

HOUSE OF REPRESENTATIVES

SEVENTY-NINTH GENERAL ASSEMBLY

180TH LEGISLATIVE DAY

NOVEMBER 30, 1976



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Doorkeeper: "All persons not entitled to the House, please retire to the gallery."

Speaker Redmond: "The House will come to order, the Members please be in their seats. We will be lead in prayer by Reverend Kruegar, the House chaplain."

Reverend Kruegar: "In the name of the Father, the Son and the Holy Ghost. Amen. O Lord bless this House to Thy service this day. It was Winston Churchill who said, 'by following evil words unsaid, no one has ever yet harmed his stomach.' Let us pray, give me O Lord a steadfast heart which no unworthy affection my drag downwards. Give me an unconquered heart which no tribulation can wear out, give me an upright heart which no unworthy purpose may tempt to side. Amen. That was a prayer by Saint Thomas Aquinas in the thirteen century."

Speaker Redmond: "Roll Call for attendance. I think that we better ask the pages and the Doorkeepers to go to the museums and the libraries and other institutions of learning, to make sure that the two or three Members that aren't here, have an opportunity to get on the Roll Call.... and we will now stand at ease until 2:30, and it is my intention to call Representative Kosinski motion to discharge a Committee on the Death Penalty, so I would suggest that you get your people here at 2:30."

Doorkeeper: "All persons not entitled to the House floor, please retire to the gallery."

Speaker Redmond: "The House will come to order, Members please be in their seats. Representative Madigan."

Madigan: "Mr. Speaker, would the records show that Representative Beatty, is excused because of illness."

Speaker Redmond: "Any objections? Hearing none, the record will so show. Representative Yourell, do you seek recognition?"

Yourell: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I would like to introduce to you a great political



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leader from Cook County, a very hard working, aggressive member of the Metropolitan Sanitary District, Jerry Cositino. Thank you."

Speaker Redmond: "Committee Reports."

Clerk O'Brien: "Representative Lechowicz, Chairman on Committee of Appropriations I, to which the following Bills were referred, action taken November 30, 1976. Reported the same back with the following recommendations, do pass House Bill 4011, 4019, 4024 and 4027. Do pass as amended House Bill 4009."

Speaker Redmond: "We... Representative Washburn. Who ever has that light on up in the gallery, you have effectively blinded everybody in the Speaker's podium, we have the T.V. light on and we have the high lights up here... hope that suffices. Representative Washburn."

Washburn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Would the record show that Representative Arnell is absent due to the illness of Mrs. Arnell. Thank you."

Speaker Redmond: "Any objections? Hearing none, the record will so show. Order of Total Veto Motions. On Total Veto Motions appears House Bill 2333, out of the record at the request of the Sponsor. House Bill 1914, Representative Jones.... Representative Jones... out of the record. 3189, Capparelli.... Representative Capparelli."

Capparelli: "I think I will wait awhile."

Speaker Redmond: "Out of the record. 3420, Representative Duff... out of the record. 3721, Representative Miller... out of the record. 3803, Representative Porter... out of the record. 3858, Committee on Agriculture... who filed the motion, Mr. Clerk? Representative Brinkmeier."

Brinkmeier: "Yes, Mr. Speaker and Members of the House. This is the Bill commonly referred to as the State Fair Bill. I'm not going to belabor a lot of the details on this Bill but I would like to review with you what we did the first



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time around. The House Agriculture Committee passed this Bill unanimously. On the floor of the House it received only ten dissenting votes; over in the Senate it passed the Senate Agriculture Committee unanimously. On Third Reading it passed fifty-three to zero, the Governor subsequently saw fit to veto this Bill. I'm sure most of you realize the corrections that were made by the Ag. Committee took care of the constitutional irregularity that existed in the prior Bill. Those of us that spent a lot of time on this Bill feel that it does meet all the constitutional requirements at the present time. I would be glad to answer any questions that you have on this but I would move that we do vote to override House Bill 3858."

Speaker Redmond: "Is there any discussion? The question is, shall House Bill 3858 pass. The Governor's specific recommendations for change notwithstanding. All in favor signify by voting 'aye', all opposed by voting 'no'. It requires 107 votes. Have all voted who wished? Representative Brinkmeier, are you seeking recognition?"

Brinkmeier: "Yes, to explain my vote if I may, Sir."

Speaker Redmond: "Proceed."

Brinkmeier: "I would like to remind the Membership of this Body that former State Fair Director has left Illinois to go to the State of Florida, which has a program now which is almost identical to that which we are proposing; obviously he felt that there is some merit in this type of program. I would also point out, if I may use a quote of the former State Fair Manager who testified for Committee and he stated that 'some of the political influences that are primary responsible for the State Fair operating in a deficit every year, will probably be eliminated with the implementation of this type of Legislation'."

Speaker Redmond: "Have all voted who wished? The Clerk will take the record. On this question there are 75 'aye' and 16 'no', the motion.... Representative Brinkmeier."



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Brinkmeier: "Mr. Speaker and Members of the House. I would move that we put this on Postponed Consideration at this time."

Speaker Redmond: "The Gentleman has moved that it be put on Postponed Consideration. Postponed Consideration. Representative Lundy, will you come up to the podium. 3924... who's handling 3924, the motion on that? Who? Representative Ebbesen, he doesn't appear to be on the floor. Take that out of the record. 3973, Representative Taylor... Representative Young... out of the record."

Speaker Davis: "Under Item and Veto Reduction, appears House Bill 3376, Representative Chapman... 3376, under the Item of Veto's... take it out of the record. Thank you. Ordinary and contingent expense..... Under Item and Reduction of Veto motion is House Bill 3377, Representative Byers... Representative Mugálian, 3377... take it out... take it out of the record? Thank you. Representative John Dunn... out of the record. Under Item Vetos: appears House Bill 3403, Representative Boyle, isn't here either. Is Representative Boyle's here? Here is a Veto motion.... Under Reduction Veto Motions, Representative Madison there appears House Bill 3475, Representative Madison... is he here? Take it out of the record. Under amendatory veto's motions, House Bill 3485, Representative McMaster... Representative McMaster's... take it out. Thank you. 3560, Representative Madigan... take it out? Just trying to find some work... going down the Calendar but we can't get... we're trying to find some work here for the fellows, they've taken them out. On the Order of Motions appears House Bill 3204, Representative Kosinski, a motion to discharge Judiciary II Committee, placed on the Calendar under the Order of House Bills, Second Reading. The Chair recognizes Representative Roman Kosinski."

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



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Can you hear me okay? Mr. Electrican, is our volume up? Mr. Speaker, I think Mr. Palmer has a similar motion filed, both of these motions are relative to the death penalty to capital punishment. If it is agreeable with Mr. Palmer and the Speaker, possibly the motion can be considered for both Bills at once. 3167 and 3204, is that agreeable, Mr. Speaker?"

Speaker Davis: "Representative Palmer, Judge Palmer, do you join in this motion, Sir?"

Palmer: "I so do, Mr. Speaker."

Speaker Davis: "Thank you very much."

Kosinski: "Then if I may continue, Mr. Speaker. Ladies and Gentlemen of the House, this is certainly one of the major issues, not only of this Session but, of the decade...."

Speaker Davis: "A little order, please."

Kosinski: "As you may or may not...."

Speaker Davis: "One minute please. Is there leave to hear both motions at this time? Wait a minute there is objection. Which one do you want... do you object to hearing both at one time? Well we'll take care of this. The Chair recognizes Representative Kosinski."

Kosinski: "Well with that objection we will proceed with 3204..."

Speaker Davis: "Yes."

Kosinski: "If the Speaker...."

Speaker Davis: "3204 is under consideration."

Kosinski: "If the Speaker can get quiet in the House, this very important issue will be discussed. Ladies and Gentlemen, as you know this is one of the most important issue, not only of this particular General Assembly but of the decade... the death penalty in terms of premeditated murder. Now, I hope... I hope that merits of this Bill will not be considered in this vote, this is a motion to discharge the Committee, that the House may then consider the merits of this Bill. This morning in Judiciary Committee, there were nine votes in the affirmative, eight in the negative and one voting



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present and the Bill was held in Committee. The Co-sponsors of 3204 are in this General Assembly, I think it is their right to vote on the Bill they co-sponsored, Mr. Chairman, Ladies and Gentleman of the Legislature, I ask a vote in the affirmative to discharge Committee to hear House Bill 3204."

Speaker Davis: "The Chair recognizes Representative Schlickman, on the motion to discharge."

Schlickman: "Will the maker of the motion yield?"

Speaker Davis: "He indicates that he will."

Schlickman: "Did I understand correctly, that the vote in Committee was 9-4, 8 against and 1 voting present... so 50% of the Committee in effect, voted against reporting this Bill out, do pass, is that correct?"

Kosinski: "It was 9-8-1, the Bill was held in Committee."

Schlickman: "Was there any unfairness on the part of the Committee with the respect to the hearing of this Bill?"

Kosinski: "May I yield to Mr. Katz's, the Chairman of that Committee for determination. Mr. Katz."

Schlickman: "Mr. Speaker, I object. I posed a question to the maker of this motion and I object to his transferring the burden..."

Speaker Davis: "Do you object to him yielding to the Chairman of the Committee?"

Schlickman: "Yes, because I'm asking him... if in his opinion the hearing on this Bill was unfair and that has got to be the criterion by which this Body should consider whether or not discharging the Committee."

Speaker Davis: "Do you desire to answer him, Representative Kosinski?"

Kosinski: "Mr. Speaker and Mr. Schlickman, as the Sponsor of the Bill, I would be emotionally prejudiced that's why I attempted to have the Chairman of this Committee answer that, you want an honest answer, I think it should come from the Chairman of the Committee not a prejudiced witness



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who sponsored the Bill."

Schlickman: "May I address myself to the motion, Mr. Speaker?"

Speaker Davis: "The Gentleman will proceed, Representative Schlickman."

Schlickman: "Mr. Speaker and Members of the House. We are in what I thought was a veto Session and it seems to me, Mr. Speaker and Members of the House, the people of this state are best protected by our limiting our actions at this time to vetos consideration of the gubernatorial action on Bills passed previously by this House. Now, Mr. Speaker and Members of the House, this is a more sensitive issue and it seems to me that the deliberate process requires that this Bill be given a thorough hearing by the Committee to which it was referred and a Bill of this nature which affects the rights of every citizen of this state... ought to come to this Body only following deliberate action by that Committee and the deliberate action should be a recommendation of do not pass or do pass. Since the maker of this motion has reported that it was 9-8-1 and he has not challenged the Committee for its fairness or lack of fairness, he's only right, Mr. Speaker, considering the nature of this Body, that this Bill remain in Committee and that the maker of the motion simply ask that Committee for another hearing if he so desires and I urge a no vote on this motion."

Speaker Davis: "The Gentleman from Cook, Representative Mann, Bob Mann."

Mann: "Well, Mr. Speaker and Members of the House. I can't speak for the Chairman, he's returned here... but I think it was a fair hearing for both sides. But, this issue... the Supreme Court of the United States has labored over this issue for a long long time. What is the rush... about the issue now, are we going to rush to death row and kill the people waiting on death row in order to effect our mere desire for blood. This is a bloodthirsty move, Mr.





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Speaker, there is no emergency... what we ought to do is consider this matter in a calm determined way. I would just point out further, Mr. Speaker, that while we rush to enact laws we're very reluctant to do the actual killing, we don't want to be cast as happy hangmen, we don't want to be cast as members of a societal lynch mob. I would appeal to my respected friend, both of them on both sides of the aisle... wait till the fall session commences, let's consider this matter now in motions to advance out of Committee but in calm deliberation. I think that if we do anything less, we're going to be characterized as cold and bloodthirsty and I hope that you resist this motion."

Speaker Davis: "The Gentleman from Will, Representative Sangmeister.... the Chair recognizes him, Representative Sangmeister."

Sangmeister: "Thank you, Mr. Speaker and Members of the House. In somewhat of a rebuttal to Representative Mann's remarks, I think this Assembly should know that there has been absolutely no rush on this Bill at all. House Bill 3204 has had extensive hearings throughout the State of Illinois, we've had them in Chicago, Wheaton, Joliet and we've been working on it since last November and the testimony that we heard then has been incorporated into the Bill, this has not been put hastily together, I wish to assure the Members of the House that we have looked at this matter from a constitutional basis, we've studied the United Supreme Court decisions, the Illinois Supreme Court decisions and this Bill is a good Bill. No one, of course, can tell whether it is absolutely constitutional; I wouldn't stand here and tell you that, I wish to assure you that every effort has been made to make this a good and also a fair Bill. Also, the remark that we are rushing back to death row is not true. There is absolutely nothing in this Bill which could not be... to make it



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retroactive to anyone, it's only pertains to future homicides. We are asking at this point, not for a hearing on the merits of the Bill, we will be happy to go into that in detail on Third Reading. All we're asking is that the people of Illinois get an opportunity through the Representatives on the floor of this House, to have a full discussion of this Bill and I earnestly ask for you to give us that chance by moving favorable on this motion to discharge and bring 3204, to the floor of the House."

Speaker Davis: "The Gentleman from Logan, Representative Lauer."

Lauer: "Mr. Speaker, Ladies and Gentlemen of the House. When I came into this House four years ago there was a move a foot to re-institute a Bill for a death penalty. We passed a Bill that was found unconstitutional. We had further guidelines by the Illinois Supreme Court, we took testimony... I think it would be very very foolish to waste the time that has been expended in taking that testimony and going over into another Session when we will have some place close to forty new Members who have not had the benefit of the previous advice counsel and information that has been gathered by the hard working of the Sub-committee of the Judiciary Committee and I think that probably we should go ahead and bring to a full floor vote... this Bill to see whether or not it has merit. The issue is much too important, Ladies and Gentlemen of the House... to obfuscate the issue, to try to delay and delay and to damn, we'll say praise and oh, we'll take it up next time. The people who bring forth this idea reminds me of Scarlet O'Hara... and well, I'll think about it tomorrow. The attitude that it is unpleasant, sometimes Ladies and Gentlemen of the House, duty is unpleasant but when duty stares us in the face... and let's get to it and bring this to the floor of the House and then we'll vote it up or down."



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Speaker Davis: "The Gentleman from Cook, Representative Lee Rayson."

Rayson: "Thank you, Mr. Speaker. A question first of the Sponsor of the motion. Representative Kosinski, when was this motion filed?"

Kosinski: "The last time that we were here."

Rayson: "All right, we had a Committee hearing today and a vote was taken on the Bill in question, is that right, Sir?"

Kosinski: "That's correct. That's why the motion was filed, it would have been tabled had the Committee passed out the Bill."

Rayson: "All right, thank you, Sir. I would like to add what's been said by some of the people opposing the motion today and I'm sorry that I must speak procedurally as we all must... but I didn't get notification today of the meeting and I was here and I certainly would have cast another vote against these measures. But also the motion was filed, you might say in anticipation of getting out of the gush of the closing hours so it gives some sense of validity of passing a Bill at these late hours. But more than that... more than that and I served on this Subcommittee as Vice Chairman with George Sangmeister, and we did labor long.... there are many many problems connected with the legality and constitutionality of the death penalty in so far as some of the state statutes are concerned. First of all the Forman case really confused the whole issue by stating a proposition and then the minority of the dissenters seemingly interpreting... and I think wrongfully, most of those who voted for the decision which was really standing for capitol punishment, is a violation of the 8th Amendment but... may I have a little attention, Mr. Speaker.... Mr. Speaker, a little law and order... Thank you, Sir. The Georgia case decided that the summer helps, I guess because the court is agonizing..."

Speaker Davis: "Will the House be at attention... come to



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attention, please. This is a very important Bill now..."

Rayson: "Thank you. The Supreme Court is agonizing over the sentencing procedures with regard to state statutes. The Court also, throughout the Louisiana statute and another statute, because of certain considerations they didn't entail in their Legislation, now... and this is my point, Mr. Speaker, now I heard on the radio last night, the United States Supreme Court has taken for review the Constitutionality of mandatory Sessions in regard to the killings of policemen and the killings of jail guards, so I suggest the agony of the Supreme Court is angling and until that decision, until the plethora of these decisions is decided with clarity-- so we really know where we are, I can't see why we should act in Illinois, I can't see why we should act in any state with regard of this most important subject. So I suggest that the motion is untimely, it was prematurely filed, it was a nine to eight vote... not sufficient vote to get the Committee out of the... the Bill out of the Committee and as I say, I wasn't there and I would have cast a vote against...."

Speaker Davis: "Pardon me, for what purpose does the Gentleman from DeKalb arise? What purpose does...."

Ebbesen: "Mr. Speaker, he has been addressing himself to the Bill rather than the motion. I think he is out of order."

Speaker Davis: "Please confine your remarks to the motion, please."

Rayson: "In closing, Mr. Speaker, I for one... as I think it is a considerable expression of this Body that we've got plenty of time to study this kind of measure in the next Session of the Illinois General Assembly and the motion at this time should be defeated."

Speaker Davis: "The Gentleman from Lawrence, Representative Cunningham. The Chair recognizes the Gentleman from Lawrence."



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Cunningham: "Mr. Speaker and Ladies and Gentlemen of the House. The Co-sponsor of a slightly death penalty Bill, House Bill 3167, I'm proud and honored and stand and urge you to vote aye on Representative Kosinski's Bill. The question has been asked, was there any unfairness in the hearing before the Judiciary Committee, I couldn't understand why the gracious sponsor of the Bill hesitated to say, of course there was prejudice. The... that Committee is constituted in such a manner that it is absolutely reflective of nothing that goes with good government. There are people on that Committee that wouldn't vote for any kind of a Bill to penalize any criminal any time, let alone excute a mad dog who has declared war on society. There are willful bands of obstructionists who are strangling every effort made by an organized society to protect itself against its mortal enemies. It is time to remove that dead hand from the legal, logical and deserved progress of this Death Penalty Bill. Now, we've passed votes on this floor and it is pretty well established how many are on each side, we ha 129 votes that voted for the death penalty and the other side had 39... maybe 40 at the high water mark. I want to say to you that it is, I think, a very appropriate thing that this Bill comes on the 30th day of the six the moth following Memorial Day, because you can and you will, by your affirmative vote here today, Ladies and Gentlemen, create a memorial day... mid-term, you're going to create a memorial to the thousands of people who are murdered... murdered every year throughout this land and in large measure, those people who are murdered are forgotten, they're just numbered statistics, they have no name, there is no compassion labored on them by the fickle public. The public chooses to waste all of its mistakes, energies on the criminal, now is an opportunity to strike an effective lick on behalf your constituents. A man named Patrick Buchanen wrote it the other day in one



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of his articles and he said and I believe it very strongly and I urge it to you, that if we will just put this Death Penalty Bill on the statute books and have it applied, we will take the present fear that is in the hearts of all the law abiding citizens throughout this land, that they are going to be massacred and transfer that fear into the breath of those who would do the murdering. This is an opportunity to make an effective lick for good government and public safety in Illinois. Don't hesitate to vote yes."

Speaker Davis: "The Chair recognizes the Gentleman from Cook, Representative Lewis Caldwell."

Caldwell: "Thank you, Mr. Speaker. I rise in opposition to this motion. Many of us on this floor have Bills that we would like to have heard. We have had them in Committee and they have been studied, I don't believe that we ought to take up the time of this Body at this period to discuss a Bill... of course, I'm opposed to the Bill but I am talking to the motion now. I think that we ought to address ourselves to the very important questions of what these Bills on the docket, which ones we are going to override and which ones we are going to let the veto stand. I think that is why we're down here and I think that's what we ought to address ourselves to at this time. Thank you."

Speaker Davis: "The Chair recognizes the Gentleman from Cook, Representative McAuliffe."

McAuliffe: "Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of this motion; you have been following the newspapers in the last... approximately month and a half or two months. Two more Chicago policemen have been murdered and this is going to continue to happen because the killers have no fear of punishment. Sentenced to life in prison and they are out eleven years later. There is no fear in criminals anymore of spending any time in jail."



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If we have got the death penalty back on the books and I come from a district that has twenty-six hundred policemen living in the district besides Sheriff's police and the State policemen...I have talked to many of these policemen in my travels through the city and I would say that ninety-nine and nine one hundredth percent of the policemen of Chicago are in favor of the death penalty. It may not act as a deterrent but it would certainly be the end of anymore murders committed by the people who were executed. The people of Illinois have had ample opportunity to express themselves on this matter. They had a referendum, I think in 1970, it was approximately two to one in favor of it and we are just dragging our heels and while we drag our heels and go on debating this back and forth, other innocent people are being murdered. Whether it is to be deterrent or not is not a known fact, but it is certainly deterrent to the person that is executed that he won't commit anymore murders and that's what we need now, the life in prison, if it is not life in prison would be a sufficient punishment but it doesn't mean life in prison. Everybody who goes to jail now, they are out eleven years later and they are back out on the streets doing the same things over and over again, murdering people, shooting at people, mugging people. Let's put a stop to it; let's put the fear of God into the murderers these criminals and let's start using the proper tools. Let's reenact the death penalty to people of Illinois who want it, and the policemen in Chicago desperately want it, and we need it right now."

Speaker Davis: "The Gentleman from Lake, Representative Deuster."

Deuster: "Mr. Speaker and Ladies and Gentlemen of the House. One of the fundamental purposes we're down here for is to do what the people want. Normally I don't circulate questionnaires, but during this last year I have and during



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course of the summer and the fall campaign throughout my legislative district in Lake County, I distributed about thirty thousand questionnaires, I've passed them out, I talked to people and one question on there... a high response was this question, do you think the death penalty should be part of our criminal justice system in Illinois. The answer tabulated from the responses received back indicated that 86% of my constituents... 86% of my people right now want the death penalty and I might say that there was only one subject they expressed among themselves more strongly and that was they felt inferior school teachers ought to be dismissed by a majority of 90%. But, this was the second highest positive rating of what the people in my district want. I think the people have been frustrated in 1970, they expressed themselves, they have expressed themselves in my district now and it is time for us to support this motion and if you have any questions about the details of this Bill, it has been carefully developed and held back, I might say, by the Sponsors pending the Supreme Court decision. If you have any questions you can take a look at those fine points on Third Reading. This Bill in my judgment is Constitutional because it allows for the consideration of the aggravated circumstances such as the killing of a police officer in his duty and it also allows for the consideration of the mitigating factors which would make the death penalty appropriate and that is for someone who is of a tender age, for example under eighteen. I think it is a careful Bill, it's a good Bill, I urge your support of this motion to bring it to the floor so we can look at it more carefully and then vote it up or down on Third Reading."

Speaker Davis: "Thank you. Representative Katz, do you wish to be recognized? Mr. Katz, the Gentleman from Cook."

Katz: "Mr. Speaker, I only wanted to reassure the Members of the House that the Judiciary II Committee had fair



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hearings with regard to this matter; the Gentleman from Lawrence has seen fit for some reason to impune the integrity or the motives of a variety of members of that Committee, the members have listened to the testimonies, they operate with good faith as the Gentleman from Lawrence, he does not have a monopoly on good faith or the desire to serve his constituents. I do not want to prolong this any further, everyone knows how they want to vote but I did want to reassure the House that exten<sup>s</sup>ive hearings were held and the Committee did the best job that it could with regard to this matter."

Speaker Davis: "The Gentleman from Cook, Representative Downs."

Downs: "Thank you, Mr. Speaker. Well, I only wish to add in connection with the motion itself, that that hearing this morning... as fair as all who participated in it certainly know that it was. It was held at 10 o'clock on the morning that at 11 o'clock was an Appropriations Committee hearing, both sections and at 12 o'clock a caucus in which the actual business in those two meetings of this Legislature was properly considered for this Session which is the matter of the States revenue position and a veto override. There are groups and individuals from throughout this state who have sought knowledge as to when we would proceed on this issue and indeed would like to have presented their opposition to this legislation even this morning and notwithstanding that, it was a fair hearing by all accounts and only nine out of some twenty-four odd members of the Judiciary Committee saw fit to support this motion. I oppose the motion in so far as any effort to discharge this Committee, at the same time that a Bill which would curb arson in the City of Chicago and throughout this state. A Bill which was passed by this House, this spring languishes in a Senate Committee and I don't have anymore assurance than any of you have that



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that Bill is going to be discharged on the Senate floor but I think you have a good idea of what might happen to this Bill when it goes over there; that's a double standard that should not be tolerated. Vote 'no' on this motion. Thank you."

Speaker Davis: "The Chair recognizes Representative Peters."

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

Speaker Davis: "The previous question has been called on. The question is, shall the main question be put. All in favor let it be known by voting 'aye', opposes.... opposes... the 'ayes' have it. Representative Kosinski, will close the debate."

Kosinski: "Mr. Speaker and Ladies and Gentlemen of the House. Relative to some questions posed on the floor a few moments ago and I don't think that I'm misquoting Chairman Katz's when he indicated to me that he does not oppose this motion to discharge. In response to one speaker, their is no one on death row. now, there is no needed action. I further indicated that we should not discuss the merits of this Bill at this time, there will be plenty of time to discuss the merits on the House floor. To achieve that we must bring this matter to the House floor and I now ask you vote 'aye' to discharge Committee so that we may hear this Bill. Thank you."

Speaker Davis: "The question is, shall Committee be discharged on House Bill 3204. All in favor will vote 'aye', the opposes 'nay'. Take the record, Mr. Clerk. All voted who wished? Have voted who wished? Have all voted who wished? Take the record, Mr. Clerk. On this question 111 'ayes', 36 'nays', 2 'present', the motion carries. Committee Reports."

Clerk Selcke: "Representative Boyle, Chairman of the Committee on Appropriation II.... we'll come back, we want to get our Supplemental Calendar... to which the following Bills were referred.... to which the following Bills were referred,



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action taken on November 30, 1976. Reported the same back with the following recommendations, do pass House Bill 4025, do pass as amended, House Bill 4016. Representative Yourell, Chairman from the Committee on Counties and Townships to which the following Bill was referred, action taken November 30, 1976. Reported the same back with the following recommendation, do pass House Bill 4014, House Bill 4021. No further Committee Reports."

Speaker Davis: "We're back on the order of motions now. Motions on House Bill 3167, the Chair recognizes Representative Palmer. 3167, House Bill."

Palmer: "Mr. Speaker and Ladies and Gentlemen of the House. A motion has been filed and is on the Calendar, relative to House Bill 3167 the same being a Death Penalty Bill. A motion to discharge the Committee on Judiciary II. Last spring, Mr. Speaker, many of us became concerned with what the outcome of the Supreme Court decision in Greg vs Georgia, what it might be and at that time prepared Bills in that direction. As it came nearer to the legislative Session there was some discussion as to whether or not these Bills, namely the Sangmeister Bill, and the Palmer, Cunningham Bill... should be moved. We informally agreed that we would not move them that time because it didn't make any sense, not having the decision from the United States Supreme Court. We also agreed that it would be informally agreed that it would be taken up in the fall Session. On July 2, the United States Supreme Court came down with a decision, Greg vs. Georgia and did construe a number of statutory schemes by which this death sentencing could be accomplished and that court of course held in Greg vs. Georgia and the accompanying cases arising out of Florida and Texas, their statutory scheme in this respect was constitutional. The Judiciary II Committee that is a Subcommittee of it has had hearings all during the summer as to what policy sessions on the reinstatement



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of the death penalty and as to what the provision should contain. We do now, Mr. Speaker, seek to move those Bills in conformance with our earlier agreement, that is the agreement this spring. A Committee meeting this morning was 9-8 to 1, as has been indicated; in my opinion the Committee itself should not be used as a vehicle to stop consideration of this very important question by the people... by the Representatives of the people of this state. There is no question as to the volumes and reams of publicity being written about it and the questions pro and con. So I do move you, Mr. Speaker, that Judiciary II Committee be discharged from acting on this Bill in that House Bill 3167 be placed on the Order of Second Reading."

Speaker Davis: "Any discussion on the motion? Representative Lee Rayson, the Gentleman from Cook."

Rayson: "Thank you, Mr. Speaker. Only briefly I wish to suggest as I tried before, that this Bill was amended to virtually conform to the Georgia statute, which statute the Supreme Court only yesterday agreed to review with regard to the constitutionality of mandatory gap on certain aspects of the Bill, so again I say, the process is on going, we must be on going, we should not consider this matter at this time. A vote 'no' would be appreciated."

Speaker Davis: "Anybody discussion, if not the question is, shall the Committee be discharged on House Bill 3167. All in favor will vote 'aye', opposes 'nay'. Take the record Mr. Clerk. Representative Palmer, do you wish to explain your vote? Have all voted who wished? All voted who wished? All voted who wished? Take the record, Mr. Clerk. On this question there were 110 'ayes', 31 'nays', 2 voting 'present'. The Gentleman's motion carries."

Clerk Selcke: "Introductions. House Bill 4029, Kempiners, at el. Amends the Election Code. First Reading of the Bill.

Speaker Davis: "Going back to the Calendar.... We're on the



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Order of Total Veto Motions now, House Bill 233, Representative Wolf... out of the record. House Bill 1914, Representative Jones, J.D. Jones... out of the record. House Bill 3189, Capparelli, Representative Capparelli... 3189. The Chair recognizes Representative Capparelli."

Capparelli: "Ladies and Gentlemen, 3189 is a Commission Bill that we changed last year, adding four Legislative Members to the Juvenile Delinquency Commission Bill that Lauer and I sponsored. The... we gave this to the Attorney General to find out its legality; he has not gotten back to me yet. The Governor says that it is unconstitutional but we would like to pass this and find out if it is or isn't. All it does is really put on four legislative Members, two from the House and two from the Senate, I would like a complete override on this Bill. Thank you."

Speaker Davis: "Is there any discussion on motion to override? Any discussion? If not, the question is... pardon me, Representative Geo-Karis."

Geo-Karis: "Mr. Speaker, I'm sorry but I couldn't quite hear the explanation of the Bill."

Capparelli: "Adeline, all this does is add two members from the House and two members from the Senate; before it was a governor appointee of fifteen members, now he appoints eleven and we appoint four."

Geo-Karis: "In what Committee was that, please?"

Capparelli: "The Juvenile Delinquency."

Geo-Karis: "Okay, thank you."

Speaker Davis: "The Chair recognizes Representative Schlickman... wish to be recognized."

Schlickman: "Yes, Mr. Speaker, if I may."

Speaker Davis: "Thank you."

Schlickman: "Mr. Speaker and Members of the House, the Governor gives as his reason for vetoing this Bill, that appointments from Executive Commission are to be made by the Governor and not the General Assembly. And, in making this... taking



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this position, he relies upon the case of King vs. Lindberg involving legislative appointments to the State Fair Board to back him up, Mr. Speaker and Members of the House, King vs. Lindberg held in accordance with Article V, Section 9 (a) of the Constitution that neither Assembly or its leaders have the right to appoint members of the Executive Branch. Officers being appointed.... defined as those with executive functions. It would seem, Mr. Speaker and Members of the House that due to the grant making powers of the Commission that the Illinois Commission in delinquency <sup>prevention</sup> is clearly an executive agency and if we are to rely upon the decision of King vs. Lindberg, it would seem, Mr. Speaker and Members of the House, that this Bill clearly provides an unconstitutional appointment authority, in other words, having the Legislature making appointments to an executive branch. I think, Mr. Speaker and Members of the House that we should operate very carefully, conservative in this area, in as much as there is that decision, We should not pass this Bill and literally pass the butt once again to the courts...."

Speaker Davis: "The Gentleman from Cook, Representative Lechowicz."

Lechowicz: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I stand in support of the veto override on House Bill 3189 and total contradiction which was pointed out by the previous speaker, because when this Bill passed the House, passed by a vote of 121 to 6 and 50 to 1, in the Senate and there were two other Commissions that also have this type of appointment procedure. One being the Commission of Mental Health and Disability with twelve legislative members, seven public members and four who are appointed by legislative appointments and three by the Governor. Another example is the Illinois Public Employees Pension Laws Commission with five members from the House, five members from the Senate and five gubernatorial



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appointments. The School Problems Commission is the same type of appointment, so Ladies and Gentlemen, in reference to the Lindberg vs. King decision, I don't believe it is appropriate in this Commission as I pointed out in the other Commissions as well, and I would strongly recommend an 'aye' vote. Thank you."

Speaker Davis: "The Gentlemen from Logan, Representative Lauer."

Lauer: "Mr. Speaker, I too, rise in support of House Bill 3189. I was unaware that any other than Mr. Fleck and Mr. Palmer, had been appointed to the courts and when they take their seat upon the court, I'm sure that they will render opinions as to constitutionality of Bills. However, as long as Mr. Schlickman and the other Gentlemen who are members of the Bar are serving in this House, I would suggest, Mr. Speaker, that they limit themselves to voting upon the merits of legislation without dealing with the constitutionality of the Bill. In my research I found exactly the same information that Mr. Lechowicz did, that we do have precedent of other types of Commissions and they also have grant making powers and I would also cite, Mr. Speaker, that in his appointments to the Commission that is in question, the Governor is obviously trying to gut the Commission, he's trying to completely turn aside the legislative intent that was clearly implied when we passed this Bill. By his appointments to the Commission he is trying to destroy the Commission and I would say, what this Legislature has created, let no Governor put us under. It is one of those things, Mr. Speaker, that we are the Representatives of the people and the Governor actually is only the executive and has the authority to carry out the policy that we determine. Thank you, Mr. Speaker."

Speaker Davis: "The Gentleman from Cook, Representative Mugalian."

Mugalian: "Thank you, Mr. Speaker. I would like to say that I'm a member of the Illinois Commission on Mental Health



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and Disability and Developmental Disabilities and would like to refer to the comment that that Commission and the other Commission mentioned, being the Pension Laws Commission are the same as the Commission in question; that is entirely untrue. The Commission on which I serve is an advisory Commission and has no executive powers; to say that these are the same kinds of Commissions and therefore, there is a precedent therefore, is entirely unsound. We do have an obligation to follow the Constitution of the State of Illinois which has a separation of powers, as does our Federal Constitution, but even if we didn't, Ladies and Gentlemen of the House... there is an important policy question here, the constitutional separation of powers was there for a purpose and if we allow a mixing of responsibility authority as is prohibited by the Constitution we are going to have very bad government. There is no precedent for this kind of situation; the Commission in question has executive branch powers and exercises them and it is clearly unconstitutional and to pass... to override this veto would be an advocacy of our responsibility."

Speaker Davis: "The Gentleman from Cook, Representative Bluthardt."

Bluthardt: "Well, Mr. Speaker and Members of the House. I happen to agree with the last speaker in regard to the question of constitutionality and I would like to take umbrage with the Gentleman who said that, we have no business here in the House to consider the constitutionality of Bills. I wonder what he thinks we're required to hold our hands up and swear to uphold the constitution of the United States and the constitution of the State of Illinois... I wonder what he thinks that means? We have an obligation, when something is clearly unconstitutional in our opinion then we should vote against it. In my opinion this is unconstitutional and I'm against the motion."

Speaker Davis: "The Gentleman from Cook, Representative Collins"



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Collins: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I think that the most important problem facing us here today in the question of overriding this veto is whether we sincerely wish to address ourself to the serious problem of juvenile delinquency in our cities and in our state or not. This Bill was born out of an effort on the part of the administration, an ill-advised effort, to destroy community bases of juvenile delinquency prevention Commission, these community organizations have done remarkable work, I know. In our own community they have done outstanding work towards taking juveniles off the streets and giving them a positive program to cope with and try to do something to resolve the problems of juvenile delinquency. When the present administration sought ill-advisely to destroy these community organizations the only answer was to come up with this type of Commission, which would continue the fine work that had been initiated within the community and the, in spite of the clear desire of the General Assembly, to give some directive to these programs. The Governor, without wisdom, made appointments to the Commission which would do nothing but destroy the efforts of the entire Commission. I think that this problem is so serious that this veto among... above all, cries out to be overridden. We have a problem in our cities that we must cope with; we have a problem with this Commission and local Commissions... we're trying very hard to resolve and all the veto did was take a giant step backward in the fight against juvenile delinquency. I implore you, let's override this veto and let's get this Commission back on the road upon which it embarked and get the solid programs that we had in the community once again on an even keel. This is very important; there are legal questions and there are consitutional questions... let's let the court address itself to them, the main thing is that we have children who are on their way to the penitentiary



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and if we don't do something to reverse this flow, then it's blame will be on our heards. Please join us in this override vote."

Speaker Davis: "Any further discussion? If not, the question is shall House Bill 3189 pass, notwithstanding the veto of the Governor.... all in favor will vote 'aye', opposes 'no'. The board is open. Have all voted who wished? Have all voted who wished? Want to explain your vote? Representative Capparelli, do you wish to explain your vote?"

Capparelli: "This Bill passed out of here 121 to 6 last time. Now all I'm asking you is to let the courts decide. We went to the Attorney General and we asked him for an opinion, he has not given us his opinion himself and I would say, let's put the King case aside and find out if this one itself is constitutional or not and please give me enough votes to override. Thank you."

Speaker Davis: "Have all voted who wished? Has all voted who wished? One more time, have all voted who wished? Take the record, Mr. Clerk. On this quesiton there are 113 'ayes', 30 'nays', 3 voting 'present', this Bill having received the full three-fifths vote is declared passed. On the Order of Total Veto Motions, House Bill 3420. Representative Duff... The Chair recognizes Representative Duff."

Duff" "Thank you, Mr. Speaker. About a year and a half ago, Ladies and Gentlemen of the House, the Illinois Supreme Court made a decision in People vs. Howell, in which it said, that in accordance with the Illinois Constitution any person who is charged with a crime has a constitutional right to a prompt preliminary hearing. House Bill 3420, was a response to the Supreme Court decision which said, 'we would prefer the Legislature to act and if it doesn't, we will'. In the process last spring, some of you will remember that a compromise was worked out between the people



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on either side, if you will, philosophically of the issue, The Bill passed with that compromise out of House Judiciary, this House and the Senate, with healthy votes. The veto I think, is not accurate in several respects and I think that if you will look at either the Republican or the Democratic staff report, you will see that there are ..... ambiguity, in the veto message itself. It is true that sanction could have been made tougher: it is true that we could have used a firmer set of words in defining the period of time after a request. It is also clear that the words which were used would be easily interpreted by any court as to mean that the request would start with the written offer. What the Bill does, Ladies and Gentlemen, it says that if a state does not give a prompt preliminary hearing in accordance with existing cases, that the person who is held should be put without bail... should be given bail and the person who is held beyond the period of time which is specified, should be released rather than be held without charge, without trial. Now, it also says it further is the result of the compromise that the state can reinstitute charges. That would take care of the difficulty, for example, if the state could not find a witness that maybe had gone to Hawaii or something like that; very simply Ladies and Gentlemen, it was a compromise which this House created, the Governor's message on the one hand says that it will cause delay and on the other hand says that the remedies aren't enough. This is not accurate I would be happy to answer any questions about it from anyone."

Speaker Davis: "Any further discussion? Any discussions? Hearing none, the question is shall House Bill 3420 pass notwithstanding the veto of his Excellency, the Governor. All in favor will vote 'aye', opposers 'nay'. Take the record. Voting is now open... the voting is open... Have all voted who wished? Representative Lechowicz, explain



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your vote."

Lechowicz: "Thank you, Mr. Speaker. I was trying to listen to the Sponsor's explanation of the reason why we should override the veto; unfortunately because of the noise level I was unable to hear him and I was wondering if he would just briefly explain what he wants to do on this."

Speaker Davis: "Representative Duff, would you care to explain?"

Duff: "I would be happy too. The Illinois Supreme Court said in People vs. Howell, that a person has a right to a prompt preliminary hearing. If he is not given it, he's released and his conviction will not be upheld. They asked the Legislators specifically to provide a remedy in those cases where prompt preliminary hearing is not given. They said if the Legislature does not provide a remedy they will do it themselves. This was a compromise effort approved of last spring by both sides of the aisle in both Houses, to try to strike a balance and do something. The objections are that it doesn't do enough. I think that is not a valid objection since without it we are absolutely doing nothing. If we don't override this veto... the Supreme Court will do it for us; in effect they have told us very specifically in the case, People vs. Howell that they will come down with sanctions themselves. Now, Ladies and Gentlemen, if anybody has any concern in the prosecutor's office for example, that they would have difficulty with a prompt preliminary hearing, they must be aware of the fact that if they have a court rule without legislative action it could be considerably more complicated for the prosecution as well as the problem of the person who is incarcerated and is not given a prompt preliminary hearing."

Speaker Davis: "Any further discussion? The question is, we heard the question when we opened. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, Mr. Clerk. The Sponsor, Represent-

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Duff, the Chair recognizes Representative Duff."

Duff: "Mr. Speaker, this is... I will make a request. There were still lights going on and I don't think this subject was heard as fully as it might have been. It is the only piece of legislation that I have submitted in the General Assembly in 1976 and obviously it would be important so I would ask if we could take it out of the records so that we might have... I defer to Representative Katz."

Speaker Davis: "The Chair recognizes Representative Katz."

Katz" "Yes, Mr. Speaker, I had been trying to get your attention to explain my vote."

Speaker Davis: "I'm sorry."

Katz: "With regards to the Bill. Oh, that's all right, Mr. Speaker you're eminently fair. I would like to say that I think the Governor's veto is misguided because actually it makes a point of something that is an improvement in Mr. Duff's Bill, now we start out with the notion that under the Constitution, a person is entitled to a preliminary hearing. Now, Mr. Duff came in with a Bill that provided that they are entitled to preliminary hearing. Well, immediately it became apparent that if Mr. Duff's Bill had passed in the form in which he presented it and there was somebody who, through inadvertency, had failed to get a preliminary hearing then a guilty person would be let free because that individual hadn't had preliminary hearing and he would be released on the technicality that he hadn't. The Judiciary Committee felt that that was unfair, that a guilty person would go free in that situation so they got Mr. Duff to amend his Bill to provide that in the event a charge is dismissed against an individual because he didn't get a preliminary hearing the state can simply refile it. In other words, that is because we don't want guilty people to go free. Now, the Governor makes a point that that just creates extra paper work; actually the alternative is as Mr. Duff's Bill was in its original form, which was that



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if you don't get a preliminary hearing through some technical failure because there are thousands of cases and they forgot to give you one, the fellow would go free, and so this is an improvement; it satisfies a constitutional requirement of providing for a preliminary hearing without letting possibly guilty people go free just on a technicality and so I would support Mr. Duff's motion to override the Governor's veto and I believe that it is a sound Bill and I would urge the House to override the Governor's veto."

Speaker Davis: "Mr. Duff, what do you wish to do, do you want to postpone it or take a motion."

Duff: "Well, Mr. Speaker, I noticed that there are a number of people who want to explain their votes and I don't want to interrupt that."

Speaker Davis: "Any further explanations of votes? Representative Rayson, the Gentleman from Cook."

Rayson: "Well, thank you, Mr. Speaker. I was a chief co-sponsor with Representative Duff on this matter. I too, have been concerned about the case of People vs. Howell and its implications unless the Legislature acts. I feel the explanation of Representative Duff, a clear explanation of the need for this Bill and the very wise and clear explanation of the Chairman of Judiciary II, suggest that we need a few more votes. I think here is a case where the Governor in all his wisdom, seemingly was very worried, shall I say, with regard to this Bill. I'm sure he didn't really read the implications of his decision and I'm sure that if the Supreme Court would act due to our enactment, none of us... none of us will be pleased by the way these people will be getting out of jail, so I think it is to our best interest to get those votes on that board so we can move ahead with other business on hand. Thank you."

Speaker Davis: "Representative Washington, the Gentleman from Cook."

Washington: "Thank you, Mr. Speaker. I to rise in support



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of an override here. This particular Bill represents a long and laborious process on the part of the General Assembly, specifically the House of Representatives, more particularly the Judiciary Committee and certainly, Mr. Duff. It is not in terms of the extent of it, a very ideal Bill but under the circumstances we think it goes as far as we can possibly go. Now a good deal of time has been put in this Bill, we've had numerous hearings, we've had input from State's Attorneys from throughout the state, we've had input from prosecutors and defenders from every conceivable source of expertise that might be directed towards this whole business. We're satisfied that under the circumstances, this is the best possible Bill that could be passed. I think Mr. Duff should be commended and certainly the Chairman of Judiciary Committee II, Mr. Katz, should be commended for coming up with this Bill. I join Mr. Rayson in saying that I think the Governor misconceived the input and propert of this legislation. I think if he reconsidered it, he would agree that under circumstances, it represents a timid step in the right direction. I urge that you support it."

Speaker Davis: "Any further explanation of votes? Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, Mr. Clerk. On this question there are 122 'ayes', 10 'nays', 9 voting 'present' and this Bill is declared passed, notwithstanding his Excellency's veto. House Bill 3721, Mr. Miller... out of the record. 3803, Representative Porter, would you like 3803... is he there? Take it out of the record, he's not here. House Bill 3924, Committee Bill... take it out of the record. 3924, who's that? The Gentleman from Cook, Mr. Taylor. Representative Taylor.... 3924... out of the record. Out of the records. 3973, Cities and Villages.... Representative Young.... Oh, Taylor, Representative Taylor, 3973... The Gentleman from Cook, the Chair recognizes



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Representative Taylor."

Taylor: "Would you please take that Bill out of the record."

Speaker Davis: "Take it out of the record. On the Order of Item and Reduction Veto Motions, House Bill 3343, Representative Shea, do you have a motion you wish too.... on 3343?"

Shea: "It's 3344, isn't it?"

Speaker Davis: "No, it's 3343 on the Calendar on this order."

Shea: "No, on 3343. I don't want to do anything on that one."

Speaker Davis: "Take it out. How about..."

Shea: "On 3344, I would like to move if I could..."

Speaker Davis: "I see a very distinguished Gentleman on the floor there, Mr. Leader, Mr. Jim Kemp."

Kemp: "Ladies and Gentleman, good afternoon."

Speaker Davis: "How is the transportation, Jim? We're down to Item Veto Motions now, House Bill 3344, Mr. Leader, Representative Shea. Item Veto Motion on 3344."

Shea: "Mr. Speaker, I want to go with the second motion under that and that's to restore line item veto in House Bill 3344, on page 7, lines 1 through 5, I want.... the Governor cut out three hundred and eighty-nine thousand dollars out of that item, under the assumption that it would come out of the Capital Development Funds, as you know that Bill was vetoed by the Governor also. This is the final payment for the library for the physically handicapped and blind at the corner of Blue Island and Roosevelt Road in the City of Chicago and without this three hundred and eighty-nine thousand dollars, they won't be able to complete a building and I would move that the item of three hundred and eighty-nine thousand dollars be restored and that's the item on page 7, lines 1 through 5, the Governor reduced it by three hundred and eighty-nine thousand dollars and I would now move that that amount be restored to the Bill."

Speaker Davis: "Just a minute..."

Shea: "And I believe, Mr. Stearney, would want to get up and



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talk for that Bill."

Speaker Davis: "Is the Bill there?"

Shea: "It's the building at Blue Island and Roosevelt Road, Mr. Stearney."

Speaker Davis: "This is an item veto on page 6, lines 33 to 35 and on page 7, lines 1 to 5, of House Bill 3344. The motion is to pass notwithstanding the veto of the Governor. Any discussion? The Gentleman from Cook, Representative Walsh."

Walsh: "Wonder if the Gentleman would yield, Mr. Speaker."

Speaker Davis: "He indicates that he will."

Walsh: "The explanation that we have, the staff analyses on this Bill is entirely different from that that you explained, Mr. Majority Leader. I wonder if you would mind taking this out the record for a time."

Shea: "Absolutely not."

Walsh: "Thank you."

Speaker Davis: "Take it out of the record. Under the Order of Item and Reduction Veto Motion is House Bill 3377, Representative Byers... Representative Dunn, do you have a motion to restore? Take them out... all..."

Speaker Shea: "On the Order of Item Reduction Veto; appears House Bill 3376 and on that, the Gentleman from Cook, Mr. Davis motion to restore item on page 12, line 30 to 33, in the amount of a hundred and twenty thousand dollars. The Gentleman from Cook, the Assistant Majority Leader, Mr. Davis."

Davis: "Mr. Speaker and Ladies and Gentlemen of the House. This House... passed this Bill which provided a hundred and twenty thousand dollars for study; the Department of Public Health supported the Amendment, we also passed a Resolution, House Resolution 944, requiring the Department to conduct the comprehensive feasibility and reduction of funding will affect disability to comply with this mandate; in other words this is a specific funding to make a



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comprehensive study and help plan it, which is not to be done by the Department of Public Health. and I say to you, we're trying now to fund Providence Hospital so that it can take care of the needs of people in that particular area. There is a great shortage of doctors and if we make this study we know the demonstrable need; if we make this study we know there is a possibility that we will have a chance to establish a 'med' school in a specific area and this is what we need because I don't know what it is now but at one time only 166 could enter a freshmen class in our 'med' schools and there were very few of the folks from our side of the town every got into those classes and this is true. A very few of them if any got into those classes and I would ask that we restore this one hundred and twenty thousand dollars... make this study but with a specific purpose of putting a hospital on the southside... or putting a 'med' school on the southside where it is certainly needed. I would appreciate the votes."

Speaker Shea: "The question is, shall the item on page 12, lines 30 to 33, in House Bill 3376 pass notwithstanding the veto of the Governor; or that is there any questions? The Gentleman from Kankakee, Mr. Ryan."

Ryan: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Will the Gentleman yield for a question."

Speaker Shea: "He indicates that he will, Sir, but before you do that.... could we have some quiet in the chamber."

Ryan: "Representative Davis, was this money every put into the Public Health Budget? In the fiscal '77 budget."

Davis: "I understand that the money.... which is now in the Department of Public Health. I understand it was but then we passed a Resolution, the House passed Resolution 944, requiring the department to conduct a comprehensive feasibility study; we passed that in the House because I know the money was there."



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Ryan: "As I understand it, Representative Davis, the Public Health Department did not request this funding in its fiscal '77 request and it was put on as an Amendment...."

Davis: "The Department of Public Health supported the Amendment, Sir."

Ryan: "All right, but it was never requested in the original budget. Never requested in the original budget."

Davis: "They supported the Amendment."

Ryan: "My second question is, the Board of Higher Education is currently conducting a study..the same kind of study with its own resources, is that correct?"

Davis: "This I do not know, but I'm concerned about this because this is specifics, in other words the need is great in my district and I see my fellow colleague and Republican standing over there, he knows where the need is great. I don't know where the Board of Health will make the study but I know if... if you join me here, I know where this study will be made. It will be made where it is needed."

Ryan: "Well, I understand that this is already.... a study is under way and results are going to be presented to the General Assembly in March and the first draft is going to be available in January., the same study."

Davis: "I didn't understand it that way. My answer to you is, if they didn't need it why did they endorse it... they didn't need this money."

Ryan: "Maybe they don't need it, that's my question."

Davis: "They supported the Amendment and the records will show."

Ryan: "Representative Davis, wouldn't it be better to find out if we don't have... if in fact we don't have the study for this and postpone this Bill for a while until we can find the answers to a couple of these questions."

Davis: "Well, the Governor has vetoed it, there is nothing you can find out now unless we put the money back. What is there



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to find out, he's vetoed it, the money is out."

Ryan: "Well, Mr. Speaker and Ladies and Gentlemen of the House. As I understand it, this study is already..."

Speaker Shea: "Mr. Ryan... Mr. Ryan, excuse me for a minute. Mr. Davis, he asked you to take it out of the record until he could see if there is another study, just like this being made was his request. Do you want to proceed with it?"

Davis: "I yield to Charlie Gaines, Representative Gaines."

Speaker Shea: "All right, Mr. Gaines."

Gaines: "I talked with the Director of Public Health immediately before the vote last time and at that time she assured me that was part of their budget request and I just talked with her office last week and the lady in charged of Comprehensive Health Care and this is a different type of study. The one of the Board of Higher Education is basically resolved around whether or not the University of Illinois should or should not put a branch hospital on the southside and it does not address itself to the question of whether there is a need for a hospital period and the Department of Public Health has already done preliminary study of this and that the health care facilities group on the southside are working with the Department of Public Health and through other health care agencies in the south Chicago area and this is the only study that promises to give a comprehensive answer to the question of whether a 'med' school is needed prior. Whether it is or is not for the University of Illinois, is not going to be the limitation. Where the other study, I understand, primarily based on whether the University of Illinois should have a branch there but this will determine whether or not there is a need for a hospital with a teaching facility. The 'men' school, which is needed by the community and the Department of Public Health as I was talking to them last week, is not opposed to this and I talked with Miss Rychoff before the last vote and



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at that time she told me that they were in favor of it and this is part of their budget."

Speaker Shea: "Does that answer your question, Mr. Ryan?"

The Gentleman from Kankakee, Mr. Ryan, would you turn him on please."

Ryan: "Well, thank you, Mr. Speaker. As I understand this situation, the Board of Higher Education has to approve a school that may be on the southside of Chicago or any place else and that is why they are conducting a study. They are the people that have to make the final approval and until that question is totally resolved, I'm going to have to oppose the override of this Bill. Thank you."

Speaker Shea: "Is there any further discussion? The Gentleman from Cook, Mr. Davis to close."

Davis: "Mr. Speaker and Ladies and Gentlemen of the House. Too long have we on the southside.... been denied medical treatment; in the old days we used to have visting doctors.. that's gone, those days are gone for ever now..."

Speaker Shea: "Mr. Davis, if you would wait just one second... Could we get some quiet in the chamber."

Davis: "Thank you, Mr. Speaker. In the old days we had the visiting doctor, he took care of everything but now in my district alone... begin at 26th street if you will and visit the hospital there and you will see long lines of people lined up at the clinic, then you walk to 29th street to Micheal Reese and keep on out to Providence and you will see long lines of people in the clinic and the reason is, we don't have doctor; all we're asking for is that a study be made to set up a 'med' school in a specific area. Now you fellows who haven't been down here as long as I have... if some of you had you would know the fight that I have had back in the early days with our 'med' school, even the University of Illinois. if you please, there was a time when they admitted 166 and out of that 166, we were lucky if we got one black in the class and there were many classes



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where there was not any, the same thing is almost true today. We want to make a specific study so that we can have a 'med' school on the southside. There has been a lot of talk about Providence Hospital and I hope that we get the money because there is a lot of Federal money laying in wait here... if we will simply appropriate the money, and I don't know if what money we appropriate for it won't even go back in the General Revenue Fund because the Feds are willing to support that hospital. What good is a hospital without a doctor... we need doctors, we need a 'med' school, where they won't put a quota on us. We need a 'med' school where we can use the brains of these young men who are making every effort, if you please, to secure a medical education and I ask you, this is just a measly amount, I have been sitting here and voting for overrides and I tell you, when I tell you that this is a demonstrable need at stake and I tell you the Department of Public Health did support this; they supported this Amendment and we need it and I ask you to join me in overriding notwithstanding."

Speaker Shea: "The question is, shall the item on page 12, line 30 and 33, in the amount of one hundred and twenty thousand dollars in House Bill 3376 pass notwithstanding the veto of the Governor. All those in favor will vote 'aye', those opposed will vote 'nay'. The voting is open. Vote Shea, 'aye'. Have all voted who wished? Have all voted who wished? The Lady from Cook, Miss Catania, to explain her vote."

Catania: "Thank you, Mr. Speaker and Members of the House. What we're talking about here is money to fund the studies to prove that we desperately need the medical school on the southside of Chicago. Those of us who live there know how desperate the need is but as you all know the unfortunate fact is that we have to prove these things before we can come in and ask for the money for the medical school itself."



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My own one-woman attempts to try to solve the unbelievably desperate medical situation on the southside of Chicago has been to award my own Legislative scholarship to people who will use them to go to the University of Illinois Medical School and then come back and practice medicine in the 22nd Legislative District between 35th street and 47th street, where we have, among other things, some of the highest instant mortality rates that you will find anywhere in the country. You might be interested in knowing that in the United States we are only seventeen in.... we are seventieth in infant mortality, I would like to say; Sweden leads in the world with the lowest infant mortality rate after that comes many of the other Western European Countries in the United States we are only seventieth in this one area of infant mortality. What we're talking about here is the absolutely deplorable situation in our cities in the United States of America. Chicago, of course, is the City in the State of Illinois where we have this kind of desperate health situation. We're talking about trying to correct that situation, we're talking about a study to show just how dire the need is on the southside of Chicago for a medical school. I ask for your support of this override of.... a veto of which I think was well-intend - but considerably lacking in understanding of the problem."

Speaker Madigan: "Is there further explanation of votes? Are there any further explanation of votes? Have all voted who wished? The Chair recognizes the Gentleman from Cook, Mr. Gaines."

Gaines: "I wish to say that the Department of Public Health was informed by the Governor's office that he vetoed this item by mistake and that explanation that he gave them and that one of his aides did not clearly explain it to him and I also wish to say that.... under the new Federal comprehensive health program, that the Department of



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Public Health also has to prove the location of any hospital also, so it is not something that they don't have jurisdiction over and I would like to ask for more green lights to go up. Thank you."

Speaker Madigan: "The Chair recognizes the Gentleman from Cook, Mr. Epton."

Epton: "Mr. Speaker, Ladies and Gentlemen of the House. I certainly don't rise to defeat this particular motion but I do have a reason for voting 'no'. And that reason very simply is because I also live on the southside of Chicago and I think the thoughts and necessity of having funds to determine that another hospital is needed on the southside of Chicago is ludicrous. This does not require a study; any moron... even those in government, needs to be aware of the fact that we need those facilities. Now I've seen studies go on and on and on, and I hope my colleagues who believe so sincerely in this will not take my remarks amiss. I would much rather see this money go towards the building of a hospital than to study of whether or not we should build it and because I am throughly setup with government and its studies, I find it almost a pleasure to sustain a veto which apparently was mistakenly made."

Speaker Madigan: "Have all voted who wished? Have all voted who wished? The Chair recognizes the Gentlemen from Cook, Mr. Davis."

Davis: "Mr. Speaker, it seems that some of us are misinformed or we misunderstand what we're trying to do. This is not to build a hospital... this is to build a 'med' school, to make a study to build a 'med' school, make a study to build a 'med' school, where we can train some doctors to staff a hospital, but I would like to postpone further consideration and we'll try it another day. When the climate is better."

Speaker Madigan: "The Gentleman requests Postponed Consideration. This Bill shall be placed on the Order of Postponed Consideration. On the Order of Reduction Veto Motions



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there appears House Bill 3479 and the Gentleman, Mr. Madison, do you not wish to call it at this time? Take it out of the record. Mr. Shea, close to the chamber? Or Mr. Giorgi... Mr. Giorgi."

Giorgi: "On the order of amendatory veto motions appears Madigan's motion to House Bill 3560. Representative Madigan."

Clerk O'Brien: "Representative Giorgi, in the Chair."

Madigan: "Mr. Speaker and Members of the House, I move to accept the Governor's recommendations for a change on House Bill 3560. There are two aspects to the Governor's recommendations, I will speak to one part of the recommendation and Representative Grotberg will speak to the other part. For my part the Governor recommended that the minimum capitol requirement for a security dealer be reduced from four million dollars as provided by the Bill down to, two million dollars. I find this acceptable and move to accept that part of the Governor's recommendation and at this time I will yield to Representative Grotberg."

Speaker Giorgi: "Representative Grotberg."

Grotberg: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. The portion of House Bill 3560, to which Representative Madigan, referred... that is my responsibility, was in a form of an Amendment to his, regarding of the blue sky laws, if you will remember that part of that Amendment, in which, for purposes of downtown redevelopment in cities of fifty thousand and under in the State of Illinois, investors unlimited number of investors up to one thousand dollars may participate and the amendatory veto was used in this case in a very positive sense and I gladly accept the amendatory change in which the Governor added the language that natural persons would have a thousand dollar limit and corporate persons for redevelopment purposes may invest as much as five thousand dollars. It improves the Bill. I also join with Mr. Madigan



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in the motion to accept the change in House Bill 3560."

Speaker Giorgi: "Any further debate? Representative Madigan to close."

Madigan: "Mr. Speaker, I request a favorable Roll Call on a motion to accept the Governor's recommendation for change."

Speaker Giorgi: "The question is, shall the Governor's specific recommendation for change with respect to House Bill 3560, be accepted by adoption of the Amendment in the motion. All in favor will signify by voting 'aye', and those opposed by voting 'no'. Have all voted who wished? Have all voted who wished? This motion receiving.... take the record, Mr. Clerk. The 'ayes' are 144, the 'nays' are none, 'present' voting 1, the Governor's recommendations are accepted and the Amendment. Representative McMaster, do you wish to call your.... out of the record. Introductions and First Readings of Bills."

Clerk O'Brien: "House Bill 4030, Jaffe, Fleck. A Bill for an Act to amend Sections of an Act concerning fees and salaries. First Reading of the Bill. House Bill 4031, Jaffe, Fleck. A Bill for an Act to amend Sections of an Act in relation to compensation of the Members of the General Assembly. First Reading of the Bill. House Bill 4032, Jaffe. A Bill for an Act amending Sections of an Act concerning fees and salaries and to classify to several counties in this state with reference there to. First Reading of the Bill. House Bill 4033, Jaffe. A Bill for an Act making appropriations for certain increase per diem allowances and certain salary increases. First Reading of the Bill. No further introductions."

Speaker Giorgi: "Resolutions."

Clerk O'Brien: "House Resolution 1026, Merlo, et al."

Speaker Giorgi: "Representative Merlo."

Merlo: "Mr. Speaker, I would request at this time that the Clerk read the Resolution."

Speaker Giorgi: "Read the Resolution, Mr. Clerk."



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Clerk O'Brien: "House Resolution 1026, Whereas, the Museums and cultural institutions in the State of Illinois are a great source of enjoyment and educational value to the citizens of this state and Whereas, museums in this state house collections of great works of art, antiques and other priceless cultural objects; and Whereas, these museums enjoy certain valuable tax benefits and preferences; and Whereas, these museums and cultural institutions have a duty to each citizen to disclose publicly the contents of their collections and to permit the public access to view their treasures; and Whereas, the disposal of museum holdings if done in a legitimate manner, is a universal and constructive activity for the upgrading of the museum's collections; and Whereas, the George F. Harding Museum, a tax-exempt, not for profit Illinois corporation, has actively discouraged public accessibility to its collection and has recently disposed of works of art from its collection without prior public notice; and Whereas, a series of newspaper articles has uncovered irregularities concerning the operation of the Harding Museum, the questionable disposition of valuable works of art, and the lack of public responsibility on the part of the trustees; and Whereas, it would be in the public interest for all museums prior to disposition of valuable works from their collection to notify the Attorney General of the State of Illinois of a Commission to be appointed for such purpose that works are being sold and the reasons; therefore be it resolved, by the House of Representatives of the 79th General Assembly of the State of Illinois, that the Illinois Legislative investigating Commission be directed to investigate certain activities of museums, and especially the George F. Harding Museum of Chicago, with particular concern for the duties of trustees to be accountable to the public and the propriety of selling museum works and to make recommendations concerning the adoption of legislation covering the duties and responsibilities of museum trustees



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and the necessity of prior public notification of the sale of museum holdings; and be it further resolved, that a copy of this Resolution be forwarded to the Illinois Legislative Investigating Commission."

Speaker Giorgi: "Representative Merlo, on the Resolution."

Merlo: "Mr. Speaker, I now ask that the appropriate rule be suspended for the immediate consideration of Resolution 1026."

Speaker Giorgi: "Rule 41 (a), the Gentleman asks leave to suspend the appropriate rule for the immediate consideration of this Resolution. Are there any objections to using the attendance Roll Call? Is there one objection.... there is an objection, Mr. Merlo. All right, the Gentleman moves to suspend Rule 41 (a), it takes 107 votes, Representative Merlo. All those in favor will signify by voting 'aye', opposed by voting 'no', on the suspension of rules. Have all voted who wished? Have all voted who wished? Take the record, Mr. Clerk. On this question there are 112 'ayes', 4 'nays' and 3 voting 'present' and the Gentlemans motion carries. On the Resolution."

Merlo: "Mr. Speaker and Members of the House, many of you no doubt have read the series of articles that have appeared in the Chicago Tribune, concerning the George F. Harding Museum. The matter of disposing the priceless items from museum holdings has become one of the pivotal issues in a law suite filed by our Attorney General, William Scott, against the George F. Harding Museum. In that case, the Attorney General charges among other things that the museum directors have been improperly disposing of part of the collection in a secretivé manner. In view of the substantial tax benefits awarded the museum and other... I'll take a Roll Call, if I have the votes...."

Speaker Giorgi: "Representative..... I have some lights lit so take the lights off and we will proceed with Roll Call. The question is on the adoption of the Resolution... Rep-



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representative Palmer, do you wish... the question is on the adoption of the Resolution. All those in favor will signify by voting 'aye', those opposed by voting 'no'. It takes 89 votes. Have all voted who wished? Have all voted who wished? Take the record, Mr. Clerk. On this question there are 121 'ayes', no 'nays', 4 voting 'present' and the Gentlemans Resolution is adopted. Any further Resolutions? Agreed Resolutions."

Clerk O'Brien: "House Resolution 1019, Jane Barnes. 1020, Polk. 1021, Mahar. 1022, Madigan. 1023, Getty. 1025, Choate."

Speaker Giorgi: "Representative Matijevich, on the Agreed Resolution."

Matijevich: "Mr. Speaker and Ladies and Gentlemen of the House. House Resolution 1019, Jane Barnes, congratulates Mark Horath on becoming an Eagle Scout. 1020, Polk, commends Jerry Greer and the East Moline, Boy Scout Troop 300 for a heroic rescue. House Resolution 1021, Mahar, congratulates Frank W. Matthys upon his retirement as Chief Special Agent on the railroads. 1022, Mugalian.... or Madigan, congratulates Tom Cavanugh, from the St. Louis class five eights champs. 1023, Getty, congratulates the Flying J's Varsity team of St. Judes. House Resolution 1025, Choate, congratulates Mr. & Mrs. Clarence Schmittler of Greyville on their golden anniversary. Mr. Speaker, I move the adoption of the Agreed Resolutions."

Speaker Giorgi: "The Gentleman from Lake, has moved to adopt the Agreed Resolutions. All in favor will signify by saying 'aye', and those opposed by saying 'nay'. All in favor signify by saying 'aye', opposed 'nay', the 'ayes' have it and the Agreed Resolutions are adopted. Announcements... Representative Barnes...."

Barnes: "Thank you, very much. Mr. Speaker and Members of the House, the Appropriations Committee II, will meet immediately after Session in room 118. We only have two



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Bills so if you are there right away, we shouldn't be there more than thirty or forty minutes. Immediately after Session, room 118, Appropriations II."

Speaker Giorgi: "Thank you, Mr. Barnes. Representative Katz."

Katz: "The Rules Committee will be meeting tomorrow morning in room 122-B at 10 A.M. That's one hour before the House convenes, to hear motions of Members who want to have Bills that have been filed, cleared by the Rules Committee for consideration at the present Session. The Bills that were posted and up this morning that were not concluded this morning, will be heard tomorrow morning... any Member who filed a Bill today who wants this Bill heard in the morning, should proceed into the Speaker's office and see Nancy and file the necessary forms, if they want their Bill heard tomorrow morning at 10 A.M., room 122-B, House Rules Committee tomorrow morning."

Speaker Giorgi: "The Minority Leader, Mr. Washburn."

Washburn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. There is quite a bit of confusion and noise on the House floor when Chairman Katz was making that announcement and if I could just repeat it for you, Harold, I would like the Republican Members particularly to hear that there will be a Rules Committee meeting at 10 o'clock in the morning in room 122, and I would like the Republican Members to be present. Thank you."

Speaker Giorgi: "Representative Matijevich."

Matijevich: "Mr. Chairman, Members of the House. The Executive Committee will try again tomorrow morning at 10 o'clock in room C-1; we didn't have a quorum today, we have one Bill that we have to get out. Room C-1, at 10 o'clock in the morning."

Speaker Giorgi: "Representative Schraeder, on announcements."

Schraeder: "Mr. Speaker, the Rules Committee has designated two Bills that are emergency legislation and they have been posted. Revenue will meet tomorrow in room 114, at



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9 o'clock and we hope all members of the Revenue Committee will come so we can get them acted upon very quickly.

Thank you."

Speaker Giorgi: "Any further announcements? Death Resolutions."

Clerk O'Brien: "House Resolution 1024, Shea, et al. With respect to the memory of Albert Jedlicka."

Speaker Giorgi: "Representative Madigan, on a Death Resolution."

Madigan: "Mr. Speaker, House Resolution 1024, expresses the sorrow of this Body upon the death of Albert Jedlicka, who was the real estate editor of the Chicago Daily News. I move for the adoption of the Resolution."

Speaker Giorgi: "The question is on the motion the adoption of Death Resolution, all in favor signify by say 'aye', opposed 'nay'. The 'ayes' have and the Resolution is adopted. On the Adjournment Resolution, Mr. Madigan."

Madigan: "Mr. Speaker, I move that we adjourn until 11 o'clock tomorrow morning."

Speaker Girogi: "The motion is to adjourn, all in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it, the House is adjourned until 11 o'clock tomorrow morning."

