acquire in connection with this Bill and this Amendment is the scenic easement. Now when the Speaker of the...last speaker says, that scenic easements cannot be acquired in the State of Illinois, I wuld like to point to her the fact that the State of Illinois has for the last eight years acquired numerous scenic easements. I don't know how many in connection with the interstate highway system which prohibits advertising along the interstate highways. In order to facilitate this program, it was necessary to acquire scenic easements from nearly land owner along the interstate highway system. This was done with a...if the Lady would like to check the figures, she will find that this was done at a cost of a very few dollars cost per acre. This does not effect the use of the adjacent land except for the purposes stated in the scenic easement. The land can still be used for whatever business agricultural or other use that it is being used for at the time of the acquisition of the scenic easement."



Now when we talk about the cost of the Department being from 10 to 100 million dollars, I submit that the Department said last year that if they acquired all the land for the then proposed 300 miles of scenic river easements, that the complete acquisition and fee simple title would cost approximately 100 million dollars. Now by Amdnment No. 1, which this House adopted this morning, the amount of land required has been reduced by 50%, so I submit that even if all of the land were purchased, and all of the businesses, and all of the uses along the rivers that are being sought here, it would amount to no more than 50 million dollars according to the Department's figures. The scenic easement should amount to a small portion of that amount. Exactly how much, of course, we can't look into a crystal ball and say. But I submit to you, Madame Speaker, and Ladies and Gentlemen of the House, that if this State desires to create scenic easements along the rivers of this State, 300 miles, it should do so as any other matter should be handled, the property should be purchased and the interest desired, that interest being in this instance, a scenic easement. We cannot constitutionally take people's land without giving them just compensation for that land. We cannot...in this way we do in fact, take the land, because we say you can never use this land except for its present use of agriculture. That is a valuable right that a landowner has to develop use his land as he might see fit in the future and it must



be paid for. I would tell you Madame Speaker and Ladies and Gentlemen of this House, this morning, and I wish you would listen just a second, because I will tell you this now, that if this is a valid concept, that we can come along and zone 660 feet of land on each side of the rivers of this State. In this case, some 300 miles of rivers are contemplated. Maybe not all of them immediately, but within some time. I tell you that we could have also zoned a strip of land 1320 feet wide from Indiana to Missouri for interstate 70, and if we had done that, we could have saved the State of Illinois and the federal government many millions of dollars, because we could have zoned the same section of land, that same size strip for highway purposes. Any by zoning the land for highway purposes, we could have put interstate 70 through the State of Illinois and it only amounts to about 200 miles, and we would have saved many millions of dollars. I tell you that we can no more, legally, take this land without giving these people compensation for their scenic easements, than we could have taken that land for the interstate highway system in this State and I move the adoption of this Amendment. Thank you Madame Chairman."

Dyer: "I'm going to interrupt this debate just for one minute. Having the privilege of the Speaker's platform to introduce a distinguished guest whose on the floor of the House at this moment. This is a Gentleman who was formally a treasurer of Cook County, formally an assistant Secretary



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of State, a recent candidate for Secretary of State, former chairman of the Cook County Republican Committee. He's made an outstanding contribution to this House, this term, by sending us his son to serve as a colleague, a ...Ed Kucharski. For what purpose does the Gentleman from Will, Representative Leinenweber, arise?"

Leinenweber: "Madame Speaker, I'd like to speak in opposition to Amendment No. 4."

Dyer: "Proceed, Mr. Leinenweber."

Leinenweber: "Madame Speaker, Members of the House, I oppose..

I am on the Agriculture and Natural Resources Committee that heard this Bill and extended arguments on Amendment No. 4. I would state purely and simply that if you adopt Amendment No. 4, you destroy the Scenic Rivers Bill, so you have a decision right here and now where I think its most important that you give a great deal of consideration to this Amendment No. 4. Because if you want a Scenic Rivers Bill, then you should oppose Amendment No. 4, if you don't want a Scenic Rivers Bill, then, obviously, the reverse is in order. Now, the State already has condemnation authority for recreational conservation purposes. They don't, the State does not need an additional grant of authority that Amendment No. 4 has already been given. The cost is totally up in the air, you've heard figures of 5 million to 100 million dollars. I asked you if you checked the Governor's budget, how much money he has for acquisition for any land for recreational or open space



purposes, it is extremely little - a little over one million dollars. In any event, there is no money available to acquire the so-called scenic easement, which this Amendment suggests that the State do. Now, most important however, I think, in considering whether or not to vote for or against Amendment No. 4, I think you should consider very carefully the principal that it espouses. And that is that the State must compensate land owners when it imposes regulations on the uses of the owners' land. Now, scenic river regulations, zoning if you will, is not a new concept. Many States have it. Hawaii is one, for example, I believe. Florida is another and these states have not provided compensation. They've proceeded on the basis of zoning, the same as this Bill in its present form prior to the amendment seeks to do. I would suggest that if you wan't to give compensation for the preservation of scenery, you should also consider giving compensation for many of the others purposes by which the State regulates land. For example, the State regulates the use of your land, if you live in a county which has adopted a zoning ordinance or if you live within a municipality that has a zoning ordinance. They tell you what you cannot build upon your land and what you can build upon your land. The State also, either through its municipal corporations or county tells you how high a structure you can build upon your land. They tell you how far it has to sit back from the road or from somebody else's property. They tell



you, if you own property in the flood plain, in certain areas that have flood plain ordinances and flood plain controls that you can or cannot build in the flood plain. If you do, you have to do certain things. They do not ever provide compensation for these restrictions. Are we now to change this concept? For example, in my home in the City of Joliet, I have a 25 or 30 foot set-back required by the ordinances of the City of Joliet from the front street. I cannot build a structure upon that. Am I to be compensated because I cannot build a structure on my front yard? I suggest to you that the idea... that regulations on land similar situated provide to require compensation is a principal which is extraordinarily dangerous and totally out of touch with modern planning and zoning and land regulation provisions. Now, no one would suggest that an owner of land along a scenic river could put a trailer court on there if his land is zoned against the trailer court. Should he be compensated for this, because you have regulated the use of his land. I suggest not. And also one other thing that the person who spoke... the Representative who spoke in favor of this Amendment said, that this is a taking. This is not a taking. This is a regulation. Now, this is a common thing and I don't think we should change the concept that we have been operating under and good land use management. These regulations are designed to protect the public, to eliminate visual pollution if you will, to preserve for future generations, our



our heritage, and the beauty that is fast disappearing in our land. Therefore, I would suggest to you that the decision is clear on this amendment. You vote for it, you vote against the Scenic Rivers Bill. If you vote against this Amendment, you are for the Scenic Rivers Bill. Thank you, Madame Speaker."

Mrs. Dyer: "For what purpose does the gentleman from Christian County, Representative Tipsword, arise?"

Tipsword: "Madame Speaker and Members of the House, I rise to support this amendment to this House Bill 481. I regret that this Bill is back before us again, and with all due compliments to the Lady and realizing that she has a very laudible purpose in presenting this Bill. It's a purpose that I wish we could effectuate. I must state at this time, in the shape that the Bill's in currently, that it is a most unfortunate Bill. I think this Bill could have been constitutional generally and in most instances only had it been incorporated as a part of the northwest ordinance that was passed by our Congress back long before this State was created, and I say, only in most instances, because at that time, in 1787, a portion of the State of Illinois was then settled and was then settled along the river banks and a claim of ownership was established to some of the land. Regrettably, I do not think we can pass constitutionally, pass this Bill in the condition that it is presently in and make it effective in the State of Illinois. I agree very much with the gentleman who spoke



and sponsored this Amendment before the Committee in which this Bill was heard, Representative Calvo. And I think without this Amendment, this Bill is probably unconstitutional. Because I feel that the Bill is so unfortunate I probably should be opposing this Amendment, because I think if the Bill passed without this Amendment, there would be no possibility of it being effective in the State of Illinois. Regrettably, due to the ah.... the provisions in here that purport to be zoning, I would say that it is bad upon that aspect too, because it is not good zoning legislation. This does not fully permit the present land owner to continue the existing use. It has feathers upon the landowners in its existing use. And it is not restrictions upon him that relate to the public police, safety, or health, and consequently I would suggest that it is an improper and again an unconstitutional violation as a zoning ordinance, applying to the rivers of the State of Illinois, or at least to those rivers to which it purports to apply. I regret that we have this Bill again to consider again. I wish that it could be passed, but under the present state of ownership of property in the State of Illinois, I fear that this Bill will be unconstitutional and would surely be unconstitutional without the adoption of the Amendment that is now proposed, and I urge the Members of this House to please support this Amendment."

Mrs. Dyer: "For what purpose does the gentleman from Know, Representative McMaster, arise?"



McMaster: "Madame Speaker, Ladies and Gentlemen of the House.

Now long ago, we had a Member of the Ag and Natural Resources Committee testify against the Amendment. Let me say that I am also a Member of the Agriculture and Natural Resources Committee, and I voted for this Bill to come out of Committee for one reason, and one reason only; because it had this Amendment on it, and I refute to see anyone get up and discuss state zoning in relation to local zoning. They are two different matters. When we go along with this Bill, we're talking about State zoning, and I am against State zoning, and certainly I feel if we are going to have anything like a scenic rivers bill, we're only going to do it by one means and this is that the State purchase either the Title or the easement to this land before this ever passes, and I would certainly urge you to support this amendment, and without this amendment, I will do everything I can to defeat the scenic rivers bill."

Mrs. Dyer: "For what purpose does the gentleman from Stephenson, Mr. Rigney, arise?"

Rigney: "Madame Speaker, a few moments ago, one of our distinguished members compared this Bill to zoning 25 foot on the front of his lot. I might point out to the Speaker and to the House...."

Mrs. Dyer: "Pardon me a moment, Representative Rigney, for what purpose does the gentleman from Cook, Representative J. J. Wolf, arise?"



Wolf: "Well, Madame Speaker, I'd just like to request once more a little order. It is very difficult to hear what's going on and it's very difficult to make a decision on how to vote on an important Amendment, and I would respectfully suggest that the Chair have the floor cleared of anybody who is not a Member of this House."

Mrs. Dyer: "The gentleman's point is very well taken. Will all those who are not entitled to the Floor of this House, please retire, so that the Members can give their full attention to this very important debate." Ah.... continue, Representative Rigney."

Rigney: "I was just merely pointing out that really we cannot compare a lot within a city with what we're talking about embodied in this Bill. When we're talking about a strip of land, 40 rods wide, and this is what we're talking about, we're talking about 80 acres of farm land for every running mile. And then you go over on the other side of the river, and add another 80 acres for every running mile. So you're talking about restricting the use of a hundred and sixty acres of farm land and every running mile on every one of these scenic rivers. For that reason, I think that Representative Calvo's Amendment is certainly in order and certainly deserves the support of this House."

Mrs. Dyer: "For what purpose does the gentleman from Cook, Representative Fleck, arise?"

Fleck: "Madame Speaker, Ladies and Gentlemen of the House, I move the previous question."



Mrs. Dyer: "The previous question has been moved. Ah.... we will return to the person who made the motion, Representative Calvo, to close."

Calvo: "Thank you, Madame Chairman, Ladies and Gentlemen of the House. It was interesting to note the ah...."

Mrs. Dyer: "For what purpose does the gentleman from Cook, Representative Mugalian, arise?"

Mugalian: "A point of order, Madame Speaker. I don't think we voted on the motion for the previous question."

Mrs. Dyer: "You're quite correct."

Mugalian: "And I would urge the Members to vote 'no', because I think there is much more to be said about this Amendment."

Mrs. Dyer: "All right, ah.... the Speaker stands corrected. We must vote on the Motion, ah.... for the previous question. All those in favor of the Motion calling the previous question say 'aye'. Those opposed. Did any Members request a roll call? All right, since six Members have requested it, there will be a roll call. This roll call is on the Motion to call the previous question, which would close debate. All in favor, vote 'aye'. All opposed 'no'. McAvoy 'aye'. Dyer 'aye'. Have all voted who wished? Take the record. Official roll call is 128 'ayes', 15 'no's'. This vote having received the required majority, is declared passed. Therefore, we will return to the gentleman who made the motion, ah... for the Amendment, Representative Calvo, to close."



Calvo: "Madame Speaker, Ladies and Gentlemen of the House, ah.. I'll just briefly ah... try to answer the objections that were raised. The gentleman talked about it being proper zoning to prohibit building in a flood plain. I happen to have a little knowledge of that. As nearly all of my district is builtd in a food plain, and there are a lot of fine cities in this State that are built in flood plains. There's a lot of industry in this State built in flood plains, and if modern zoning techniques is getting so modern that we can't build in flood plains in this State, I submit to him that we'd have a very small State today if that had been true years and years ago. I would submit to him that ah.... in the ah... metropolitan St. Louis area, there's over a quarter.... almost a half a million people living in a flood plain. Now when he talks about modern zoning techniques, I think I'm probably more modern cr as modern as he is and I certainly believe in zoning, but for some reason, it seems the Federal government realizes that you can't zone this extensively and have it upheld constitutionally. If they did, they would have been doing it. I submit to him that the State of Illinois realizes that. In other Departments, the Department of Transportation, because they've been paying for scenic easements for the last twelve years, and Ladies and Gentlemen, I submit to you that this is a good concept. That the Scenic Rivers Bill is a good concept, and that it should be adopted, but let's do it the right way. And



let's do it so it can be done. And the only way to do it so it's legal, constitutional and can be done and done the right way, is to pay these people for their scenic easements. I respectfully move the adoption.... offer this Amendment and move the adoption of Committee Amendment Number 4."

Mrs. Dyer: "Ah.... the gentleman moves the adoption of Committee Amendment No. 4. Is there a request for a roll call on this? Since six Members have requested a roll call, we will have a roll call vote. All vote in favor of Amendment No. 4 to Representative McDonald's Bill, will vote 'aye'. Those opposed will vote 'no'. For what purpose does the gentleman from Wayne, Mr. Blades, arise?"

Blades: "I rise to explain my vote, Madame Chairman. Ah.... and to better explain this Amendment. If you are for the Scenic River concept and think the State should pay for the ground that they take an easement on, then you should support this Bill, but if you don't think the State should pay for the ground that they take an easement on it, then you should vote against this Bill. Thank you."

Mrs. Dyer: "For what reason does the Gentleman from Champaign, Representative Clabaugh, arise?"

Clabaugh: "To explain my vote, Madame Speaker." Unfortunately, there is so much emotion attached to this like many other measures relating to the environment, that people on one side will say that if you vote against this Amendment, you're voting against agricultural interests. On the



other side, extremists will say if you vote for this Amendment, you're voting against environment. This is not true. I fully appreciate the need that we have in this State of the concepts of the scenic rivers. I'm equally aware of the agriculturalists, the farmer's viewpoint and believe that his property should not be taken for any use without some payment. I'm voting against this Amendment, because I think there is too much money involved. We couldn't possibly use a hundred million dollars in this purpose within a year. I don't think we could use 50 million dollars. I don't think we could use 10 million dollars. I doubt if we could go far enough to use more than a million dollars, before we're in session again, when we would know something more about this. If this were an Amendment for a million dollars, or two million dollars or maybe five million dollars, Members of the House, I would support this Amendment. But I know full well, although it might not be the honest intent that a vote for this and the adoption of a hundred million dollar appropriation will kill this Bill. I urge that you vote 'no' on this Amendment, and maybe we can get an amendment more in the line of reason."

Mrs. Dyer: "Representative Maragos."

Maragos: "Mr. Speaker and Members of the House, I'd like at this time to explain my vote. I have a high regard for the Sponsor of this Amendment. However, I think there is some intent here to destory this Bill, especially when



the Sponsor does state that if this Amendment is adopted, it will kill the Bill outright, because we cannot afford at this time a hundred million dollars, as was said by the previous speaker. Let us be honest about what we want to do with this Bill. If we're against it, let us in Third Reading vote against it, and say I guess the whole idea and principal of scenic rivers and try to preserve any portion of this landscape for the benefit of the people of the State of Illinois. However, do not use suptrfuge by masculating the Bill and then come forth and say we are for the Bill after it shows that it's done nothing because we cannot do anything with it. Let us offer you the courtesy of the sponsor of this Bill to have it in the shape that she wants to produce it and present it to us for final third reading. Therefore, I ask that you vote against this amendment."

Mrs. Dyer: "Representative Huskey."

Huskey: "Madame Chairman, Ladies and Gentlemen of the House, I... in explaining my vote, I feel that this Amendment does nothing but absolutely scuttle this Bill. You gentlemen go back and look at the zoning in your hometowns, your townships or your counties, and see who you compensate there for zoning. You compensate absolutely no one. So why should the State compensate on this Scenic Rivers, when actually all they are doing is affecting the zoning, the farmers will continue with their grandfather rights and farm the land along their house. The resorts will be



made more beautiful and the value of the properties will only increase. So, Madame Chairman, I urge all to vote 'no' on the Amendment, because that's the only way we're going to save the Scenic River Bill."

Mrs. Dyer: "The gentleman from Cook, Representative Wolf."

Wolf: "Well, Madame Speaker, Members of the House, I'm a little confused because of the decorum of this House during the debate of this House has been like a mob scene from Hillman's basement. I also do not have a printed copy of Amendment No. 4 on my desk, so it's very difficult to make an intelligent decision as to what exactly is in there. But I have been persuaded by some of the explanation of votes here ah... to vote 'no' in accordance with the wishes of the Sponsor in hopes that we could get a better explanation."

Mrs. Dyer: "The gentleman from Will, Representative Leinenweber."

Leinenweber: "Thank you, Madame Speaker, Members of the House, in explaining my 'no' vote, I would like to call the House's attention to the actual wording of the Bill itself. This does not prohibit for all time, ever, any different uses then are presently, the land is being put to. What it does say, is that you cannot change the uses without obtaining a permit, which is exactly like retaining a rezoning. If this farm land cannot be put... you can't put a high rise apartment building on it either if it's in a zoned county without going to the local zoning board for a permit, so I say this is no different, should not be



compensated and I think this ought to be defeated and vote up or down on the Bill, whether or not you're for the concept."

Mrs. Dyer: "The Lady from Cook, Representative McDonald."

McDonald: "Madame Speaker, I rise to explain my vote, and of course I would like to say in explaining my vote, that the State of Illinois does have zoning, in that Senate Bill 278 of the 77th General Assembly provided for flood plain zoning. So this is not unprecedented in the Scenic Rivers Bill. Also, I would like to state that the Federal government has coastal land zoning, and there's no reason to suspect that it is unconstitutional and I just submit to you on Third Reading we can cover some of these points but I just do vote a strenuous 'no' on this particular Amendment, and would urge others to do likewise."

Mrs. Dyer: "Gentleman from Cook, Representative Caldwell."

Caldwell: "Madame Speaker, I would just like to take one moment if I may, to introduce ah... a delegation from Eastern Illinois University up in the Speaker's balcony, and some of them are leaving on their tight schedule. They're here on the Lincoln Trails Library System promotion. Doctor Francis Pilot, Mrs. Sylvia Campman, Beverly Miller, Mrs. Richard Laughlin, and my interest is Linda O'Connell, a junior from Eastern Illinois who is from my District. Give them an applaud, please."

Mrs. Dyer: "The Gentleman from Cook, Representative Duff."



Duff: "Mr. Speaker, I think we ought to support the Sponsor of this Bill. Ah.... this Bill is a product of a great deal of effort, work on her part. It's a good piece of work. She wants to keep the Bill in the condition that ah.... she'd like to present it on Third Reading. She feels it is going to be a serious detriment to the effectiveness of her legislation. If the People who don't like the Bill want to vote it down on Third Reading, they will have plenty of chance to do that. It seems to me that ah.... this Amendment is directly contrary to the Bill itself, and it's a hostile Amendment to the Bill, in that effect. I think we're making a mistake to treat this piece of legislation this way at this time."

Mrs. Dyer: "Gentleman from Cook, Representative Mann."

Mann: "Well Madame Chairman, I would like to address my remarks to those ah.... Members of the House who have not yet cast a vote either way. And I would say to those Members that ah.... we can't fish in the Illinois River because we can't risk eating the products that we might catch. Ah.... it's perfectly clear to me that if we don't do something about the scenic rivers, they're going to die and then all this debate will avail us ah.... nothing whatsoever because we will be talking about dead rivers. Now on May 17, we're going to be celebrating the discovery of Illinois land with the Tri-centennial celebration and re-enactment, and we're going to go up and down these beautiful rivers which the good Lord gave us in his wisdom



and the question it seems to me right now is do we want to move to save these rivers. And when we address ourselves to an amendment which we know, which we know, cannot possibly be a part of a Bill which the Governor will sign because it calls for funds that are not in the budget. We're talking about a hundred million dollars. Ladies and Gentlemen of the House, we're talking about a Bill, whose design is to cripple the scenic rivers bill, and to serve the interests of the very people who have been responsible for killing the scenic rivers, and poisoning the scenic rivers. Now I think it's that way. And the Sponsor of this Amendment knows of the high regard with which I hold him, and I do not associate him with any of the history of the Bill, which is produced a solution, but nevertheless, I have to feel free to disagree with him with regard to the effect of this Amendment. Ladies and Gentlemen of the House, you're voting on the Scenic Rivers Bill right now. Make no mistake about it. And I just want to underscore that fact. And I would like very much to have us vote on Third Reading for a viable bill, not one that we know will be lost if this Amendment is on it, and I urge all of you, especially those who have not yet committed themselves to vote red."

Mrs. Dyer: "For what purpose does the gentleman from Lawrence, Representative Cunningham, arise?"

Cunningham: "Madame Speaker, I hope that I might be permitted to explain my vote. Is that permissible?"



Mrs. Dyer: "That's correct."

Cunningham: "Madame Speaker, and Members of the House, perish the thought that we seek by this Amendment to destroy the Bill or to perform any surgical operation thereon. It is not that we love the principal of scenic rivers or its lovely sponsor less, but rather that we love our constituents more, and our constituents is the landowners in the area involved, are not yet ready to accept the radical proposition that the State can come in and seize a valuable property right without compensating for that right taken fairly and justly. Now in this particular instance, those who say that we seek to destroy the Bill, render a disservice to those that are voting green, for the reason that the Bill remains a great deal of value remains, we're putting it in a form that it can pass the House. We're creating the foundation that in future years and future legislatures, we can find, when the fears have subsided, a basis upon which to construct a scenic river around which 89 members can reconcile their positions and support. For this reason, I'm voting 'green'."

Mrs. Dyer: "Have all voted who wished? For what purpose does the Gentleman from Cook, Mr. Walsh, arise?"

Walsh: "I wanted to explain my vote, Madame Speaker, and I would say to the last speaker, by his vote, he has indeed cut this Bill to ribbons. I wonder if the Sponsor will call the Bill, because calling it on Third Reading with this Amendment, would be absolutely futile. There isn't anyone



sitting in this Chamber that doesn't know that a green vote or the passage of this Amendment kills this Bill. This is the end of the Scenic Rivers proposal. The State simply does not have a hundred million dollars to spend for this purpose. If it had a hundred million dollars to spend for this purpose, it would be very questionable, because the Amendment doesn't go to any of the other restrictions. It doesn't provide the State access to the 660 feet on each side of the river that the State would be acquiring in purchasing this land. It doesn't give the State any right whatever with the land, except to own it and do nothing with it. Now this is a poor concept and I think what we're talking about here is that it is the natural beauty of the State of Illinois belongs not just to the people who live close to it or next to it, it belongs to all of us. Lake Michigan, all of our rivers fall in this category. This is indeed a reasonable bill. The proposal is reasonable as it stands. This Amendment makes it totally unreasonable, totally unacceptable and we are, with your vote, let me suggest this to you, so that there's no mistake about it - if you're voting to pass this Amendment, you're voting to kill this Bill."

Mrs. Dyer: "For what purpose does the gentleman from Cook, Representative Katz, arise?"

Katz: "Ah.... Mr. Speaker and Ladies and Gentlemen of the House, I do understand that there would be legitimate concern if this Bill took away that which was a valuable right, without



compensation, and I assume that is the motive for those or most of those who are voting for the Amendment. I am sure that they are not trying consciously to kill a Bill because they know as we know that while we dittle dattle over Amendments, the priceless heritage of Illinois' most beautiful streams ah... is being dissipated, that we will never again have the opportunity after the streams and their natural beauty has been taken from us to restore the situation that we have here today, and the reason I rise is to say that that concern is wholly unnecessary because the Illinois Constitution provides that no right can be taken without just compensation. If, under this Bill, any rights were taken away without just compensation, you wouldn't need this Amendment, the courts would enforce the Constitution, there is a provision that permits direct access to the courts for the Constit...under the Constitution to protect what is clearly a constitutional right for protection against taking property rights without just compensation and so, I would urge the members here, recognizing that we have one last chance, perhaps, to protect the State's natural beauty, that we look to the Constitution rather than to an Amendment that we know will kill this Bill for the protection of the rights of citizens to just compensation and I would urge a reconsideration and a negative vote on this Amendment."

Dyer: "The Gentleman from Champaign, Representative Hirschfeld."

Hirschfeld: "Well thank you Madame Speaker and a...in counter-



distinction of the comments of the last Gentleman, let me say this to the distinguished Representative from Cook and also to the distinguished Majority Leader. A...for three years now, down here, I think I have represented the environmental interest and I think I am representing the environmental interest on this particular bill. The environmentalists...the environmentalists in this State are not satisfied with the Bill in its current condition and this will be the subject of the next Amendment which is the Environmental Amendment. However, I would like to point out to the members of this House on both sides of the aisle that the environmentalists do not oppose this particular Amendment. It may be the only time that the farmers and the environmentalists get together on this Bill, the environmentalists feel that if the land is going to be taken either outright or in the form of an easement, that the farmer is entitled to compensation They have no objection to that. And I would like to see, frankly, although though I know it goes in the face of the distinguished sponsor of the Bill, I'd like to see us pass this Amendment and then pass the next Amendment and we'll have this Bill in acceptable form and it can be passed in Third Reading."

Dyer: "The Gentleman from Fayette, Representative Brummet."

Brummet: "Madame Chairman, and Ladies and Gentlemen of the House, I rise in support of this Amendment in the way of explaining my vote. The only argument that I can see



opposed to it is that seeing that the interest of the State doesn't have a hundred million dollars to buy this scenic easement and I think that's a poor way of responding in America. If we don't have the money and we want it, let's get it, we don't put out roads on a...land and not buy the land. We make arrangements to buy the land. Most of you are talking here about the flood plains. It so happens in my home town, which is built on the bluff of the Kaskaskia River, that this Bill is going to take 660 feet of our business district and our residential district in the City of Vandalia, and this is not flood plains. I'd like to see more green lights on the board. Thank you."

Dyer: "The Gentleman from Cook, Representative Ewell."

Ewell: "Mr. Speaker, Ladies and Gentlemen, I am amazed at the province of God's waters. Its the most interesting thing to hear us debate and talk about these waters because when the land is dry it belongs to I the citizen and I the farmer and I who happens to live there. But when the waters rise a little bit and these flood plains become overlapped by the great Mississippi, and by an act of God it no longer ceases to be just God's waters. For some reason or another, it belongs to the State. I'm suggesting that there's not a single person in here who will argue that this land doesn't really have a State interest when the water begins to lap over the banks and flood this precious...a flood the precious...flood the precious flood



plains. I'm sayin that the State has a legitimate interest here and I haven't heard a single time when the rivers have overrun that anybody hasn't been willin to call the State in to come take care of and save the State river, the State natural resources, and the State land. I think we are being a bit hyprocritical at this stage and I think we are not being sincere. All we're really doing is killing a good Bill by making it impossible of performance by means of a expenditure that is, indeed, unreasonable. I think we ought to reexamine our philosophy and if our philosophy is consistent when the Mississippi overruns the flood plains and we say let it belong to the farmer alone, so be it; but in the meantime I would ask that we reconsider our position in the light of reality and vote no."

Dyer: "The Gentleman from Macon, Representative Borchers."

Borchers: "I'm perfectly happy to add to the discussion on this, I hope. But I'd like to point out to you that along our rivers, our families, like ourselves, for 140 and 150 years, have paid the taxes. What this does is take from us our rights that we've paid the taxes on our lands for countless decades. We'd loose all rights to our own land. I couldn't even cut a fence post without the permission of the Conservation Department. If this is justice, so God help us. And I'd like to point out to you this is the beginning of socialization of the land. The next thing is our corn fields, our bean fields, and we'll



be something in the direction of the Chinese so-called Republic, and I think this Bill should be ultimately defeated, but this Amendment should be certainly supported."

Dyer: "The Gentleman from DuPage, Representative Schneider."

Schneider: "Thank you Mr....Thank you Madame Speaker. Very quickly on the explanation of votes, I would argue another element, that if we are really seriously concerned 'about scenic rivers, and I'm not so sure we are, that over the last couple of years, although I can't pretend to speak for the environmentalists, my concern has been that we provide vehicles and devices for establishing a more perfect Bill and a better way to deal with the scenic rivers concept. Certainly the environmentalists aren't encouraged by the present form of the Bill, and they could care less, probably, if this Amendment is or is not adopted; but the distinguished Representative from Champaign had on the docket a number of Amendments, which we are going to consider which would considerably enhance the Bill, would provide us with the method of really coping with whether or not we want to maintain a scenic rivers concept and indeed a reality of scenic rivers. We've talked a lot about the farmers rights. I think they are a legitimate concern, but they are appropriately guarded in the legislation. I'd also like to stand and raise some questions about the aggregate industry which is tearing up much of the land that butts up against the



scenic rivers. They, during Committee, could not offer to me even a voluntary explanation as to what they were doing, in part, to restore some of the land that they are doing damage to. So you may look one way and try to argue on behalf of the farmer, but I think you are ignoring another element on scenic rivers and that's the aggregate industry which is ripping off society and tearing up scenic rivers and doing the bare minimum to make it different on what is the right for the people in the State of Illinois to maintain their lands and their rivers in the natural state for future generations. So I suggest a no vote is appropriate. We still have a vehicle that we can improve, and I solicit your no vote on this issue."

Dyer: "Have all voted who wished? Take the record. On this roll...on Amendment No. 4, there are 77 voting yea; 83 voting nay. A...for what purpose does the Gentleman from Madison, Representative Calvo arise?"

Calvo: "Madame Speaker, I'd like to have a poll of the absentees. And a verification after that, please."

Dyer: "Alright, a...the Clerk will call the absentees."

Jack O'Brien: "Barnes. Caldwell. Davis. Garmisa.. Gibbs. Granata. Grotberg. D. L. Houlihan. Kent. Porter. Schraeder. Springer. Tuerck. Wall. Washburn. Washington. Yourell."

Dyer: "A...Representative Calvo."

Calvo: "Have the absentees been polled?"



Dyer: "That's correct."

Calvo: "Okay, I'll withdraw my request for a verification."

Dyer: "On this roll call...on this motion, there are 77 yeas; 83 nays; none voting present. The motion was defeated. It failed to pass. Are there any further Amendments?"
Pardon me one moment...I didn't see...for what purpose does the Gentleman from Cook, Representative Mann, arise?"

Mann: "Madame Chairman, having voted on the prevailing by which this motion was defeated, I now move that the vote by which it was defeated, be reconsidered."

Dyer: "Representative Schneider, from DuPage."

Schneider: "I move that motion lie on the table."

Dyer: "Alright. The Gentleman's motion to lay that reconsideration motion on the table...all in favor say aye; opposed, no. The ayes have it, the Amendment has failed. A...for what purpose does the Gentleman from Champaign, Representative Hirschfeld arise?"

Hirschfeld: "Madame Chairman, I think this is my Amendment."

Dyer: "Alright, continue, sir."

Hirschfeld: "Amendment No. 5. Hirschfeld. Amends House Bill 481 on page 1 by deleting lines 15 through 20 and inserting in lieu thereof the following, and so forth."

Dyer: "Alright."

Hirschfeld: "Madame Chairman, and Ladies and Gentlemen of the House. Now I would like to suggest to all the members of the House of Representatives that if they truly want to pass out a scenic rivers bill, which is going to do



what we want the scenic rivers bill to do, that this rather lengthy Amendment will accomplish that task. I have spoken with the sponsor of the Bill and I know that she is going to oppose the Amendment although I do not, frankly, believe she opposes it in principle. As the Bill is now drafted, her Bill is, as I look at it, a very unworkable compromise between the agricultural interest and the environmentalists. The first thing that would be accomplished by this Amendment to House Bill 481, would be a declaration that the highest and best use of these rivers is for scenic rivers. And not for some manufacturing or agricultural use which is permitted as the Bill is now constructed. It also requires that the Scenic Rivers Act be interpreted and administered in a manner consistent with that policy. As the Bill is now drafted, Ladies and Gentlemen, there is no way of telling of when the rivers will actually become scenic because there are at least 102 different scenic river boards who will be passing on the rivers each in 102 different counties. As a matter of fact, there could be twice that many because if boards happen to overlap county lines, more than one board would be called into consideration. And what we will have in the State of Illinois, is not a Scenic Rivers Bill, but a hodge-podge of scenic river bills in each county and a hodge-podge within the counties themselves. This Amendment would remove the right of having 102 boards and would set up a nine member board with



five members appointed by the Governor of this State whoever he or she may be. One citizen who would be a member at large, one from the Illinois Soil and Water Conservation District, one from the Illinois Natural History Survey, a professional biologist who is competent in aquatic biology, and a person from the Illinois Archaeological Survey. It would also permit the Director of the Department of Conservation to appoint two members to the Scenic Rivers Board and because we do not think the agricultural interest should be ignored, certainly not in my district, we permit the Director of the Department of Agriculture to appoint two members to this Board, so that we have a nine member board. 5 from the Governor, 2 from the Department of Conservation and 2 from the Department of Agriculture. These Gentlemen or Ladies will serve without pay, but will be reimbursed for any expenses that are incurred during their particular tour of office. Now Ladies and Gentlemen, as the Bill is now drafted, any one can do anything he or she wants to do to any of the rivers that are designated in the Bill until such time as the Scenic Rivers Board in the particular county involved, approves final action on that particular river. We are going to delete that possibility and remove those exemptions which, I feel, emasculate the Bill. Frankly, and to be very truthful to both the agricultural interest and the environmental interest in this House, if the Bill is brought to Third Reading in its current



condition ~~was~~ or without the last Amendment that was defeated, ~~the~~ environmentalists in this State are going to get absolutely nothing. ~~That~~ is now required, under this Amendment, is prior written permit, from the Department ~~of~~ Conservation, the Department of Agriculture, and from the Board if anyone is to try and come up with any ~~type~~ of diversionary tactic on any of these scenic rivers. Furthermore, the Amendment makes the Act effective ~~on~~ the date that it is signed into law, so that there cannot be any preexisting uses after that particular ~~time~~. As I said, as the bill is now drafted, someone could ~~create~~ a factory, could set up a cattle farm, could ~~do~~ anything anyone wanted on these rivers until such ~~time~~ that the County Board sees fit to...not the County ~~Board~~, the County Board that deals with this particular ~~problem~~, could see fit to act on the particular river in question. Under the Amendment, as soon as the Governor signs this Bill into law, nobody and I mean nobody, ~~without~~ the prior permit of the Board can do anything to ~~affect~~ these rivers other than make them more scenic than ~~they may~~ already be. For all of those people on both sides of the aisle, from the distinguished Majority Leader, to Representative Iatz or anyone else who said ~~they~~ wanted to pass out a Bill that would be a true Scenic Rivers Bill, I suggest to you Ladies and Gentlemen, ~~that here~~ is your opportunity. This Amendment will make ~~this Bill~~ truly a Scenic Rivers Bill, and we



can finally do something for the environment in the State of Illinois, and I move for the adoption of Amendment No. 5 to House Bill 481."

Dyer: "The Gentleman has moved for the adoption of Amendment No. 5. Is there any discussion? The Lady from Cook, Representative Macdonald."

Macdonald: "Madame Speaker, I hate to rise in opposition to this Amendment No. 5 also. Out of deference to my good friend, John Hirschfeld, I have the greatest respect for. However, and there is nothing in this Amendment, other than the structure of the Board in taking away the local control of the scenic rivers areas from the local people. That was the whole crux and the change in this Scenic Rivers Bill that made it so very much different from the other one that appeared in the last session of the General Assembly. It is vitally important and has been deemed to be so by the testimony of the witnesses that appeared around the State of Illinois and from whom we have had much correspondence. If nothing else, they certainly have loudly proclaimed their right to have a say over what shall happen in their local areas. I have no other objections to this Amendment other than the structure of that one State Board. I think it takes away the local right of the agricultural community and therefore, on that basis I would have to oppose this Amendment."

Dyer: "The Gentleman from Kankakee, Representative Beaupre."

Beaupre: "Madame Speaker, I was merely trying to get a copy of



the Amendment, now I have one, thank you."

Dyer: "Representative from Cook, Representative Mugalian."

Mugalian: "Thank you Madame Speaker. Based on the views of the environmentalists in my area, those that are truly concerned with scenic rivers, I have come to the conclusion that the sponsor's Amendment, the Amendment sponsored by Representative Hirschfeld, is a great contribution to scenic rivers and to the cause of environment. All of the criticisms that the environmentalists in my area have of the present Bill, have been corrected essentially by this Amendment No. 5. I hope that the House will vote overwhelmingly for this Amendment. I believe that, in a sense, this Amendment in itself makes a greater contribution than the Bill before it was amended. Thank you."

Dyer: "The Gentleman from Fulton, Representative Schisler."

Schisler: "Mr. Speaker, Ladies and Gentlemen of the House, I rise on a point of personal privilege, I wish to take this opportunity to introduce my mother, who's in the gallery back of me, who is the head librarian at Abingden, and also Mrs. Fred James, the trustee from Avon, Illinois."

Dyer: "Is there any further discussion on Amendment No. 5? The Gentleman from Whiteside, Representative Miller."

Miller: "Mr. Speaker, and Members of the House, I hope that every member of this floor has looked at this Amendment. I'd like to call your attention to page 3, section 12, of the Amendment. If I'm interpreting this correctly,



and I owned a home any where within the 660 feet from Rock River up in my district, it would be impossible for me to take down little shrubs in front of my house without getting a permit from the State of Illinois. I suggest strongly a no vote on this Amendment."

Dyer: "The Gentleman from Lawrence, Representative Cunningham."

Cunningham: "Madame Speaker, I raise...rise on a point of personal privilege, I would like to introduce to this House, the distinguished Representative from the Cumberland Trail Library, Glendocken's director, Albert Price, president, would you stand up in the center Speaker's gallery." All the other members stand up to so we can see what fine people we have on the library board downstate. Now Madame Speaker, I'm authorized to say that the Cumberland Trail Library people are in favor of House Bill 247 that we considered yesterday and hopefully we'll consider again tomorrow. Thank you for coming, folks."

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

Geo-Karis: "Thank you Madame Speaker. I'd like to introduce to this assembly, the library representatives of Lake County Illinois who are here today and there somewhere all over the galleries. We are very happy to have them with us from Zion, Waukegan, North Chicago, Libertyville, Mundeline, Lake Forest, Lake Bluff, Meadowlark and Green Oaks, and Withrop Harbor. "

Dyer: "In the interest of time, may I officially welcome all the librarians from all over the State everywhere. We are



delighted that you are here. Now is there any... is there any further discussion on Amendment No. 5. For what purpose does the Gentleman from Cook, Representative Wolf arise?"

Wolf: "Point of parliamentary inquiry. Are we going to recess for this wonderful luncheon that the librarians are giving across the street?"

Dyer: "I think you'll have to ask the regular Speaker that question."

Wolf: "Oh, you're the regular Speaker, Madame Speaker. When you've got the gavel in your hand and you're in that podium, you are the Speaker."

Dyer: "If you will give me about five minutes to consult with my parliamentarian, I will be delighted to give you the answer. Meanwhile, Representative Wolf, while we are getting your answer, may we continue. Is there any further discussion on the adoption of Amendment No. 5? Representative from Cook, Representative Juckett."

Juckett: "Thank you Mr. Speaker, would the sponsor yield for a couple of question?"

Dyer: "She indicates she will."

Juckett: "Thank you Mr. Speaker, that's that's a...pardon me Madame Speaker, but I realize I did not cast the right vote last week on the Equal Rights Amendment, but I don't believe today that I've changed that much."

Dyer: "My sincere apologies, Representative Hirschfeld. I was thinking of the sponsor of the main Bill. Representative



Hirschfeld."

Juckett: "Thank you Mr. Speaker, as I read on some of these Amendments, John, on page 3 of your Amendment in Section 12, where it states that no person may, without a permit, from the Department. Now is that the Department of what.. conservation?"

irschfeld: "That would be correct, but that's really no different than the Bill now is except that we required a permit and the current Bill requires prior written approval. And we think that there should be some type of permanent record if we are going to make this kind of distinction which would have been my answer to the distinguished Gentleman from Whiteside County, in my final comment."

Juckett: "And they can't do any of the things that are listed on there as putting any part of a zone to any use that violates that act or the rules or regulations. Now who would make the rules and regulations?"

Hirschfeld: "Well, this would be done by the Board and Representative, let me point out to you that all of that language in Section 12 except for the permit part is identical with Representative Macdonald's Bill as it now stands."

Juckett: "Now is the Board consisted the same way?"

Hirschfeld: "Now we are on Section 12 now."

Jucket: "Yeh, all nine members ..."

Juckett: "... Well, you...you...you refer to the Board here



on the rules and regulations and a...is that Board presently...are you changing that, creating a Board of nine members appointed by the Governor?"

Hirschfeld: "Well no, I'm creating, as Representative MacDonald's Bill now reads, there would be a Board in each county. A...a...and it is her opinion that they need that to protect local interest. Of course, it is our opinion that that does nothing but make it so diverse as to emasculate the act so we create a new Board of nine members; five appointed by the Governor and I specified who those people were, and then two appointed by the Department of Conservation, because the Conservationists have written and expressed an interest in being on that, and two appointed by the Department of Agriculture so the agriculturists interest also have input."

Juckett: "A..could you indicate the other members that you had designated on the Amendment?"

Hirschfeld: "Yes sir. a...one will be a citizen at large; one will be a member of the Association of Illinois Soil and Water Conservation Districts; one will be a member of the Illinois Natural History Survey; one will be a professional biologist competent in aquatic biology; and the last member will be a member of the Illinois Archaeological Survey."

Juckett: "And the purpose of this Amendment is to what?"

Hirschfeld: "Well, as far as I'm concerned, the purpose of this Amendment, is to pass a scenic river bill that will



actually make the rivers scenic."

Juckett: "Now would this prevent me from using my land as I saw fit?"

Hirschfeld: "A...all I can say to that is, Representative, is that either Bill, as its now drafted, either with or without the Amendment is goind to place certain limitations upon your use of the land, but I think that is a question more appropriate for Third Reading, a...with all due respect."

Juckett: "And your Amencment would, by the creation of the nine member board, would remove the controlling or determining interest from the county level and place it in the State level, is that correct?"

Hirschfeld: "That is correct and..and I would trust that you could see at least some wisdon in that because as the Bill is now drawn, you would have the possibility of 102 difference regulatory boards. Each board acting as it saw fit in its own county. I think that not only that, Representative, but if a river happened to cross county lines, as many of these do, it would also require a separate board for that particular river. So actually you are talking about perhaps as many as 204 or somewhere between 102 and 204 which I think is absolutely unwordable."

Juckett: "Now as I understand from your having the biological sciences, etc. on there that the possibility might exist that if there were a major flower or some sort of wild prairie flower that you would then preserve that area



and not allow any improvements in the land because you might remove a flower that is distinctive to the State of Illinois?"

Hirschfeld: "Well not let me try and clarify this. First of all, as the Bill is now drafted, or even under my own Amendment, there's going to be easements taken, and it does not mean, for example, that the farmer will still not be able to use his land. However, to answer your question very specifically, if there is flora or fauna life in the area, as there are, some of these rivers have flora and fauna life that is found no where else in the world. If it is in that particular area, I would say to you a very definite yes, we are going to try and preserve that so that it will be here for your children and your grand children on infinititem."

Juckett: "Is it your intention through this Amendment that this State Board would grant easements for people that come under the land?"

Hirschfeld: "Well, a...as you well know, I supported the last Amendment, because of the fact the environmentalists were not opposed to the concept of paying for these easements, which I think is the only fair way to do it. A...now the Bill does not have that on there and I would suggest to you that they may effect the Bill on Third Reading, but Representative, I can only a...relate to you, I have literally, hundreds of telegrams and letters from every major environmental concern in the State of Illinois on



my desk, and they have instructed me as a spokesman for the environmentalists to encourage this Assembly not to support this Bill unless this Amendment is placed on it, because it will do nothing for the scenic rivers if it comes out in its current condition."

Juckett: "This would have nothing to do with easements, there would be no taking of property?"

Hirschfeld: "They are absolutely in favor, they were in favor of the last Amendment, and I realize those that are opposed said it would gut the Bill, I know it would make the Bill terribly prohibitive from a financial viewpoint, but I do not believe it would have gutted the Bill."

Dyer: "Alright, the Gentleman from DuPage, Representative Schneider."

Schneider: "Well I would like to...thank you Madame Speaker, I would like to offer further support for the Amendment, and I recognize that during committee, I supported the Bill to get it out to maintain the motion that we should have a vehicle to consider if we really want to commit ourselves to scenic rivers. Presently, under most circumstances dealing with waterways and rivers, we are really not concerned with the value of the rivers. We are impounding water, we are channeling and limiting meanders that are destructive to the sides of the river. Silt has become the number one pollutant in water impoundment and it is destroying some of the uniqueness and the distinctiveness of the fish in our rivers throughout the State of Illinois."



I don't know that we can afford not to have a board that is composed of the expert that Representative Hirschfeld's Amendment deals with. I think failure to have these kind of knowledgeable people who deal in the past as well as the future, on the question of the health of the rivers and their beauty, is not probably the most essential, its probably the most essential thing within the Bill. We needed to define exactly what we are after. This Amendment does that. I think with the number of Amendments that are proposed under the present Bill, we would find it cumbersome, we might find different kinds of goals and objectives and we would also find ourselves mudling through with the assumption that we have a scenic rivers bill. I think that we ought to really have one. I think that we ought to really support the Amendment in order to maintain the uniqueness that belongs to Illinois, and I think by voting for the Amendment, we will really have a serios scenic rivers bill, so once again, I solicit an aye vote."

Dyer: "The Gentleman from Lake, Representative Griesheimer."

Griesheimer: "Thank you Madame Chairman. Understanding clearly that Lake County and McHenry County are not presently encompassed in the Scenic Rivers Bill, because our Fox River has not been so named, which I think is really unfortunate, I would still, nonetheless, point out to the other Representatives in support of this Amendment, that if we use the present system of having each county have



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its own Scenic River Board, we are liable to face the situation in counties that are divided by a river, that the Board will have jurisdiction over the east side of the river from one county and a Board will have jurisdiction over the west side, and we are liable to find difference development of the Scenic Rivers Bill, which will completely defeat the concept of keeping a uniform river bottom throughout the area which is trying to be protected. I think it makes good sense in a situation such as this, to give the authority to a single board in the State of Illinois composed as the Amendment projects, and leave it in their hands to supervise this thing on a State-wide basis rather than on a piece-meal basis. Thank you."

Dyer: "Is there any futher discussion?" We're back to Mr. Hirschfeld's motion to adopt Amdnment No. 5. Representative Hirschfeld to close."

Hirschfeld: "Thank you Madame Speaker. Just briefly in closing I would like to point out to the members of this General Assembly again, that for three years now, we've fought to get a scenic rivers bill out this House that actually had some teeth in it and I think with this Amendment, we can do that. Every major environmental group is in support of this Amendment. It will not effect the farm people. I have the farm interest primarily at stake in my particular district. The farmers will have adequate representation on this Board, but unlike the Bill, as it now stands, we'll have one Board as opposed to at least



102 boards. Now I think its very very important that we bring out a scenic rivers bill that truly is scenic. And I think the only way we can do it is by passing this Amèndment, and I would appreciate a favorable roll call."

Dyer: "Alright, the question is shall Amendment No. 5 be adopted? All in favor say aye, opposed, no. I think in fairness, is there a request for a roll call? Six members? Alright, since six members made the request, there will be a roll call on this motion. The motion is to adopt Amdnment No. 5. Those in favor vote yes; all opposed, no. The Lady from Cook, Representative Macdonald."

Macdonald: "I'd like a little quiet here. Thank you Madame Speaker. Madame Speaker, Ladies and Gentlemen of the House, I rise to explain my vote, which, of course, will be no. I only want to reiterate that this Bill is the product of two years of serious determination and also many many witnesses who appeared around this State. The agricultural community has been a deep concern to me, contrary to some of the emotional speakers on the floor, I would not have sponsored this Bill had I thought...if I thought it would do irreputable harm to the agricultural community. And I only wan to say that out of fairness to them, in the many many many meetings that we have had and in the mail, one of their main objections before was because they felt they would not have had a local voice in what was happening along the rivers deemed...a...zoned



for scenic reasons in their areas, so I think it is only fair that we do give them the opportunity to have in each county I have no objections to the reconstructing of the Board to put the additional members on the board, but I must say that local control is essential to the scenic rivers bill and I would urge your no vote."

Dyer: "Have all voted who wished? "The Gentleman from Cook, Representative Huskey."

Huskey: "Madame Speaker, Ladies and Gentlemen of the House, I rise in opposition to this Amendment for I feel that local economy is one of the most important things that we have in the State of Illinois, and with this Amendment, we will lose our local economy in order to cover the zoning of these scenic rivers; therefore, I hope that the local economy rests within the counties in the areas of the farmers that these scenic rivers flow in. Therefore, Mr....Madame Chairman, I must vote no."

Dyer: "Mr..a Representative Huskey votes no. Representative from Cook, Representative Walsh."

Walsh: "Madame Speaker, and Ladies and Gentlemen of the House, I'm afraid that what we are doing here is killing this Bill with kindness and I observe from the Board that my good friends from the environmentalists, many of whom are on the other side of the aisle don't realize this. We are making this Bill totally unacceptable to the local communities. We are making it totally unacceptable to the farmers to whom whose property most of these rivers flow,



and there's gonna be this...this Amendment by putting... putting the Board largely in control of environmentalists and taking control away from the local communitites is going to build up so much opposition from the farm community that you are giving a lot of your enemies to the people that are not so concerned about the environment an opportunity to vote against the Bill, and a...and defeat it. So I'm afraid many of us are being taken in with the Amendment and we are making a big mistake, if we are for a scenic rivers bill, we ought to go with the work that has been done now for more than four years on this problem, and Mrs. Macdonald has been interested in it for all of these four years, and has worked out some thing that should be acceptable to everyone. So I would urge some of my friends on the other side of the aisle to take a close look at what they are doing here and they might be joining in the effort to kill the Bill with kindness."

Dyer: "The Gentleman from Madison, Representative Calvo."

Calvo: "Well in support of this Amendment, Madame Chairman, Ladies and Gentlemen of the House, in particularly in answer to the remarks of our distinguished Majority Leader, I don't think he need to worry about the farmer opposition, that has been amalgamated to an enth degree by the last action on Amendment No. 4 because we saying to them the State of Illinois can't pay for your easement,



but you have to give it to us, and that's enough to take care of the farmer's opposition. You don't need to worry about the farmer being opposed to this Amendment. They'll be for it because they're already against the Bill when you tell them that we can't afford to pay for your land all the people of the State, but you've got to give us this right and your land, we can't buy it from you. So I would say that if this Bill might be better with this Amendment, rather than have an unwieldy board represented by every county that a river touches in the State. Therefore, I rise in support of this Amendment, and I would tell you that in the future, when we decide to carry this a little farther and zone the area of Winnetka and Wilmette in Lake Michigan and say that we now desire a scenic easement along the lake front, and you can't build any more buildings or any apartments along the lake front, I wonder where the votes will be that day." Thank you."

Dyer: "Have all voted who wished? Take the record. For what purpose does the Gentleman from Cook, Representative Dunne, arise?"

Dunne: "Present."

Dyer: "R. L. Dunne votes present. On this question, there are 82 ayes; 49 nays, and one voting present. The Amendment is declared passed."

Fred Selcke: "Amendment No. 6. Macdonald. Amend House Bill 481 as amended on page 3 by striking out lines 16 through 20 and inserting in lieu thereof the following and so forth."



Dyer: "The Lady from Cook, Representative Macdonald."

Macdonald: "Madame Speaker, Ladies and Gentlemen of the House, in view...in view of the last vote, of course, I will have to withdraw Amendment No. 6 because it relates to the structure of the Board, so I will withdraw that Amendment."

Dyer: "Alright, Amendment No. 6 is withdrawan."

Fred Selcke: "Amendment No. 7. Macdonald. Amend House Bill 481 as amended on page 10, line 26, and so forth."

Dyer: "The Lady from Cook, Representative Macdonald."

Macdonald: "Madame Speaker, Ladies and Gentleman of the House, in committe there was some objection to the penalties as they related to the violations, so this Amendment merely clarifies, really for the benefit of Representative Duff, it deletes the continuous penalty of \$1000 per day, which was felt to be oppressive. It clarifies their violations of intentional violations for instance just violations and it also clarifies that all other acts governing the acts of this act. You can see the wording of Section 2 to verify this and I would urge the passage of this Amendment for clarification."

Dyer: "The Lady moves the adoption of Amendment No. 7. Is there any discussion? All in favor say aye; opposed, no, Amendment No. 7 is adopted."

Fred Selcke: "Amendment No. 8. Macdonald. Amend House Bill 481 as amended on page 5 by deleting lines 2 and 3 and so forth."



Dyer: "Lady from Cook, Representative Macdonald."

Macdonald: "Madame Speaker, Ladies and Gentlemen of the House, Amendme-t No. 8 removes from the Mackinaw River. The reason for this is that local control has already taken over on the Mackinaw River and they have zoned by approval of conservation of matters and we feel that this is not necessary to include this Bill in the 12 scenic rivers inasmuch as they are already doing what would be expected in conservation matter under the scenic rivers bill."

Dyer: "The Lady moves the passage of Amendment No. 9. Is there any discussion? I beg your pardon, Amendment No. 8. Is there any discussion? The Gentleman from Cook, Representative Maragos."

Maragos: "Will the sponsor of the Amendment and the Bill yield to a question?"

Dyer: "Yes."

Maragos: "Now that Amendment No. 6 has passed, would this not be in conflice with that purpose and be under all under State control?"

Macdonald: "Amendment No. 6 has not passed."

Maragos: "How about No. 7 then. John's Amendment just passed."

Macdonald: "Well, Amendment No. 7 merely defines the penalties of \$1000 a day and does not require that strict a penalty."

Maragos: "Well, no, I thought Hirschfeld's Amendment passed."

Macdonald: "That was 5."

Maragos: "Oh, that was 5. That having passed, would that be



in conflict now with a...restricting their authority to where this goes...because I understood your Bill will be primarily under county control. Now with his Amendment, it would be in State control. Now would this not be in jeopardy, wouldn't there be some conflict between the Amendment that has passed and your proposal on 8?"

Macdonald: "Well, I don't think it would as inasmuch as they are inconformity with the Department of Conservation and has the approval of the Department of Conservation so I would not have imagined or I would not imagine that this would in any way ...it just...the only thing it does is take out the Mackinaw because it is already zoned."

Maragos: "You mean the Department itself or whoever is going to be in control of this problem is not going to have anything to say about Mackinaw at any time?"

Macdonald: "Well, no, the county has already taken action. If I may say so, this is one of the main reasons, that I...one of my main reasons of support of the scenic rivers bill, because the federal government has already started programs and they will probably move in areas where we are not taking action and the same is true with the State, if the counties are going to take this action, then maybe there is no need for the State to interfere."

Dyer: "Any further discussion? Alright, the motion has been made for Amendment No. 8. All in favor say aye, all opposed no. Amendment No. 8 is declared passed." Any



further Amendments? Third Reading."

Fred Selcke: "House Bill 459."

Dyer: "Fred, excuse me. For what purpose does the Gentleman from Knox arise, Representative McMasters."

McMasters: "I would like to ask the sponsor of the Bill a question. Before it was moved I had my hand up for attention long before you moved it to Third."

Dyer: "I beg your pardon, Representative McMasters, I didn't see it, there is so much movement and commotion on the floor, I didn't see you." Does the Lady yield for a question?"

McMasters: "A Mrs. Macdonald when you had this Bill in Agriculture Committee, one of the areas included was a rather lengthy section of the Mississippi River, the Illinois shore of it. I think I asked the question, brought up the question in Committee whether State action in regard to this part of the river bank of the Mississippi would not be in violation with the federal standards by the corps of engineers and so forth along that river bank, and I'm still asking that question. Did you find out whether this would be allowable?"

Macdonald: "Our understanding is that it would, Representative McMasters, because that section of the Mississippi is not zoned."

McMasters: "It's not zoned, but the corps of engineers certainly had control of the river bank back so many feet from the shore. Now you are going to come in and put a...State



standards over and above federal standards on the same areas. Its not penalty zoned, but its under the same control in the corps of engineers."

Macdonald: "Well, if its not federally zoned, there's not a standard."

McMasters: "No, but the corps of engineers does designate what can and cannot be done on that river bank."

Macdonald: "Well, apparently only for the purposes of navigation. Yes, but I think structures on the river bank and trees or shrubs on the river bank couldn't effect navigation, but it would certainly effect bank erosion, in many cases."

Macdonald: "Well, Representative McMasters, all I can say is that the Board said that they did not have the shore zoned."

McMasters: "Well I'm quite sure that its zoned. There is no federal zoning as per say."

Macdonald: "But we are concerned with the shores of the Mississippi in that area so there is nothing that sets up restrictions."

McMasters: "I would like, Mrs. Macdonald, to have the opportunity to confer the the corps of engineers, and if necessary, I might ask you at a later date, to move this from Third to Second for purposes of another Amendment."

Macdonald: "Well, we'll certainly take this under consideration Representative McMasters."

Speaker: "The Speaker apologizes once more to Representative



McMasters, we called for further discussion, but did not see your hand."

Fred Selcke: "House Bill 459. Fleck. A Bill for an Act to Amendment Section 18, of an Act in relation to divorce. Second Reading of the Bill. Apparently there were two Committee Amendments. Committee Amendment No. 1 was evidently tabled. Committee Amendment No. 2. Amend House Bill 459, page 2, and so forth."

Dyer: "The Gentleman from Cook, Representative Fleck. Is Representative Fleck on the floor? Take it out of the record."

Fred Selcke: "House Bill 504. A Bill for an Act to amend the School Code. Second Reading of the Bill. No Committee Amendments."

Dyer: "Any Amendments from the floor? Third Reading."

Fred Selcke: "House Bill 508. McMaster. A Bill for an Act to prevent fraudulent, corrupt practice in making or accepting official appointments. Second Reading of the Bill. No Committee Amendments."

Dyer: "Any Amendments from the floor? Third Reading."

Fred Selcke: "House Bill 517. McMaster. Amends an Act relating to township organization. Second Reading of the Bill. No Committee Amendments."

Dyer: "Any Amendments from the floor? Third Reading."

Fred Selcke: "House Bill 519."

Dyer: "A pardon me one moment. For what purpose does the Gentleman from Cook, Representative Epton, arise?"



Epton: "Madame Speaker, on a point of personal privilege if I may have a moment?"

Dyer: "Certainly."

Epton: "Madame Speaker, Ladies and Gentlemen and Members of the House, all of you have on your desk an item which was circulated by one of our colleagues, Monroe Flynn. I'm sure you've all read it. It affects all of us in one way or another. And I'm sure you're all quite as disgusted with it as am I. I do, however, wish to call the attention of not only the writer but other members of the press that I have personally been involved with the three representatives that he referred to. Representative Kenneth Hall, when he was a Member of this House, was very active on the Insurance Study Commission. Monroe Flynn has been extremely active in problems involving not only insurance for his area but for the entire state. And I don't think I have to tell you of the amount of work that Representative Krause has done certainly prior to his illness and immediately after. I know that these three gentlemen do not need me to raise in their defense, but rather than to have them simply allow this to go unnoticed, I think it's important for the members of the press to realize that these three men like so many other men and women in this House work around the clock for their constituency and for the state. There are many members in this House who are not interested in headlines. There are many members



in this House who are not interested in conducting their own particular conversational quirks on the House. I think it is time that those of us in the House who work diligently to do the best possible job not only get the recognition we perhaps deserve, but even more important do not get the abuse that these three gentlemen got. And Ladies and Gentlemen of the House, if these three individuals can be abused in this fashion, so can we. And I think it behooves all of us to defend them and ourselves whenever the opportunity presents itself. Thank you."

Jack O'Brien: "House Bill 519. McMaster. A bill for an Act to revise the law.."

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

Caldwell: "Point of personal privilege, Mr. Speaker."

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

Caldwell: "I join Representative Epton congratulating him for bringing this matter to the attention of the House. I, too, consider the three gentlemen mentioned in this article, these two articles, men of integrity, men of statue, and men who have ably represented their district. And I think that all of us ought to take the same attitude. Who is this young man come telling the people in the district where these gentlemen's district.. where these gentlemen come from.. And telling us. Who are they to evaluate ah.. their services. I know that



Monroe Flynn, Senator Kenneth Hall, and the.. and Bud Krause have ably represented their district in this chamber. And these men do not deserve this type of criticism from a paper that practices yellow journalism."

Jack O'Brien: "Second Reading of the Bill. No Committee Amendments."

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

Jack O'Brien: "House Bill 520. McMaster. Bill for an Act to amend a section of an Act relating to counties. Second Reading of the Bill. One Committee Amendment."

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

McMaster: "The ah.. Committee Amendment to House Bill 520 with the home rule amendment. I moved its adoption."

A. Telcser: "Any discussion? Gentleman's offered to move the adoption of Amendment No. 1 to House Bill 520. All in favor 'aye'. Opposed 'no'. The amendment is adopted. Are there further amendments? Third Reading."

Jack O'Brien: "House Bill 521. McMaster. A bill for an act to amend a section of an act relating to divorce. Second Reading of the bill. Apparently Committee Amendment 1 was tabled. Amendment 2 amends House Bill 459.."

A. Telcser: "Okay. Gentleman has offered.. moved that Amendment No. 1 be.. Oh, he's got the wrong bill. What is it?"

Jack O'Brien: "House Bill 521. A bill for an act in relation to county zoning. Second Reading of the Bill. One



Committee Amendment. Amends House Bill 521..."

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

McMaster: "Ah.. Mr. Chairman.. I almost said Mr. Speaker or ah.. Madame Speaker instead of Mr. Speaker."

A. Telcser: "That's all right."

McMaster: "Ah.. Amendment 1 to House Bill 521 was the Home Rule amendment and I move its adoption. I thought there was a second amendment to it."

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

McMaster: "Floor Amendment No. 2. Skinner. Amends House Bill 521 on page 1 by deleting.."

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

McMaster: "AH.. the Amendment No. 2 subsitutes the word 'newspaper' rather than just 'paper'. And I think it's a good amendment. I move its adoption."

A. Telcser: "Any discussion? Gentleman's offered to move the adoption of Amendment #2 to House Bill 521. All in favor signify by saying 'aye'. The opposed 'no'. Amendment is adopted. Are there further amendments? Third Reading. Now under the rules I'm allowed to go out of order. I want to pick up two bills on second reading which has to be moved today so they can be taken care of possibly tomorrow. House Bills, Second Reading. House Bill 214."



Jack O'Brien: "House Bill 214. P. W. Collins. Bill for an Act to amend the Election Code. Second Reading of the bill. One Committee Amendment. Amends House Bill.."

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

Collins: "Ah.. Mr. Speaker, it was pointed out to me on Second Reading the other day that Committee Amendment No. 1 ah.. had some technical defects in it. And ah.. this was pointed out to me by Representative Shea. It was quite correct. And so at this time I would move to table Amendment No. 1 to House Bill 214."

A. Telcser: "Gentleman has moved that Amendment No. 1 to House Bill 214 be tabled. All in favor signify by saying 'aye'. The opposed 'no'. The amendment is tabled." Are there further amendments?"

Jack O'Brien: "Amendment No. 2. Collins. Amends House Bill 214 as amended on page 3 by deleting lines 5 and 6 and inserting in lieu thereof the following and so forth."

A. Telcser: "Are there further amendments? Gentleman from Cook, Representative Collins."

Collins: "Oh, all right. Okay. Have we talbed Amendment No. 1 Mr. Speaker?"

A. Telcser: "Yes, we have, Sir." Amendment No. 2."

Collins: "Amendment No. 2 provides that anyone not attending the judge's training courses would be subject to dismissal by the Election Authority rather than to be deemed in neglective duty ah.. which under the original bill would have subjected these people to criminal prosecution. This



clears up that item. They would no longer be subject to prosecution but would be subject to dismissal by the Election Authority. I would move for the adoption of Amendment No. 2." Is there an

A. Telcser: "Is there any discussion? Gentleman's offered to move the adoption of Amendment No. 2 to House Bill 214. All in favor signify by saying 'aye', opposed 'no'. The amendment is adopted. Further amendments."

Jack O'Brien: "Amendment No. 3. Collins. Amends House Bill.."

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

Collins: "Now, Mr. Speaker, Amendment #3 ah.. is ah.. ah.. the original Amendment #1 in proper form. Ah.. Representative Shea pointed out to me in the original Amendment No. 1 that the new language was not properly underlined. Now, in Amendment No. 1, it is underlined. He further pointed out at the end of the amendment.. the last three lines.. he ah.. we thought should have been underlined. However, that's not the case. The bill as drafted in this area would have added new language. This ah.. is merely returning it to the original law or ah.. the law as it is now in effect. So it would not be necessary to underline that provision. However, the other language does need underlining and Amendment #3 clears up that error. And I would move for adoption of Amendment No. 3 to House Bill 214."

A. Telcser: "Is there any discussion? Gentleman's offered to move the adoption of Amendment No. 3 to House Bill 214."



All in favor signify by saying 'aye'. The opposed 'no'.
The amendment is adopted. Further amendments? Third
Reading. House Bill 220. Now, House Bill 220 has been
read a second time. Amendment No. 1 has been adopted.
Are there further amendments?"

Jack O'Brien: "Amendment No. 2. Collins. Amend House Bill.."

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

Collins: "Ah.. Mr. Speaker, Ladies and Gentlemen of the House,
Amendment No. 2 to House Bill 220 clears up a mistake
in the original draft of the bill. And this would..
Amendment No. 2 would allow a voter with an English
Language disability to receive instruction on the model
machine without having to sign an affidavit. It was
merely a mistake in the original drafting and I would
move for the adoption of the Amendment No. 2."

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

Shea: "Well, ah.. Phil.. as I understood what's just happened.
You tabled original Amendment No. 1. Ya' added Amendment
No. 2. Ya' added Amendment No. 3 which was Amendment
No. 1 in the proper form. And now we've got a forth
amendment?"

Collins: "No, ah.. that.. that was on House Bill 214."

Shea: "Well, that.. that's where we're up on that board now."

Collins: "Oh, well, I didn't look on the board. We're on
House Bill 220 now."

Shea: "Oh, all right. That's what I got.. very confused."

Collins: "Thank you."



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A. Telcser: "All right. Any further discussion? Gentleman has offered to move the adoption of Amendment No. 2 to House Bill 220. All in favor signify by saying 'aye'. The opposed 'no'. The amendment is adopted. Are there further amendments? Third Reading." Representative Collins, for what purpose do you rise, Sir?"

Collins: "Well, to add to the confusion, Mr. Speaker, I am now informed that on House Bill 214 which we just added an amendment that I was in error in ah.. in introducing Amendment No. 2 as No. 2. That's.. the original Amendment No. 2 has to follow the original amendment No. 1. Now, original No. 1 is numbered as Amendment No. 3. So now Amendment No. 2 properly should be numbered Amendment No. 4. So, Mr. Speaker, if I may have leave ah.. please Representative Shea don't confuse me anymore than I already am. If I may have leave to return House Bill 214 to the order of Second Reading for the purpose of tabling Amendment No. 2 and adopting Amendment No. 4."

A. Telcser: "Is there objection? Gentleman from Cook, Representative Shea."

Shea: "I like the representative from across the aisle a little confused about what's on again off again finnigan. But I just wondered, he could save all the time of the House if he just tabled the series of bills."

A. Telcser: "Gentleman from Cook, Representative Finnigan.. woops! Hearing no objection, this House Bill 214 be put



on the order of Second Reading."

Collins: "Now Mr. Speaker, I would move to reconsider the vote by which Amendment No. 2.. Does that..? All right.

I would move to table Amendment No. 2." A

A. Telcser: "Are there any objections? Amendment No. 2 will be tabled."

Collins: "Now Mr. Speaker, I would move for the adoption of Amendment No. 4 which is exactly the same language as the Amendment No. 2 which I just tabled."

A. Telcser: "Okay. The Gentleman has offered to move the adoption of Amendment No. 4 to House Bill 214. All in favor of adoption signify by saying 'aye'. The opposed 'no'. The amendment is adopted. Are there further amendments? Third Reading." House Bills, Third Reading. Now, we'd like to get the House Bills with the date 4/19 as the expiration date. Is Representative Hanahan on the Floor? Okay. House Bills, Second Reading for one moment. House Bill 459."

Jack O'Brien: "House Bill 459. Bill for an Act to amend sections of an Act provided in law in relation to divorce. Second Reading of the Bill. Ah.. Committee Amendment No. 1 was tabled. Committee Amendment No. 2. Amends House Bill 459 on page 2 by deleting lines 34 and 35.."

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

Fleck: "Well, Mr. Speaker, Ladies and Gentlemen of the House, Committee Amendment No. 2 is merely an amendment of form



which takes the definition of cohabitation out of the statutory definition of remarriage. And it just cleans up the language of the bill and I move the adoption of Committee Amendment No. 2."

A. Telcser: "Is there any discussion? Gentleman has offered to move the adoption of Committee Amendment No. 2 to House Bill 459. All in favor signify by saying 'aye'. Opposed 'no'. The Amendment is adopted. Are there further Amendments? Third Reading. Representative Murphy is not on the Floor. Second Reading. House Bill 535."

Jack O'Brien: "House Bill 535. Matejevich. Bill for an Act in relation to public health. Second Reading of the Bill. No Committee Amendments."

A. Telcser: "Are there amendments from the Floor? Third Reading. House Bill 539."

Jack O'Brien: "House Bill 539. Blades. A bill for an act to amend sections of the Illinois Horse Racing Act. Second Reading of the Bill. No Committee Amendments."

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

Jack O'Brien: "Amendment No. 1. Blades. Amend House Bill 539."

A. Telcser: "Gentleman from Wayne, Representative Blades.."

Blades: "Mr. Speaker, Ladies and Gentlemen of the House, Amendment No. 1 is merely a clarification of the language to where a race may be permitted and it's not compulsory on the thoroughbred track to... I move amendment.. adoption of the amendment. Thank you."

A. Telcser: "Is there any discussion? Gentleman has



offered to move the adoption of Amendment No. 1 to House Bill 539. All in favor signify by saying 'aye'. Opposed 'no'. The Amendment is adopted. Further Amendments?"

Jack O'Brien: "Amendment No. 2. Waddell. Amends House Bill 539 on page 1, lines 16 and 17 and also line 18 by deleting and so forth.."

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

Waddell: "Mr. Chairman and Ladies and Gentlemen of the House, this merely adds ah.. quarter horses to a good bill by Representative Blades, who, in turn had Apoloosa's on here which made the bill not discriminatory against two breeds of horses that now are allowed to race equally with thoroughbreds. I think that both the bill and the amendment are good bills. And I would move its adoption."

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

Schneider: "Mr. Speaker, does the Chief Sponsor want to add quarter horses to the amendment?"

A. Telcser: "Do you wish to respond, Representative Blades."

Blades: "I have no objection."

Schneider: "Well, it's my understanding that a quarter horse really doesn't run much of a race does he? He's kind of a sprinter. And I wonder, really, how involved people are going to get in watching quarter horses ah.. run short races. And are they going to be entitled to a race a day on the ticket. Or ah.. how is that going to be arranged? Maybe Representative Waddell can answer



that one. I don't know."

Blades: "We have a law now where the quarter horses do have a racing track ah.. may race now. And this merely authorizes them to race in with the thoroughbreds. I have no objection to it."

Schneider: "You don't mean with the thoroughbreds. You mean separate.."

Blades: "In a separate race. In a separate race on a thoroughbred track. That's correct."

Schneider: "What's the affect of having Apoloosa's race on one race, quarter horses on another? Ah.. it seems that we can get in a position where the track can negotiate against ah.. the thoroughbreds on purses and things of that sort. And I wonder if we're not diluting the ticket so severely with the inclusion of these two types of horses. Although I have no great hang-up about it. It seems to me that what we're encouraging here is an opportunity for the track to pair off persons against thoroughbreds. That is if thoroughbreds can't fill the ticket, then the owners can always say, 'Well, we'll go to the quarter horse. Or we'll go to the Apoloosa.' Ah... seems to me to be a questionable practice. I, as you know Ben, no real understanding of horse trade in general. I think there might be some practical problems with the bill."

Blades: "No. Quite the contrary, ah.. Representative Schneider, to what you're saying. The thoroughbreds are having a



difficulty in filling the races now in with the additional races and the additional tracks that we have created in Illinois. For some unknown reason there seemingly, there's not the breathing of Illinois thoroughbreds that there has been in the past."

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

Waddell: "Ah.. I would be happy to respond also to that.. that if you're afraid of that.. I suggest to you that the richest race that is run is run with quarter horses where the purse is \$179,000. I also ah.. in order to clarify.. you're not running these horses altogether in the same race. Ah.. likewise, I'd would like to refer to Bob Reidrick's column in Tower Ticker on March the 18th where now we have to be concerned because of what has obviously happened to racing in Illinois to try and bring better horseflesh into fill the bill. And therefore, we in the State of Illinois have an obligation here because we ah.. get over \$50,000,000 a year from this source and we have to protect this valuable industry. We do that by ah.. upgrading the quality rather than letting it go down the chute. And this is not a competitive thing between thoroughbreds or the other. This is merely a measure to make the deal equal so that everybody has a chance. And we do have better racing in the State of Illinois."

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

Leinenweber: "If the sponsor of this amendment would yield, I'd



like to ask him a question."

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

Leinenweber: "Representative Waddell, does the Illinois Racing Board have an opinion on quarter horse paramutual racing?"

Waddell: "I beg your pardon. Would you say that again?"

Leinenweber: "Does the Illinois Racing Board have an opinion as to whether or not quarter horses ought to be added to paramutual?"

Waddell: "The answer is that they already are."

A. Telcser: "Gentleman from Vermillion, Representative Craig."

Craig: "Mr. Speaker, Members of the House, the quarter horse racing already have racing dates up at Rock Island County right now. They have racing dates. I don't know whether it's 12 or 20 days of quarter horse racing at the present time. The dates are already set forth. And I urge adoption of this amendment."

A. Telcser: "Is there further discussion? Gentleman has offered to move the adoption of Amendment No. 2 to 539. All in favor of adoption signify by saying 'aye'. The opposed 'no'. The amendment is adopted. Are there further amendments? Third Reading. Now the Gentleman from Cook, Representative W. D. Walsh."

Walsh: "Mr. Speaker, since we're coming to the deadline for many of the bills on the calendar, it is my understanding that the Chair has the prerogative under the Rules to call those bills on Third Reading which would if they were



not called before tomorrow expire under the 30 day rule. So is it the Chair's intention to go down the Calendar calling the bills numerically by the expiration ah.. which would fall sometimes within the vacation period?"

A. Telcser: "Yes. That's what the Chair would like to do know. Although I understand some members who would have tomorrow as an example, would prefer not to have their bills called today because they are of a controversial nature. Representative Shea had mentioned that to me. Is that correct, Sir? The Chair would like to go to House Bills, Third Reading. Pick up those bills with the date 4/19 on them. Some of which are controversial. And you indicated some members did not wish to have them called because they are controversial. Well, I still have tomorrow to have them called."

Shea: "All right. I talked to the Speaker and it seems that some of the Members have gone across the street to meet some of the library boards. And the only ah.. question about some of the controversial bills is that the sponsor may not have the full support that he wishes here."

A. Telcser: "Well, what the Chair would like to do then, for the House Bills, Third Reading, under the rules call those bills with the date 4/19 after them. If the sponsor wishes not to have it called, he need only indicate that. Okay. House Bills, Third Reading. All



Representative Hanahan is not on the Floor." House Bill 4."

F. B. Selcke: "House Bill 4. Bill for an Act to amend the Code of Criminal Procedure. Third Reading of the Bill."

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

Washington: "Mr. Speaker, Members of the House, House Bill 4

ah.. attempts to repeal the so called 'stop-frisk'

law in the State of Illinois which has been on the

books for four years to our everlasting infamy. But is

actually a 'stop-frisk' bill. I think we should, since

the bill itself does not set out the language of the

stop-frisk session, I will briefly paraphrase Sections

107-14 and 108.1 ah .01 of the Criminal Code, Chapter

38. The sections in controversy here are that if a

police officer really inspects.. suspects that a person

has committed or is about to committ a crime, he can

stop that individual. And the real section, the real

problem that if he reasonably suspects that he's in

danger of being attacked, that he may resort to a..

not a frisk, Mr. Speaker, but a search. Now that

language on its face doesn't sound too bad. It's

rather innocuous sounding. But it has tremendous

legal and practical applications. In the first place,

all the evidence of dues here at the committee hearing

and at the congressional hearing held by Congressman

Metcalf some months ago.. and all reports going into

the Urban League of Chicago and all reports going into

the west side organization of Chicago and other civic



organizations indicate quite clearly, Mr. Speaker and Members of the House, that there has been no separation between the stop and the search. And I am of the suspicion and many of us who are opposed to stop-frisk laws are of the suspicion that when this language was conceived, it was felt then by Members of the police departments of the State, particularly Chicago Police Department, that there would be no separation. And everybody stopped pursuant to stop-frisk would be automatically searched. And that, in effect, is what has happened. And I want to make it very clear that there is not a single law on the books of this state or any municipality which has done more to erode, deteriorate and literally destroy police community relations in my community, in the Mexican-American Community, in the Latin-American Community and in many of the poor-white communities and university areas and communities of this State. This law has been used literally like a bludgeon to completely destroy all semblance of freedom of moving on the streets for those groups. I have some doubts about the constitutionality of the section. Notwithstanding Terry vs. Ohio which declared 'stop-frisk' constitutional. This law doesn't fit under that book. We maintain that even though this law may be constitutional, it is an unwarranted and unnecessary extension of police power in the first instance. Secondly, by very nature it cries out for abuse



of people's rights are before the constitution. And thirdly, and in fact, the rights of many people have been abused pursuant to that law. Now when this bill was passed back in 1968, 81 members in the House were now present, were members of that General Assembly that passed this law out. And I think that these people who were here at that time when this bill was passed are entitled to an accounting. Mr. Speaker may I have some order please? I think those 81 members in particular are entitled to an accounting of just what has transpired in the five years that this law has been on the books. Because, when this bill was passed out in Judiciary Committee, certain promises were made. And those promises were made primarily by Lt. Paul Quinn who at that time represented the Chicago Police Department. And I had occasion to interrogate him for one hour on this Floor. And all of his responses and remarks to my interrogation were presented to the full House when this bill passed. And Lt. Quinn promised faithfully speaking for the Superintendent of Police in Chicago that they would do several things if this bill were passed into law. He said, 'We will devise clear-cut rules to determine the conduct of every police officer on the Chicago Police Department because we feel even though we need this law, there are some inherent dangers.' He said furthermore that, 'We will keep absolute and close book on every stop made. And we will interrogate



officers and make certain that they inherent to the Rules. And Thirdly he said, we guarantee you that through our training system and our surveillance by superior officers, there will be no abuse pursuant to these laws. Well, frankly, I didn't believe him. because I didn't think he was in a position to make such a promise, because I think I know as much about the Chicago Police Department as he does and based on my experience, there is too many people on the Chicago Police Department who are temperamentally and psychologically incapable of dealing out justice and operating in a adequate professional police manner, particularly in the Black community, but in other minority communities as well. And so we tried to urge upon this General Assembly that they would set a termination point on this Bill of two years or four years because we realized as even they did that this kind of law is inherently dangerous. They would not go along with that proposition. But Paul Quinn stood where you're standing Mr. Speaker or just in front of you where Fred Selcke's standing, and promised that we would get an accounting as to how that law was operated in the City of Chicago. Well I stand here now to submit to you that we have had no such accountying, that invitations went to the Chicago Police Department to come down and testify when this Bill had a full and complete almost hearing; they didn't show up. They sent no letters. They sent no telegrams. They



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didn't communicate with me, but they sat around very graciously and used a fine head of the Illinois Patrolman's League to come out and represent them. They didn't show up here because they knew that they could not prove that they had been the guardians of the People's right pursuant to this law. They didn't show up here because they did not keep the records. They did not keep the statistics and they did not show up because such people as Governor Walker, the new Director of Law Enforcement, Harvey Johnson, former Governor Ogilvie, the States Attorney of Cook County, Bernard Cherry, the Urban League, Congressman Metcalf, I don't know how many Black alderman of Chicago, all of these responsible people and institutions had cataloged day by day by day the excessive abuse and harrassment that Chicago Police Department had perpetrated against people on the other City and they knew if they showed up here before the Judiciary Committee that they would be interrogated, not just by me, but by other Members of that Committee who were vitally concerned about this issue. I have talked to at least 125 Members of this House, every single one of them has said to me that they are aware of the abuses on this law and have also said to me, but perhaps the law can be amended. I submit to you, Ladies and Gentlemen, that you cannot amend this kind of law to make it acceptable because once you set up a standard of suspicion and not probably cause, you are dealing in a subjective area, which gives your



law enforcement agency too much power and control over your private citizens. I maintain and not antagonistically, but simply antalitically that policemen are by nature military force, they have a status, they have an in-group relationship and if you don't believe it, try to penetrate it. They have standards. They are pyramided rigidly and above all, they are the only group who are legally entitled to carry weapons and under certain circumstances use those. You simply in good conscious and reason do not give people like that excessive power over your activities. Now some of the Chicago press and one of the Springfield press have made this statement and it frightens me and I think this statement lead to the passage of this law. They said 'we recognize the abuses, but the law does some good. Perhaps we can cut down law.' Representative Henry Hyde stands here today to testify to you that street crime in Chicago has not been reduced. On the contrary. It has gone up. There is no correlation between stop-frisk and reduction of crime on the street. Mrs. Arrico Furman, the wife of the great scientist, she and her organization for three years monitored the racket in the City of Chicago and over 90% of the people who were arrested and brought in there was discharged on a motion to suppress because....."

A. Telcser: "Will you try to conclude your remarks, Sir?"

Washington: "Because the officer had violated the stop-frisk provision. Now when the witnesses testified before the



House Judiciary Committee, and this is the kind of witness we had, we had three policemen who came and testified that stop-frisk was being abused in perhaps every station in our Police District in Chicago, that there were no meaningful way sent out to how to function under this law. That there had been no teaching procedures at all, and that certain elements of the Police Department not only willfully, conspiratorily and deliberately violated peoples' rights, but bragged about it in the station house. We had Alderman Tyrone Kinner come here and testify from the Third Ward, my ward in Chicago. He has a third ward crime committee set up. They have worked fastidiously for the last two years to get the ordinary citizen to cooperate with the police in the stoppage of crime. And he told the House Judiciary Committee, we failed miserably and we failed simply because the Police have moved through my community like troops of occupation, walking down the street. You'd think there was a prayer meeting on the street at night. Every third man has his hands up in the air, upside the wall. A deliberate systematic violation of everything we deem right and sacred."

A. Telcser: "Representative Washington, your time has long expired. Could you conclude your remarks, please?"

Representative Hart, do you wish to yield your time to him?"



Washington: "Thank you very much, Representative Hart. The message I have is clear. The appeal I'm making is not to your emotion and reason. The appeal I'm making is to your common sense and to the total arrogance of the Chicago Police Department, and simply say to the Legislature, 'yea, we made promises, but we don't feel we are accountable'. I submit, Ladies and Gentlemen, that unless you have a realistic attitude about your police, you're asking from doom. They should be well recruited. They should be well trained. They should be well protected. They should be well paid, but they should be very carefully watched, and when you passed this Bill back in 1968, you have up your right and your responsibilities to make certain that the Police adhere to a rigid standard of conduct. The Urban League came down and testified. You have their statement on your desk. Day after day after day, they get telephoned by the hundreds, allegations of police harrassment pursuant to stop and frisk. We had Latin American and Mexican American citizens here, to do the same thing. Chicago Police didn't show up. The Illinois Patrolman's Association did make testimony. And they said this: 'Over the last three years, we have collected numerous guns'. I asked the question, 'were those guns collected pursuant to stop-frisk?' They couldn't answer it. I asked the question, 'has crime diminished in the high crime areas of the City of Chicago?' The answer is obviously 'no'. Why do you need stop-



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frisk? It's an adequate tool. In what way? No answer. I think what has happened is that we in our zeal to overcome what is truly a crime problem have been given some powers to the various police departments and they have abused them, but I think you better stop and think what we're getting into. Wire-tapping, prevented attention, shall I mention watergate? Stop frisk. You are delivering yourself to the one group in society which you should not deliver yourself to, but you should watch very carefully. I do not like, and it disturbs me greatly, Mr. Speaker, Members of the House, that an attitude be spread that the police need this kind of tool. I submit that they have not been accountable. I submit that they have not been accountable because they knew they had violated the rights of the People. I submit that you as the highest form in the State want to know this and should know this. I submit to you that the stop-frisk law cannot be adequately repealed, appropriately amended to serve as a useful tool, and if it could, I would be the first. I submit that they have used, as I've said before, this law like a bludgeon, to rip away the rights of decent, honest, people in the City of Chicago who hate crime as much as you do, but insist and maintain that unless they're treated like decent human beings, they simply, simply cannot take that kind of conduct. Ladies and Gentlemen, I suggest strongly that you support House Bill 4 and repeal Stop-Frisk."



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

Hyde: "Mr. Speaker, Ladies and Gentlemen of the House, my deep respect for the chief sponsor of this Bill, is in identical measure to my ah.... opposition to the thrust of this Bill, the philosophy of this Bill and the arguments that are used to support it. The distinguished sponsor said that the Police are a military organization. Well, that's what you want when you're in war and if you don't think there's a war out there, try to walk through a City park in Chicago in the daylight, much less at night. Try to get change on a bus or an el. Ride ah.... a subway at night through the City of Chicago and see if you can get off with your ah... pockets still untapped by your neighbor. Your kids can't walk to school during the day without being harrassed. Ah.... the situation in Chicago demands a vigilant, effective police department. Now remember this, we legislate to the whole State of Illinois, not just certain areas of the City of Chicago, and if police give too many traffic tickets, you get rid of the policeman who is over-zealous and abusing his job. You don't repeal the traffic laws. Now, Mr. Washington, said the standard in this law is suspicious. He continually omits the word just before that in the law, and that's 'reasonable' suspicion. Now reasonable has a meaning in law. In negligence law, you define negligence by the failure to do something a reasonably prudent person would do under the same circumstances. Each situation is



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different, and the search is either reasonable or it isn't. The abuses that occur under stop and frisk are not because of stop and frisk. They are in violation of stop and frisk. Now it just seems to me if you will read this law, it says 'and reasonably suspects that he or another person is in danger of attack'. Now what is wrong with that language. If a policeman goes up to somebody who is in the middle of a crime or he reasonably suspects has committed a crime or reasonably suspects is about to commit a crime, ah... and he then searches that person, ah... that is certainly a law that has wisdom behind it and the protection of the community. And ah... to repeal it because there may be some abuses in certain areas, is to ah... mistake the remedy. Get rid of the policemen that are wrong. Get rid of the ah... policemen that abuse their ah... jobs, but don't repeal a law that protects everybody in the State of Illinois. Now it's interesting that this Bill is called today ah... because earlier this week, ah... in fact in Monday's paper, I see West-side pair held in shooting of two policemen. Last week there was a Black policeman, Wendell Hicks, that was shot and killed in an alley, while pursuing a lawbreaker. Ah... where does our sympathy and our concern go. To these people who are reasonably suspected of committing a crime or must we tell the policeman, go out there, protect our lives, protect our property, but don't search any reasonable suspects until after he shoots you, till



after he stabs you. I tell you the handcuffs should be put on the muggers and the car thieves and the criminals and the assassins and not on the police. Thank you."

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

Rayson: "Mr. Speaker and Members of the House, I rise to support this Bill, which is a repealer, but I do it rather reluctantly on very narrow grounds. First of all, I would appreciate the sponsor's long tail of regarding the problem and its abuses, but at the outset, we mention what the Bill contained, when it passed in 1968. He said the word frisked was not even mentioned, and that it was that when the officer had reasonable grounds to believe a crime was committed, and reasonable grounds to believe that this person committed a crime, a rather subjective judgement, he could authorize a search for weapons. Now we've been living in a univistic world in Illinois in particular, and the press has been guilty of this, because we've been talking about stop and frisk. This Bill says 'repeal of the stop and frisk law'. Now my point is this, I tried to amend the stop and search law of 1965 to stop and frisk, and somebody said that's a ridiculous thing to do. You're going to make us honest. The press doesn't know apparently the difference between stop and frisk and stop and search. The Supreme Court does in 1968. Now, I remembered when we wrestled with that Bill in 1968. The Republican Bill was Stop and Search and went beyond Terry vs. Ohio. The Democratic Bill was within the confines



of that decision and I supported that. I've always supported stop and frisk. It's a needful tool, but stop and search is totally abusive and blatantly unconstitutional. That's my point, Mr. Speaker. My point is, we're really repealing a stop and search law, which is bad and it's abused. In fact, in Judiciary II Committee, three Members of the Committee told us tales of personal experiences of how they've been demeaned due to stop and search, and that this is a reflection of our society when three members of this committee can be treated with this indignity. The point is the Police want it yes, and they are entitled to stop and frisk, but the abuses are rampant with stop and search. Again, I'm redundant, but I say in closing, if we repeal this Bill, we have stop and frisk and we'll always have it, but it might curtail slightly some of the mass abuses that occur with stop and search, and I consider that a substantive and constitutional question, and I support the gentleman from Cook."

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

Deuster: "Mr. Speaker, Ladies and Gentlemen of the House, as a slight diversion and courtesy, I do want to recognize some seventh and eighth grade students from Freemont Township in Lake County, who are in the gallery to the rear. They come from Freemont Township for the benefit of the distinguished members on this side of the aisle, which was named after John Charles Freemont, the first



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Republican candidate for President of the United States of America. They are from St. Mary's school, and they are with Father Morrissey, and Mrs. Diana Sooling. We're delighted to welcome them to the Illinois House."

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

McAuliffe: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to this Bill. As a former Chicago policeman, I can tell you from first-hand experience that this Bill would repeal a stop and frisk, and a stop and frisk bill has helped save many policemen's lives in Chicago. When you're out on the street and you see a suspicious person, you have no way of knowing if he's armed or not, and you approach him. If you don't search him, you're liable to get shot. Now there may be some abuses. But I'm sure that the ah... overall good of this Bill farout weigh those abuses. It helps to save policemen's lives. It's helped to save ordinary citizens' lives. And it's a tool that the Chicago policemen and I'm sure the policemen downstate also need. For that reason, I oppose that Bill."

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

Ewell: "Mr. Speaker, Ladies and Gentlemen of the House, I do not believe in being soft on crime, even though I am a criminal lawyer, but I say to you that the abuses of stop and frisk are rampant. I say to you, it's not a question of how many questionable people the police stop. It's a question of the vast number of people they stop. You



have no realization what happens when the police put out a special operations unit into a district. This operations unit conducts its policy a matter of stopping people. Their suspicion is simply based upon their vast experience as policemen. They never report to you the number of innocent people they line up, stop, put their hands on the trunk of their cars, spread eagle, search and find nothing. Once in a while, they report to you that we found a gun. And if you've ever had the occasion to attend 11th and State Branch 27, you will understand why the judges are discharging the people. The credits of the special operations are for simply finding a gun, not a robbery, a burglarly, but you find a gun. How do you find the gun. You find an elderly 60 or 70 year old man, parking his car in his alley. When you find this man parking the car in the alley, and you know he's in the high crime district, you immediately know that he wouldn't be back in the alley unless he had his gun to protect himself. Yes, the police come up and they say 'where's your gun', and he says 'I have it right here under my seat, but I can't park in this alley if I don't.' Immediately, he's taken in and arrested and this again becomes one of the statistics which the special operation unit will point to with pride and say 'look at the crime we have solved'. I suggest to this body that stop and frisk is to us as EPA is to the farmer. It's an abuse



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that you cannot live with. It's an abuse that you cannot stand. It is an abuse that goes beyond all reason and all toleration. We have heard previous speakers talk about what we have to do as police to police, but yet when you ask them are you willing to go before a review board, there comes up a resounding 'no', 'no', 'no', over and over again. I say to you that we're talking about not the guilty citizens that are out on the street, but we're talking about innocent people who are forced to stand before the police, have themselves patted down in the company of their wives, their children and their families. I'm saying that the abuses of this kind are caused by policemen not who want to control the alleys and the dark vi-way, but policemen who sit out on lighted streets and stop cars. That's what they're doing. They're standing by, stopping cars, because there is no license plate light. because the ah.... signal light doesn't work, or for any other reason including a dirty or bent license plate. They then go through the entire car. There is no relationship to that stop and the traffic violation, yet they insist for the right of protection, they want to search the entire person of the driver. They then pull the passengers out, even though they have no right under the constitution and supreme court cases, but they take the passenger out on the theory, well the passenger might shoot me while I'm searching the driver. I suggest to you that they take the occupants out of the entire



search the entire car, go through the ashtrays, underneath the seat in hopes they might find some evidence or semblance of mariarwana or piece of it and then they claim we have made a big dope arrest. I'm suggesting to you that the abuses of this are far more serious than the abuses of EPA to the farmers. I'm saying to you that you have to learn to hear the pleas of people who are crying out because they are being oppressed. They are being ridiculed out on the street by the police department and we have no source. We have no source to appeal to. What good does it do a man to sit up and complain after he's been humiliated and stripped out on the street and searched. Yet, when we put the shoe on the other foot, and we found out that the C-5 arrested some policemen because the spool pigeon gave them the wrong signal that a crime, in fact, had been committed, the entire police department is up in arms about searching and stripping a few policemen out on the street, but yet there is not this concern for the average citizen, and we are saying if you live within a rule of law, the rule must be that the law must apply equally to all men and not just some men. Now just because the special operations doesn't work downstate, and just because they don't work the counties and the highways, you're saying you are not abused. But I'm saying to you that there was no reputation of the testimony. You had to be at the Committee. You had to hear the testimony. You had to hear it for



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yourself of the abuses of these people. Representative Washington is speaking about something that affects the lives of practically every Black and poor citizen in the City of Chicago, and what we are talking about is police abuse, and we are asking that you hear our plea, that you listen and you listen to the People who are saying it's the abuses we want done away with and it's stop and frisk. We listened to your plea on EPA. Now hear us now. Thank you."

A. Telcser: "Gentleman from Will, Representative Kempiners."
Kempiners: "Thank you, Mr. Speaker. I'm a Member of Judiciary II Committee, and we listened to quite a bit of testimony on this particular Bill. We heard witness after witness come down from Chicago to testify on the abuses which had been cited by every speaker that's spoken so far. We listened to some State Representatives talk about being stopped and being frisked. And I would like to say right here and now, that at least one of those people, voted against this Bill. We were told these abuses and those of us who are concerned about the issue asked, can we amend this stop and frisk statute? Can we correct it? And we were still told 'no'. You've got to get rid of it. And we pursued and asked witness after witness, can it be amended. They didn't want to amend it. They wanted to do away with it altogether. This Bill is not aimed at correcting what is, in my opinion, in vague language.



I could support it if it would correct vague language. It's aimed at repealing this statute. One of the previous speaker's talked about it being stop and search rather than stop and frisk. Well why can't it be amended if it's being abused because of vague language. I ask this question, why not amend it rather than throw it out. This Bill is not aimed at educating police officers who have to make a legal decision instantaneously, as to what they can and cannot do. It's aimed at the repeal of a statute. In my mind, the witnesses who came down here did prove several points. The statute is vague. The wording is vague. They did prove that it is being abused. But in my opinion, not one of those witnesses really approached the point of the problem. Should this statute be repealed, which is what this Bill will do. And I don't agree with this, because they did not prove their points. They approved abuse and vagueness of language, but they didn't prove the necessity of repealing this statute. And in my mind, throwing this vehicle for law enforcement out, with vague language, would be like throwing the baby out with the bath water and I would urge a 'no' vote."

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

Getty: "Mr. Speaker, Ladies and Gentlemen of the House, we have heard several speakers comment in favor and in support of this Bill, telling us number 1, that there are abuses. If there are abuses in Chicago or anywhere else, these abuses should definitely be brought to the attention



of the law enforcement agencies there. In Judiciary II, when we had those witnesses who were police officers who said abuses were brought, I asked, what action did you take? The answers that they gave were unsatisfactory. If there are abuses indeed, these should be corrected, but this does not mean that we should repeal a very important law enforcement bill. Moreover, we have been told by one of the persons who spoke in support of this Bill, that it is unconstitutional. Since this stop and frisk law was enacted several years ago, there was ample opportunity to test the law and as of this date, there has been no case, which has held it to be unconstitutional. Rather I suggest to you, Mr. Speaker and you Ladies and Gentlemen of the House, that the Act, which is in compliance with Terry vs. Ohio, can only be said to possibly go somewhat beyond this. Indeed, Terry vs. Ohio was enacted, strike that, was given down by the Warren Court, a very liberal Supreme Court of these United States. I suggest to you that today, under the Berger Court, we would go even farther, and I suggest that our Constitution would hold this to be a valid and proper law and the United States would find no fault with it, and I suggest you vote against repealing this very important law enforcement tool."

A. Telcser: "Gentleman from Winnebago, Representative Simms."

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



I rise in strong opposition against this Bill. Let's look at the historical reasons why this legislation was enacted by the General Assembly. Because of the violence and the crime that raked the State of Illinois and our nation. There has been no less amount of crime being committed in our streets today. As Representative Hyde said, just pick up the daily newspapers and see the violence that takes place today, and I think it's incumbent upon the Illinois General Assembly to give law enforcement officials the type of tools necessary in order to stop this type of crime. Give them the tools to prevent violence in our streets, and for this reason, I feel it's incumbent upon the legislature not to repeal this legislation, but if anything to strengthen the tool against crime and violence in our streets that we have in our State today."

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

Caldwell: "Thank you, Mr. Speaker. Mr. Speaker, I rise in favor of this particular Bill, and I do so with the full knowledge that State Legislatures, the Supreme Court, Congress and other bodies whose business it is to make and enact laws, can make mistakes. I saw the mistake that we made here in 1968 in passing this particular Bill, and I'm definitely suggesting that we can correct that mistake. That law was passed on a waive of emotionalism if we think back, those of us who were here, and if we



used any reason at all, we would understand now that we made a mistake. I happened to have the privilege of acting as Chairman, serving as Chairman of a Committee of Black Legislators in 1969, and 1970. And we did a very indepth scientific study about crime in the Black communities. Mr. Speaker, could I have the attention of the Body. I would appreciate it. What I want to emphasize to you is, that this so-called stop and frisk or stop and search measure was judiciously studied. We talked to policemen. We talked to Superintendent Conless and we had people from Northwestern University who was skilled in research and our conclusions in the reports that we issued in April, 1970, definitely indicated that this measure was not needed by the police. Now all of us know that a police department is a quasi military operation. We in the Black community definitely desire, beg for, intelligent, professional police protection. We want the police to do their job, and we want to give them every tool to which to do it, but we are convinced, and if you don't believe that these so-called stop and frisk is a bad tool, ah.... get the statistics and find out how many people have been stopped in Oak Park or how many people have been stopped in any ah... community where Blacks do not predominate. I want you to recognize the fact that this is a law that has been dangerous to the police themselves. They don't need this



law. They have everything that's needed, except in many instances intelligence to enforce the law, and we in the Black community want the law enforced and we will cooperate, but we are sick and tired of police using this method of harrassment, legally to harrass citizens and keep doing everything, but enforce the law. Now, Mr. Speaker, I'm suggesting that here in 1968, we enacted a bad measure. I'm suggesting that we now correct that mistake, and I do so with the full knowledge in interviewing hundreds of policemen, and I have a lot of friends who are policemen, I know that they do not need this law, I know that it's also a very dangerous tool for them to have because many of them do not need the type of ah... this type of tool to harrass citizens, and I'm suggesting that we give it some very serious consideration at this time, and go along with Representative Washington and repeal it. Finally, Mr. speaker, I want to say to you, that working in the predominantly Black communities of metropolitan Chicago, I have had the privilege of leading ah... civic groups, business leaders, into the Superintendent's office and arguing this point, and you might be interested to know that when this Bill was heard in Judiciary Committee, there weren't any policemen down here to say that they had benefited from stop and frisk. The only representation that the police had was the person who heads the Association, who's a paid employee, who



was to transmit. I would suggest that had this law ah.... been as necessary as its proponents claim, ah... you would have had every policeman in this City down here to prove his point. Ah... this law, since we put it on the books of the statutes of Illinois has not had the effect that it proponents claim. We do not need it. It would be very much to our credit if we here and now would enact this House Bill 4 and repeal that particular law which is detrimental to the progress and the ongoing progress of the citizens of the State of Illinois."

A. Telcser: "Gentleman from Cook, Mr. Juckett."

Juckett: "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'. Gentleman wish a roll call? The ayes have it and the gentleman from Cook, Representative Washington, to close."

Washington: "Mr. Speaker, Members of the House, if you listen to Representative Ray Ewell, I think you got the whole picture, because I can't imagine anyone having expressed a problem in detail more distinctly and more vividly than he did. But Ray, there's an old saying 'a man convinced against his will is of the same opinion still and from the remarks of some of the opponents of House Bill 4, I'm afraid we're just whistling up a wind tunnel. Because, they are the victims of what I call police



propaganda. One of the former Members of the Chicago Police Department got up and said here today, we need this tool. That's what they all say. But they never produce any evidence. They never bring you any facts. They never connect their need with what actually happens on the street, and the reason that they don't, is because they can't. It's because they can't. I'm afraid what has happened in Chicago, particularly, is that the police have programmed the citizens minds. Programmed their minds to accept just about anything they say about contradictions, and I submit you're in a dangerous position, once you accept that. For example, my esteemed colleague, Henry Hyde, he said 'don't look at the word suspicion, look at the word reasonable'. I submit that the word 'suspicion' has no definition in law. It is highly subjective, and if that is true, you don't separate the stop from the search because they're one. I tried to make it clear to you. Mr. Speaker, may I have some order, please? I tried to make it clear to you that there is no separation from the stop and the frisk. The law is not stop and frisk. The law as applied in Chicago is stop to frisk. And I don't care how you write it, Mr. Kempiners, no matter how you spell it, if you use the concept of suspicion, and you lump these two things together, it's always going to be stop to frisk. So there is no way to amend this Bill, Sir, and I've sat up nights, as many of us have done, trying to find the right language,



the right combination that would, perhaps, assist the police but not to a disservice to the Fourth Amendment. It is impossible. It's either all or nothing. All means to continue along the line that the police have been doing and nothing means to take this away from them and make them do the kind of job that they should be doing. Someone said that this law has saved police officer's lives. What police officers lives were saved? I haven't heard about it. Someone else over here said that if they abuse it, punish them. Name me one policeman in the State.. one who has been punished for abuse of the stop and frisk law. Just one. I'll name you a lot of young men who are dead because of the abuse of stop and frisk laws. Six weeks ago two young black men coming from a school dance had dropped off their girl friends in the car of.. one of their mother's cars.. Stopped in front of their house, drove around to the back to put the car in their alley. Two policemen came up.. not in uniform. One of the boys gets frightened, and gets out of the car and runs down the alley. Policeman chases him. Boy shot in the back of the head. Dead. Policeman's excuse, I tripped and fell and my gun went off. Stop-Frisk. No charges brought against the survivor. A stop-frisk gone rampid. Out of hand. You don't seem to understand what you're dealing with here. I submit to you that if you want to.. the relations between the police and inter-city to continue



to erode, leave this law on the books. If you want more physical consultation between the police and innocent citizens, leave this law on the books. If you want 90% of all the men they take down to the courts, as Representative Ray Ewell said, to be discharged by the Judge in disgust because of abuse of their rights, leave this law on the books. If you want to be beguiled into a false sense of security that this is helping you when it is not, leave this law on the books, but if you want the inter-city to rise up and give the utmost support to the Chicago Police Department, then take these repressive laws out. Hold these police accountable and you'll get that kind of conduct. You will get that kind of cooperation. I think you're diluting yourself. I don't think you're facing up to the issue, and the issue is this law was put on the books to harrass black people. It has been used to harrass black people."

A. Telcser: "Would you please conclude your remarks?"

Washington: "If you don't understand that, then you're perpetrating and a party to that conspiracy to continue to harrass us. I suggest, Ladies and Gentlemen, that you support House Bill 4."

A. Telcser: "Question is, shall House Bill 4 pass? All those in favor, signify by voting 'aye', the opposed by voting 'no'. Gentleman from Cook, Representative R. Dunne, to explain his vote."



Dunne: "Mr. Speaker and Gentlemen of the House. I'm opposing this Bill, and I would like to tell Representative Washington, the sponsor for whom I have a great admiration for and Representative Ewell, that I... I have abhor any abuses, any harrassing of innocent citizens. And I would help them in any way to ah.... to bring this to an end, whether its reprimanding policemen, and I live in the City of Chicago and I will assist them in this area. However, Representative Washington says that in the Committee that the ah.... the proponents, or the opponents of this Bill ah.... gave poor testimony, and he's unhappy that Chicago policemen were here and that the Executive Director of the Illinois Police Association testified. Well I know from talking to policemen all over the State that the Executive Director of the IPA does an excellent job of representing their views and I'm glad the policemen in Chicago were back on their job in Chicago instead of being down here. Now I've gone out with Members of the task force on the night shift on several occasions because I want to personally see what is going on. And I've ridden all over with task force all over the south side of Chicago, south of 55th Street on several occasions and I've talked to policemen in District 6 and District 5 in my district, and they sincerely tell me they need this Bill to enforce the law and to protect our citizens and I urge a 'no' vote on this Bill."



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

Sangmeister: "Thank you, Mr. Speaker. I rise to explain my vote because ah... I heard this Bill in Committee and I think it was because of myself and the influence that I may have had in that Committee that we got a couple present votes that put this Bill out on the floor or it would have died in committee. Ah.... one of the reasons I voted present in the Committee is because I felt that this Bill did need full discussion on the floor of this House. There's been reference to representatives who have been abused by this law and I am one of those representatives. I have been on the northside of Chicago for the mere reason of circling a block at 1:00 O'clock in the morning three times, very slowly in my car, looking for a pizza joint that was already closed and I did not know that because obviously, I don't live in the area. I was hauled out of my car, spread-eagled and at gun point was searched. This is a very exasperating and a very humiliating experience, and that is why I voted present in Committee to get this Bill out on the floor because there certainly are abuses and in that respect, I certainly sympathize with the sponsor and Mr. Ewell of this Bill. However, as a former States Attorney, I've also worked with police officers under this particular bill and I also know what the advantages and the good things that have come from it. And although I have experienced, ah... as I've stated, have had this bad



experience, I do not believe that the thousand of policemen that used this law appropriately should be punished because of the abuses that go on in a particular area and although I voted present in Committee, I now vote 'no' on this Bill and urge others to do likewise."

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

Kosinski: "Mr. Speaker and Ladies and Gentlemen of this General Assembly, I, too, am a Member of Judiciary II, and like the gentleman who spoke before me, I voted present to permit Mr. Washington to focus his attention to the specific problems within his district. I repeat, within his district and the surrounding areas. I think that has been accomplished by Mr. Washington. I think what he wanted was a concern for the problem he faces. However, as a Member of Judiciary I, I respectfully offer these considerations which will determine my vote. It was obvious in that committee that the proponents to this Bill were essentially from Mr. Washington's areas, while the opponents of this Bill were from all over the State of Illinois. I sincerely sympathize with the problems in Mr. Washington's areas in terms of stop and frisk, but I do not believe this justifies knocking out this good law for the rest of our districts in Illinois. If he takes exception to the method police use in exercising this law, as written and amended, and I repeat this, written and amended, I respectfully suggest that he form legislation to that end, not repeal a fine law. I



point out that every major law enforcement agency in Illinois, including the Police Chiefs in Illinois are against this Bill and the head policemen of that group, the Police Chief of Springfield, was present as an opponent. His plea, I'm sure, must be justified in terms of his district and he had focused proper attention, but I assure you, it is not good in terms of mine or most of the district in Illinois. I am voting 'no' and recommend that you do similarly."

A. Telcser: "Gentleman from Cook, Representative Holloway. Robert Holloway."

Holloway: "Ah.... Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of Mr. Washington's Bill, and I rise in support of fairness and I rise in support of honesty, and I rise against hypocrisy. The editorial that appeared in the Chicago Tribune and I quote: 'It is because they are the areas of highest crime and if the law is used wrongfully to harass innocent citizens, then the policemen involved should be punished.' Now, it's understood by everybody in here and let's make no mistake about it, there isn't a Member of this House that doesn't recognize that stop and frisk is only utilized in the inter-city. Now, I'm a Member of Judiciary II and I was there and all due respect to the previous speaker, there were no.... there were no opponents of this Bill that came in from all over ah.... the State of Illinois. There were police officials only. Now the stop and frisk



law supposedly follows the words of Terry vs. Ohio, but Terry vs. Ohio is a matter of defense and it's a defense that every police officer has with or without stop and frisk. Now, the words of stop and frisk now is not a matter of defense, it's a matter of offense. The story that it has saved lives - I suggest to you a fellow who has committed a crime, who is armed with a ah... weapon, who's out on bond and is approached by a policeman and the felon realizes what his situation is, you think his life is safe. And this is what is happening. Ladies and Gentlemen, my time is far spent. Let's not be hypocritical, let us repeal this unamerican law. I urge you to vote with a green light."

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

Kosinski: "A point of personal privilege, Mr. Speaker."

A. Telcser: "State your point."

Kosinski: "Inasmuch as I was referred to as the last speaker, a comment of mine was questioned, I should like to point out to my good colleague across the floor. That representatives from the people throughout the State of Illinois, as the various opponents of this Bill, appear in their behalf, essentially those people have appeared."

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

Martin: "Thank you, Mr. Speaker, Ladies and Gentlemen. I, too, am on Judiciary II, and I, too, was a victim of stop and frisk. Several Sundays ago, I was on my way on a Sunday



afternoon to East St. Louis. I was at 43rd Street and Halsted in Chicago, when I was stopped by a Chicago policeman, and I'm sorry to say, I don't know the district. When I was stopped in the rain, I was asked what kind of license plates were those on my car. I then proceeded to take out my identification card. The police said to me that it does not matter, they would have to check it out. He wanted to know whether or not I had manufactured the license plates. All the time, I'm standing out in the rain. One of the policemen proceeded to search my car while the other policeman returned to his car, assumably to check out whether or not the license plates were legitimate. Still, I'm standing in the rain, while all of this is going on. He searched my car. He wanted to know if I had a weapon. Ladies and Gentlemen, this just does not happen ah.... to persons like myself, but it happens all over black and poor communities in the City of Chicago. This is a very serious problem, which I think is somewhat being taken literally. It affects us. I'm sure that I in no way on that day in question did anything against the law and I am appealing to you. I'm appealing to your consciousness, to please vote yes on this measure. Thank you."

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

Catania: "A previous speaker stated that the crime rate was high when stop and frisk was enacted, and that the crime rate is higher now, so it seems to me that stop and frisk



hasn't been all that an effective tool in lowering the crime rate. It's also been stated that there's a war out there. Well, there's not quite a war out there yet. But with the cutbacks that we're getting in the economic opportunity and with the oppression that the people in my district and some of the other districts in the State of Illinois feel, there could be a war out there. I'm in favor of saving policemen's lives, but I'm also in favor of saving the lives of my constituents. And the oppressions that are building out there could very well result in the loss of the lives of a lot of my constituents. Some of the arguments that I've heard in favor of stop and frisk in the Judiciary II Committee, as well as here on the floor, today, speak to me a lot more eloquently in favor of banning hand guns than they do in favor of stop and frisk. And that's another view point that I think maybe would be wise for more members of this Body to consider. The People who testified in favor of repealing stop and frisk before the Judiciary II Committees were representatives of many communities throughout the State of Illinois. They did not represent just the southside of Chicago. We heard from Operation Push, which is a nationwide organization and certainly has State-wide membership here in Illinois. We heard from the Urban League and the NAACP, two other nationwide organizations. The People of Rockford and Cairo and Moline and East St. Louis and many other communities



were represented, as well as the people of the southside of Chicago. This is not a parochial issue. I appeal to your sense of justice, to your sense of humanity. Not to oppress people, to stand on their heads and say o'kay take care of yourselves, fight back against oppression, when they worry about where their next meal is going to come from, about where their children's shoes are going to come from. I appeal to you to end this kind of oppression."

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

Beaupre: "Mr. Speaker, Ladies and Gentlemen of the House, this is truly one of those times when I am indeed happy that we have an opportunity to explain our vote. This is an issue which is packed with emotion. It's an issue that has been dealt with by the public and in the newspapers, on the basis of being something good when we talk about stop and frisk. It's being a tool for law enforcement. A bringing about of order and elimination of violence in our society. In fact, it has done just the opposite it seems to me. I wasn't here in 1968 when this Bill was passed. As a matter of fact today I was reflecting back about 1968 and five years ago today, I was on the streets of Chicago as the commander of Company B, 129th Infantry, trying to enforce law and order in Chicago, but I can tell you that as much as I abhor the act of violence and disorder and crime that I saw, I also abhor the way that our



State attempted to enforce the laws. And it seemed to me that it was as much of a crime to see Black people drug out of cars, lined up against their car and searched for no apparent reason. We have indeed in this country for 181 years before this law was passed, adhered to the principal that free people in a free society had the right to come and go as they pleased. By this law, we have by referring to suspicions on the part of police officers given the State the opportunity to erode away that very important constitutional principal. I didn't see it abused or hear of its abuse in Committee. I saw it firsthand, and I can tell you it bothered me much more to see in the guides of the law such abuses, then to see the violence that was being perpetrated on the street. I encourage you to repeal this Bill, this law."

A. Telser: "Have all voted who wished" Lady from Lake, Representative Geo-Karis."

Geo-Karis: "Mr. Speaker and Ladies and Gentlemen of the House. I don't like some of the ramifications of the Bill, which is attempted... which the Sponsor is attempting to repeal, the present bill. However, my district is overwhelming in favor of the stop and frisk law, and until this case, a case from Illinois be determined by the Supreme Court of the United States, I have to vote against the repeal of this Bill."



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

Mann: "Mr. Speaker, I think that ah... throughout this debate, we have been accepting as a given fact that the stop and frisk law is a law and order Bill, and I don't accept that fact based upon my own personal observation, both as a lawyer and as a legislator who represents a district where we have witnessed the terrible effects of police abuse. I would describe the stop and frisk bill as one that gives licenses to a few policemen to overuse their vast powers. I don't think that all policemen abuse their powers. I don't think that all policemen seek to punish minority persons, but I think for those who look for the opportunity, this Bill opens the way wide and permits them under the color of law to abuse citizens not for what they've done, but for what they are. I have observed and I think all of us have observed how keenly the cutting edge of law enforcement excess can effect one of our own Members. Ladies and Gentlemen of the House, I stop and ask you to think about that one, and I stop and ask you to think and evaluate what is meant to many of us to see the abuses without any cause, without any reason, except to demonstrate the raw naked power of police power. We saw in this House how a Member of this House could have his reputation tarnished without any cause or reason. Mr. Speaker and Members of the House. It's just not a question of protecting your own. It's not just a question of speaking up for your



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constituencies just because they happen to be Black or minority speaking. It's a question of placing some reasonable constraints on the police."

A. Telcser: "Would you conclude your remarks, Representative Mann."

Mann: "And I would just say to you this, that I think that most thinking policemen would not resent at the passage of this repeal. As a matter of fact, I think that they recognize that they don't need the powers that this Bill gives them and I would urge a 'no' vote."

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

Arrigo: "Mr. Speaker, Ladies and Gentlemen of the House, in 1968, I was an active opponent to the passage of this Bill. At that time, I think I tried to remind the Members of the House that one of the most important statements made in the Terry Case was that of the descending opinion of Justice Douglas. He warned us that this kind of legislation leads us down the road to totalitarianism. May I remind the members of this Body that there was violence and real violence in the streets of Berlin and in the streets of Rome after World War II. After World War I, these kinds of laws were passed to curb the violence. What was the result? We have the brown shirts of Hitler, the black shirts of Musolini. World War II came as a result. What did we see in World War II? The two mad men, produced by this kind of legislation. We're responsible for the mass murders of six



million innocent people. It is no longer a question of the blacks or the Latins or the poor. Let me tell you the experience of a twelve year old boy in my district some years ago, when he was coming home from a library with two books under his arm. He was stopped by a policeman and he was asked 'hey, Daigo, where did you steal those books?' And the little body said 'But officer, I have a library card. I got them at the library.' He said, 'don't tell me that you wops are now learning to read.' With that, he kicked me in the behind. I went back home and I told my father. I want you to know the trauma of that experience has never left me during all of these years, and my good and gentle father said, 'Son, please try to forget this experience. Learn everything there is in those books and no policeman will ever be able to call you a wop or a daigo.' I could probably go on in four languages to explain my repugnance to this Bill. And believe me, may I quote to you what a very distinguished Italian jurorist told me in Italy during World War II. He said what has happened in my country can never happen in yours unless you permit it to happen from within, and this is what we are doing if we do not repeal this Bill and I vote 'aye'."

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

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

Davis: "Mr. Speaker, I didn't just arise. I've been standing and holding my hands. I forgive you for ignoring me, and



I thank you know for giving me the privilege that you've given many others, to explain their vote. Let me say, Ladies and Gentlemen, I am not qualified to follow the distinguished gentleman who just addressed you. My education is limited and certainly I can't measure up to the warning sounds that he gave you. But being a man of God, I can say 'Amen' for what my colleague just said a few minutes ago. Why do we submit to authority in this country? Why do we consent to be governed in this country? We do it in order to have the right to have a voice in our own government. This is the reason, because we know what happens when we're not permitted to have a voice in this government. We know the long road we have had to travel. Our forefathers traveled it before us and they left us this freedom that we enjoy. I thank God because in this Nation we have been able to escape from the plans offense have been. I thank God that we enjoy this freedom. Let me ask you lawyers this question. Do you believe that this law, this stop and frisk law, is necessary to preserve this freedom? Listen, I'm against taking a policeman's life. I'm against taking any human life. And I'm going to tell you one of the ways that we can do much to stop it, and that is to stop the manufacture of hand guns, except for our law enforcement officers. This is one of the ways we can stop it. Because it's not just the criminals who use a hand gun. In a fit of passion.... in a fit of passion, the very



best of your citizens, if he has access to a hand gun, will use it, but he doesn't want to give up this privilege. If you want to not only save policemen's lives, but the lives of human beings, let's stand up here now and be counted and stop even the manufacture of hand guns. Make it unlawful for any man. Send him to jail and give him plenty of time to set there and think it over, if you catch him with a hand gun. This is the way..... this is the way...."

A. Telcser: "Will you conclude your remarks, please, Representative?"

Davis: "We can stop murder. Finally, we've been hearing about the Indians. I'm going to tell you this story. There was a construction gang who was....."

A. Telcser: "Representative Davis, your time has long expired Sir. Could you conclude your remarks, Sir?"

Davis: "Will you let me conclude?"

A. Telcser: "If the House wishes to give you leave, it's fine." Proceed Sir."

Davis: "Thank you. There is an engineer who wanted to build a road through Indian territory, and he found that after he surveyed the land that the road would destroy an Indian totem pole. And he said, 'well, we'll just have to destroy it!' but some of the people who were with him said 'no, you better not destroy that totem pole. It's sacred to those Indians. It means freedom to the Indians and don't destroy it.' And he said, 'well, I want this



highway to go that way.' And then somebody said to him, 'I tell you what we better do. Instead of destroying that totem pole, and letting those Indians seeing you do it, you better undermine that totem pole.' So every night, they'd go out and weaken the totem pole by chopping a little on it and one night when the Indians was giving their war dance, the totem pole had become so weakened that it fell on its own weight. In other words, they undermined the Indian's totem pole of freedom, and I'm asking you men here now, you lawyers, you men who love freedom. You men who know the law. I'm asking you to ask yourself the question, isn't there danger in this law in making you a prisoner of human freedom. Isn't there danger in this law of undermining your freedom."

A. Telcser: "Representative Murphy. On this question, there are 64 'ayes', 95 'nays' and this Bill having failed to receive a constitutional majority, is hereby declared lost. Representative Washington, for what purpose do you rise, Sir?"

Washington: "I ask leave to place this Bill on postponed consideration."

A. Telcser: "O'kay, we'll put this Bill on the Order of Postponed Consideration." On the Order of Resolutions. Representative Cunningham, for what purpose do you rise, Sir?"

Cunningham: "A point of personal privilege, Mr. Speaker."



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

Cunningham: "On the 17th of January, I introduced House Bill 26. Six weeks later, the Chairman of the Committee before whom this Bill was pending, introduced 412. When we met agreement was reached that 26 would be tabled and I would be a joint sponsor of 412. I sat and waited this morning, when we went through second reading for that to happen. What is the motion that I make to accomplish that purpose, or is possible merely to note that on HB 26 that it was absorbed into 412. What I seek to do is to protect my Enemic batting average."

A. Telcser: "Representative Cunningham, could you state your inquiry again, Sir? I'm sorry."

Cunningham: "The problem is I didn't wish the record to show that House Bill 26 was merely Tabled for lack of merit. I was ah.... led to believe that I would be joined as a joint sponsor of 412. Now, ah.... that still would be acceptable or it... could we show on the.... in the Record that 26 was absorbed into 412?"

A. Telcser: "Well, let the Journal ah... show that ah... 26 was absorbed into 412. How's that?"

Cunningham: "We'll appreciate your order to that affect. Thank you."

A. Telcser: "O'kay. On the Speaker's Table appears House Joint Resolution No. 14, for which purpose the gentleman from Union, Representative Choate, is recognized."



Choate: "Well, Mr. Speaker, Ladies and Gentlemen of the House, this Resolution is no different in intent than a Resolution that the House has passed in previous weeks. It studies.... it studies the Environmental Protection Agency, the rules and regulations set forth by the Pollution Control Board. It assesses the impact of these two agencies. It studies the Attorney General's enforcement policies and it reports to the Governor and to the General Assembly when necessary. Now the principal difference between this and the Reso.... the Bill creating a Commission that we passed a couple of weeks ago is the fact that we do not have an appropriation in this Committee. It simply will be a committee appointed by the leaderships to study these important problems. It does not have an appropriation. It will be taken out of the House funds and the Senate funds when necessary. It's been suggested that a Committee might not have the input of experts as provided in the Commission's formal study, but that argument is not true at all, because the Members of the Committee can have any expert that they desire at any time. I think that it's time that we did look into these two important agencies of State government, make recommendations to this General Assembly as to how we feel, that these two agencies can be more cooperative as especially as far as the rule elements, and especially as far as the industrial elements of the State of Illinois is concerned and I would appreciate the vote of the



Membership."

Arthur Telcser: "Is there any discussion? Gentleman has moved that..... Gentleman from Cook, Representative Schlickman."

Schlickman: "Will the Sponsor yield to a question?"

A. Telcser: "He indicates he will."

Schlickman: "Representative, I don't have a copy of your Resolution, but I do note from the Journal that apparently this Committee does not have a specific reporting date. Is that correct?"

Choate: "I don't think it has a specific reporting date, simply because it's a Committee of the House, Joint House, and the Senate as we've had in the past, Representative Schlickman, and as I've said, we can report to the Governor and to the ah.... Legislature, as we bring about.... as we have something that we feel is in definite need as far as statute actions are concerned or the possibility of statute actions are concerned, or as far as making recommendations to the two agencies which I have just mentioned."

Schlickman: "One more question, is the term of this Committee for the balance of the 78th General Assembly?"

Choate: "Well certainly it would be for all practical effects the balance of this ah.... General Assembly, the same as any other ah... standing committee where the leadership makes appointments. Ah.... they would ah... the appointments would expire, and then if there were a need for the further ah.... ah.... actions of the Committee,



I would assume that the leadership could reappoint the same Members or new Members as they desired."

Schlickman: "The name of the Committee, as it appears in the Journal, is the Committee on the Environment, but I gather by the discription that is provided here, this Committee will serve as a watch-dog of the Pollution Control Board and the Environmental Protection Agency. Is that correct?"

Choate: "Well, I wouldn't call it a watch-dog at all. Ah.... in fact I wouldn't want it known as a watch-dog committee. Ah.... the scope of the inquiry, as far as the Committee is concerned, would probably be fairly broad, but I would hope that in the deliberation, that it would be just as meaningful for them to make recommendations to the two agencies in their interest, as well as it would be for the individuals throughout the State."

Schlickman: "Could you describe what the anticipated program of activities for the Committee are?"

Choate: "Well, I can't tell you what the ~~above~~ program of the Committee would be, because incidentally ~~if~~ I wasn't a Member of the Committee, I'd have no ~~work~~ in saying what the program would be. However, I would ~~like~~ and it's been brought to my attention that ah.... ~~some~~ of the industry in the State of Illinois, who has some of the finest records in some of the other states and the ~~expenditures~~ of over 12 millions of dollars to adhere to ~~the~~ Environmental Protection Agencies in those States, ~~is~~ in a complete



bind in the State of Illinois because they're saying to them, you've got a time limit of like August of this year. The industry that I'm referring to is already spent some four million of dollars attempting to adhere to the regulations of the Pollution Control Board, but they cannot possibly, they've asked for less than a year's extension, and this has not been granted to them. Now, you're taking you're endangering the lives of a industry that employs some 800 Illinois citizens. You're endangering them from the standpoint that even after they have expended some four million dollars, they can't possibly comply by August of this year, and the ah.... agency concerned at this time is not, under any circumstances, given them any leeway, as far as letting them go on, and this is the kinds of things that I would hope the Committee would make recommendations on."

Schlickman: "One more and final question. Do you have any estimate or ideas to what the expenditures of this Committee would be?"

Choate: "I don't know what the expenditures would be at all. It would be.... that would be determined simply on the number of times they met. It certainly would be a very ah... negligible figure, I would hope, because I just can't see that many meetings involved. I would hope that they would.... if it's created, that they would go ahead and meet while we're in session, thereby ah.... absolutely no need of funds being involved at all. The Members



could meet while we're in Session in the evening or in the morning and do two or three of the things that I feel is absolutely necessary to bring about a better climate as far as EPA and PCB is concerned in the State of Illinois."

A. Telcser: "Gentleman has moved the House adopt House Joint Resolution Number 14. All in favor, signify by saying 'aye'. The opposed 'no'. And the Resolution is adopted. General Resolutions."

Jack O'Brien: "House Resolution 203. Barry. House Resolution 30. North. House Joint Resolution 31. Barry."

A. Telcser: "O'kay, ah... on Motions, the gentleman from Knox, Representative McMasters."

McMasters: "Ah... Mr. Speaker, Ladies and Gentlemen of the House, I would like permission to suspend Rule 18 in order to hear House Bill 509 in Committee this afternoon. Ah... a little background on it. This Bill is being handled by Representative Krause. We had it posted last week. We heard it in Committee last week. Heard witnesses. The Clerk was suppose to post it again for this week, and he inadvertently forgot it. I would like permission to hear it this afternoon."

A. Telcser: "Gentleman has moved that the provisions of Rule 18 be suspended for the purposes of posting the Bill to be heard this afternoon. All those in favor, signify by voting 'aye', the opposed by voting 'no'. 107 votes. Have all voted who wish? Mann 'aye'. Telcser 'aye'."



Take the Record. Thompsen 'aye'. Schoeberlein 'aye'. This question, 132 'ayes', no 'nays', and the gentleman's motion prevails. Representative Juckett, for what purpose do you rise, Sir?"

Juckett: "Mr. Speaker, I would like to make a motion to resubmit House Bill 421, which is presently on Third Reading, back to the ah... Elections Committee."

A. Telcser: "O'kay, the gentleman has ah.... moved that ah... House Bill 421 be taken from the Order of Third Reading ah.... postponed consideration, wherever it is, and send it back to the Committee on Assignment of Bills."

Juckett: "Right."

A. Telcser: "All in favor, signify by saying 'aye'. Opposed 'no'. The gentleman's motion prevails. Are there any announcements? Gentleman from ah.... Grundy, Representative Washburn."

Washburn: "Thank you, Mr. Speaker. The Appropriations Committee will convene for a short session immediately after adjournment in Room A-1 across the street."

A. Telcser: "The Gentleman from Morgan, Representative Rose."

Rose: "Mr. Speaker, Ladies and Gentlemen, Judiciary Committee will meet in fifteen minutes. That will be a quarter to three in Room D-1, State Office Building. There are witnesses waiting, so please be on time."

Arthur Telcser: "Are there further announcements. Gentleman from Peoria, Representative Tuerk."

Tuerk: "Mr. Speaker, the Industrial Affairs committee will



meet immediately after adjournment."

Arthur Telcser: "Gentleman from Union, Representative Choate."

Choate: "Well, Mr. Speaker, I would like a little order in the House, because it's an extremely important announcement that I'm going to make. Before we adjourn, I want to advise the Members of this House that there is one extremely important resolution that I was having drafted. I don't know whether.... it's here now in time for the Clerk to read, Mr. Speaker, and I would like the Clerk to read the Resolution. I didn't know it was going to get here in time, so I was going to talk about it."

Arthur Telcser: "All right, let's go into General Resolutions."

Jack O'Brien: "House Resolution 205. Choate. Whereas our most highly respected colleague, The Honorable John V. Fary, having reached the historic and venerable age of three score plus years, will celebrate his birthday on April 11, 1973, and whereas Representative Fary having served with distinction for ten consecutive terms in this House, having championed the cause of the little corner tavern, also known as the Poor Man's Club, and espousing happy snappy poking music, reknown polka bands, and who is loved by all, the little old bingo playing bingo grandmothers who have conferred on Representative Fary the title of Mr. Bingo, is a credit to our Membership, and whereas he is a charter member of the earth-while great Legislative triumpherant of Fary, Murphy, and Janzek, the Honorable Louis Janzek, having retired from Legislative service in



1972, and whereas their burning desire to improve the State's financial posture was fulfilled with passage of the Bingo Bill, with the able assistance of Senator Howard Mauer in the Senate and whereas they have all vowed to meet in Springfield to evaluate the impact of legislated bingo has had on the economy and to drink a toast to the new year 2000 AD; and whereas they are preparing themselves for the profound changes in the year 2000, when intercity highways will be obsolete and all automobiles will be equipped with helicopter blades; then an underground rapid transit system between Chicago and Springfield will reduce the travel of time to 15 minutes, and a mere 8 minutes from Springfield to St. Louis; and whereas the year 2000 will be a taxless, utopia and the coffers of the treasurer will be filled with overflowing with revenues from legalized bingo and the food pills and weather makers of a two day work week will be as commonplace as quick visits to other planets; therefore, be it resolved that the House of Representatives of the 78th General Assembly of the State of Illinois, that we extend our sincere best wishes to our colleague, the Honorable John V. Fary, on the celebration of his 62nd birthday and we wish well the team of Fary, Murphy and Janzak and hope they will fulfill their vow to meet to get with Senator in Springfield and toast to the year 2000 AD and be it further resolved that a suitable copy of this Preamble and Resolution be forwarded to our

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esteemed colleague, the Honorable John V. Fary."

Arthur Telcser: "Gentleman from Union, Representative Choate."

Choate: "Well, Mr. Speaker, I'd first ask this Membership, not being knowledgeable in the language myself, if there's anyone who can sing Happy Birthday in Polish to my friend, John Fary."

Arthur Telcser: "Peters. Where's he at?"

Choate: "Lechowicz is going to sing Happy Birthday in Polish."

Lechowicz: "Thank you, Mr. Speaker, ah... really, as far as the Polish people are concerned, and it's not a true translation, it isn't happy birthday, but it's a meaning of a very dear affection and the song is
And translated that means 'may you live a hundred years.'
And it goes as follows. (He sang it)"

Arthur Telcser: "Representative Sims, for what purpose do you rise?" Representative Choate, for what purpose do you rise, Sir?"

Choate: "Just one quick point that I want to bring out. I don't know how the name Murphy got involved in that three-some. Would someone please translate that for Representative Murphy."

Arthur Telcser: "Representative Ike Sims, for what purpose do you rise, Sir?"

Sims: "Mr. Speaker, Ladies and Gentlemen of the House, I'd just like to say that it is also the birthday of my running mate, Patrick, and I'd like them to sing it again, if you don't mind."



Arthur Telcser: "O'kay, the gentleman has moved to suspend the Rule 41, for immediate consideration and adoption, of House Resolution Number 205. All in favor, signify by saying 'aye'. The opposed 'no'. And the Resolution is adopted. On the order of announcements, ah.... gentleman from Cook, Representative Capuzi."

Capuzi: "The Committee on Human Resources will be held in Room C-1 immediately after adjournment. I hope that everyone would get there as soon as possible. We have quite a few people waiting for us."

Arthur Telcser: "Are there further announcements. O'kay, Death Resolutions."

Jack O'Brien: "House Resolution 201. Memorial to Mrs. Peotrovich. Memorial to Mrs. Edward A. Riley."

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

Walsh: "Mr. Speaker, a reminder to the Rules Committee. They will meet tomorrow morning in Room 212 at 8:30 AM. Now, Mr. Speaker, I move"

Arthur Telcser: "You want to move..... O'kay, the gentleman from Cook, Representative Peters, moves for the adoption of Rule 41 immediate consideration of House Resolution Number 201. All in favor, signify by saying 'aye', the opposed 'no', and the Resolution is adopted. The gentleman from Cook, Representative William Walsh."

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



9:30 Regular Session."

Telcser: "The gentleman moves the House stand adjourned until the hour of nine o'clock tomorrow morning perfunct, 9:30 Regular Session. All in favor, 'aye', opposed 'no'. The gentleman's motion prevails. The House stands adjourned."

