

Doorkeeper: "Attention, Members of the House of Representatives. The House will convene in 15 minutes."

Doorkeeper: "Attention, Members of the House of Representatives. The House will convene in 5 minutes. All persons not entitled to the House floor, please retire to the gallery."

Speaker Redmond: "The House will come to order, the Members please be in their seats. We will be led in prayer by the Reverend Krueger, the House Chaplain."

Reverend Krueger: "In the name of the Father, the Son and the Holy Ghost. Amen. Oh Lord, bless this House to Thy service this day. Amen. Thomas a' Kempis said, 'The perfect victory is to triumph over ourselves.' Let us pray. Almighty God, Father and Creator of all mankind, we ask Thy special benediction upon the Members of this House of Representatives that they may perceive in all that they do, Thy will and Thy favor. Drive from them the fears of self and concern for success. Lead them into paths of glory that are travelled only as they pursue the accommodation that is pleasing unto Thee and to the service of others. Strengthen them as they stand; defend them when they are right; and may they share in the victory which is Thine alone to give. Through Jesus Christ, our Lord. Amen."

Speaker Redmond: "Roll Call for attendance. Committee Reports."

Clerk Hall: "Representative E.M. Barnes, Chairman from the Committee on Appropriations II to which the following Bills were referred, action taken November 3, 1977, reported the same back with the following recommendations. Do pass House Bill 2468, House Bill 2480. Representative Capparelli, Chairman from the Committee on Executive to which the following Bills were referred, action taken November 2, 1977, reported the same back with the following recommendation. Do adopt House Resolution 436, House Resolution 457."

Speaker Redmond: "Representative Cunningham on the floor? Representative... Remind Representative Cunningham that the clock is wrong. So, Representative Geo-Karis, I will advise you, since you volunteered.



Representative Matijevich seeks recognition."

Matijevich: "Never do I say it's cold but it's cold in here."

Speaker Redmond: "Representative Cunningham on the floor?"

Matijevich: "Where's my friend Roscoe? Equal time. We're not ready for impersonations yet."

Speaker Redmond: "The House is too small. Let the record show that Representative Walsh is in the chambers, ready for work and that Representative Schlickman's been here for quite some time ready for work. Representative Madison."

Madison: "Mr. Speaker, can we just let the record show that Representative Walsh is in the chamber."

Speaker Redmond: "Correction has been noted. Representative Houlihan moves to recess the Regular Session until 1:30. All in favor indicate by saying 'aye', opposed 'no'. The 'ayes' have it. The First Special Session will now come to order. Representative Houlihan moves that the Roll Call for the Regular Session be used as the Roll Call for the First Special Session. Are there any objections? Hearing none, the Roll Call will be used. Committee Reports."

Clerk Hall: "Representative Capparelli, Chairman from the Committee on Executive, to which the following Bills were referred, action taken November 2, 1977, reported the same back with the following recommendations. Do pass House Bill 20. Do pass as amended House Bill 9. Do pass and rerefer House Bill 21."

Speaker Redmond: "Former Representative Lemke has returned to the scene of his triumph. General Resolutions."

Clerk Hall: "House Resolution 3. Huskey."

Speaker Redmond: "Committee on Assignment. Representative Houlihan with respect to adjournment of the First Special Session. What time, John? Representative Johnson, do you seek recognition?"

Houlihan: "Mr. Speaker, I move that the House do stand adjourned until noon tomorrow."

Speaker Redmond: "Ten minutes after 12:00."

Houlihan: "Ten minutes after 12:00 for the First Special Session."

Speaker Redmond: "You heard the motion. Those in favor indicate by



saying 'aye', opposed 'no'. The 'ayes' have it and the motion carries. Representative Steele, are you seeking recognition? If I didn't announce it, the motion carries and the First Special Session is adjourned until tomorrow at ten minutes after 12:00. The hour of 1:20 having arrived, the Second Special Session will come to order. Representative Houlihan for a motion with respect to the Roll Call."

Houlihan: "Leave for the same Roll Call, Mr. Speaker."

Speaker Redmond: "Does the Gentleman have leave to use the Roll Call of the Regular Session for the Roll Call of the Second Special Session? Hearing no objections, leave is granted and it will be used. Committee Reports."

Clerk Hall: "Representative Ewell, Chairman from the Committee on Higher Education to which the following Bills were referred, action taken November 2, 1977, reported the same back with the following recommendation. Do pass House Bill 2. Representative Capparelli, Chairman from the Committee on Executive to which the following Bills were referred, action taken November 2, 1977, reported the same back with the following recommendations. Do pass as amended, rereferred House Bill 6."

Speaker Redmond: "Representative Houlihan for the adjournment motion."

Houlihan: "I would move, Mr. Speaker, that the Second Special Session stand adjourned until tomorrow at 12:20."

Speaker Redmond: "12:20. You heard the Gentleman's motion. All in favor indicate by saying 'aye', opposed 'no'. The 'ayes' have it and the motion carries and the Second Special Session stands adjourned until 12:20 tomorrow. Representative Cunningham, somebody didn't adjust the clock for the new hours."

Cunningham: "The time change threw us off but my assistants and I are working at it. And I want to publicly assure the Speaker by tomorrow we'll be right on time."

Speaker Redmond: "The House will come to order in the Regular Session. Introduction and First Reading."

Clerk Hall: "House Bill 2498. Levin - Dan Houlihan. A Bill for an Act to amend the Revenue Act. First Reading of the Bill."



HB 31

House Bill 2499. Levin - Houlihan. A Bill for an Act to amend Sections of the Revenue Act. First Reading of the Bill.

House Bill 2500. Ebbesen. A Bill for an Act to amend the downstate counties Working Cash Fund Act. First Reading of the Bill."

Speaker Bradley: "For what purpose does the Gentleman from Lake, Mr. Matijevich arise?"

Matijevich: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, the Appropriations I Committee is required to meet tomorrow. We had a late assignment that came yesterday. Representative Dan Houlihan has a Bill Cosponsored by the Minority Leader and this has been cleared. So, I'd like to suspend the posting notice so that House Bill 2494, relating to the Appellate Defender's Office 30 appeals of the Death Penalty pending. And there is a supplemental required. And also House Bill 6, which is the C.D. in the Special Session, C.D.B. authorization Bill as rereferred to our Committee. It's a companion Bill. I'd like to suspend the posting notice and use the Attendance Roll Call for that purpose so that these two Bills can be heard tomorrow one-half hour before we go into Session. We don't have a Committee room yet but I will notify the Members of that as soon as I hear what room it will be in. Could I have leave for that purpose, Mr. Speaker?"

Speaker Bradley: "Are there any objections to the Gentleman's motion? Hearing none, then we will use the Attendance Roll Call and the Gentleman's motion does prevail on House Bill 2494 and House Bill #6, Second Session, so that they can be heard tomorrow. The posting rule has been suspended on those two Bills. Introduction and First Reading."

Clerk Hall: "House Bill 2501. Jones - Martin. A Bill for an Act to amend the Criminal Code. First Reading of the Bill."

Speaker Bradley: "Could we have some order? On the Calendar, under Amendatory Vetoes appears a motion with respect to House Bill 31. The motion is to accept the Governor's specific recommendation for change by adoption of the Amendment then the



motion. On that motion, the Gentleman from Lawrence, Mr. Cunningham, is recognized."

Cunningham: "Mr. Speaker and Ladies and Gentlemen of the House, on behalf of my distinguished Cosponsor, Representative Lucco and myself, I would assure the House that the Governor's change is a very small detail in correcting the language of the Bill. The original purpose, to authorize the destruction of offending buildings has been made even more acceptable. So I would urge and appreciate an 'aye' vote."

Speaker Bradley: "Any discussion? The... The question is, shall the House accept the Governor's specific recommendation for change with respect to House Bill 31, by the adoption of the Amendment? All in favor vote 'aye', all opposed shall vote 'nay'. Have all voted who wished? Have all voted who wished? The Clerk will take the record. On this question there are 153 'aye', no 'nay', 1 voting 'present'. And the motion, having received the Constitutional Majority, prevails. And the House accepts the Governor's specific recommendation for change regarding House Bill 31, by adoption of the Amendment. On the Calendar under Amendatory Veto appears a motion with respect to House Bill 212. The motion is to accept the Governor's specific recommendation for change by adoption of the Amendment to the motion. On that motion, the Gentleman from Cook, Mr. Totten."

Totten: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. The Governor, in his Amendatory Veto Message on House Bill 212 made the Bill stronger by striking the language, 'who is included within any public aid grants', to say that... by striking that language he makes any person who knowingly causes any applicant or recipient, without knowledge, to commit fraud. And so the Governor has strengthened the Bill. I think it's a good Amendatory Veto and I would move to accept the Governor's specific recommendations for change with respect to House Bill 212."

Speaker Bradley: "Discussion? The Gentleman from Cook, Mr. Mann."



Mann: "Would the Gentleman yield to a question?"

Speaker Bradley: "He indicates that he will."

Mann: "Would you mind giving us a fuller explanation of what the Bill does and the penalties which are inflicted and against whom?"

Totten: "Sure. The Bill provides penalties for welfare fraud. Presently the law, in a questionable court decision, only provides welfare fraud as a misdemeanor. What House Bill 212 does is ratify the penalties according to the amount of fraud, from a class four for certain amounts, class three to a class two. Which would be if the amount of public aid obtained is 10,000 or more you'd have a class two felony. Prosecutors in the States Attorney's Office throughout the the state have indicated that they have difficulty going after fraud in public aid cases because there's no incentive. It's only a misdemeanor and that's one hundred and fifty. So with their input, we drafted House Bill 212. That was the major import of the Bill. The part that's amended was also a suggestion by the States Attorney's Office that sometimes people supply fraudulent information to the recipient. And in the present statutes it's impossible to go after the person who is providing the fraudulent information. So that the language that we included in the Bill was that anybody who knowingly causes an applicant or recipient to cause fraud may be prosecuted under House Bill 212."

Mann: "Well, how do you delineate between the amounts of fraud? And how do you define it? How do you define fraud?"

Totten: "Well, it would be any person, who by means of a false statement, willful misrepresentation or failure to notify the County Department or the local government unit in case of change of status."

Mann: "It only applies to change of status?"

Totten: "No. Willful misrepresentation..."

Mann: "Of what?"

Totten: "False statements regarding eligibility."

Mann: "Oh, I see. Now, is this precisely what the law was when it was



a misdemeanor, with the exception of the Amendatory Veto?"

Totten: "That's my understanding, yes."

Mann: "Can you tell me how many convictions you had last year when it was a misdemeanor?"

Totten: "As far as my understanding, very few."

Mann: "As a matter of fact, one is the answer. Linda Taylor. And the year before, how many convictions did you have? Do you know?"

Totten: "I don't know, but I would imagine very few."

Mann: "Well, the answer is, none. One more question, Mr. Speaker. Did this particular Bill, Representative Totten, was this presented to the Legislative Advisory Committee on Public Assistance for its approval?"

Totten: "It was not but the Chairman and most of the members of the Legislative Advisory Committee have indicated to me and voted in favor of it, as far as I know. Senator Moore, I know, was for the Bill when it was in the Senate."

Mann: "Well, may I address myself to the Bill?"

Speaker Bradley: "You certainly may, Sir."

Mann: "Well, Mr. Speaker and Members of the House, here we have a Bill in which we're elevating a crime for which there have been no convictions for a long time, into a felony, without any rationale or reason. Now, there's so many instances when change of eligibility is transmitted to the Public Aid Department and not noted for a period of time because of bureaucratic red tape. There are so many misrepresentations which could conceivably occur in oral conversation, the Department by its own admission, on thousands and thousands of occasions distinguishes between ineligibility and fraud. Ineligibility does not require intent. And whenever the Department does it, it's ineligibility. Now, why elevate a misdemeanor to a felony when there has been no indication of a need for it except to use it as a further club over the heads of poor people? Now, usually we do have some rationale and some justification for increasing a penalty. Let's not have a knee-jerk reaction here just because we're dealing with 775,000 poor people, a lot of whom are



children and mothers. Let's not have a knee-jerk reaction just because it deals with public aid recipients. I would suggest to you that this matter be soundly defeated. There's no reason for having it. It will be used as a club over the heads of poor people. In my judgment it's entirely unnecessary. The Gentleman, by his own admission, when the matter was a misdemeanor, by his own admission, could not point to one conviction outside of the Linda Taylor case. And therefore, I would ask you, whether you believe in law and order or whether you believe in higher grants or lower grants for poor people, let's not just enact something just for the sake of increasing the penalty. I mean it really doesn't make sense and there's no rational reason for doing so. I hope you would find some merit in my argument."

Speaker Bradley: "The Gentleman from Champaign, Mr. Johnson."

Johnson: "Yes, Mr. Speaker and Members of the House, there's two specific points that Mr. Mann has raised. One, we're not talking about the deserving poor. We're talking about people who defraud the State of Illinois and by very definition, they're not the poor, they're those who seek to lie to the people of the State of Illinois and by virtue of their lies receive benefits in excess of what they're entitled to. So, we're not talking about ignorance towards the poor. The second point is that if an individual goes out and steals \$151.00 worth of personal property from a grocery store or anywhere else, we treat them as a felon. But somehow it's different that we can go and defraud the State of Illinois for \$100,000 and that's still a misdemeanor. There's something inconsistent about that and all we're doing is saying, let's make the criminal laws of Illinois and the Public Aid Code consistent with the other types of our statutes."

Speaker Bradley: "The Lady from Lake, Mrs. Geo-Karis."

Geo-Karis: "Mr. Speaker and Ladies and Gentlemen of the House, too long the taxpayers of Illinois have supported fraudulent people in the pursuit of public aid. Too long, the needy have been deprived of a just compensation for health and too long the greedy





have made plenty of money upon the misfortunes of others. And I think it's high time that we keep in mind the taxpayers of Illinois, I'm one of them. I don't mind anyone being helped who needs it. But the ones who use it to aggrandize themselves and constantly commit fraud, have to be put to account? Obviously, we're not getting anywhere without a felony charge and I support this Bill and urge your consideration if you really care for helping the needy and not the greedy."

Speaker Bradley: "Mr. Totten, do you wish to close?"

Totten: "Thank you, Mr. Speaker, I do. I'm surprised at the Gentleman from Cook because I don't think he really understands the import of the legislation. The reason we haven't had any prosecutions for fraud is because there has been no incentive for the prosecutors to go after fraud because of the 150 Misdemeanor. If we really want to prosecute fraud we ought to do something to encourage the prosecutors in this state to do it. And this Bill does. It has their support, it's going after only those who fraudulently misuse the system. It would then, of course, provide additional money for the truly needy who have the right to claim welfare benefits. We point out also that when the State of Missouri put legislation in similar to this there was indications that they anticipated somewhere up to 19 million dollar savings by being able to prosecute fraud. I'd like to point out also that I increased the misdemeanor classification from 150 to 500 dollars because most Public Aid checks today are...one check may be as much as 500 dollars. So we made the misdemeanor a little bit more lenient but it's precedent where the fraud becomes much more blighted or involve more money. Mr. Speaker, I move the motion."

Speaker Bradley: "The question is, shall the House accept the Governor's specific recommendation for change with respect to House Bill 212 by adoption of the Amendment? All in favor vote 'aye', opposed vote 'nay'. The Gentleman from Cook, Mr. Mann, to explain his vote."



Mann: "Mr. Speaker, I'd like to answer my good friend, the Gentleman from Champaign. He knows very well... Mr. Speaker, point of personal privilege."

Speaker Bradley: "I recognized the Gentleman to explain his vote."

Mann: "Apparently they don't want to permit me to explain my vote."

Speaker Bradley: "Do you want to be recognized on a point of personal privilege, Mr. Mann?"

Mann: "My name was mentioned in debate and I just want to indicate that in that connection with my name that Illinois prisons are already full of poor people, so don't tell me we don't prosecute poor people. We prosecute poor people and we only kill poor people. So, let's not get away with that particular observation. And Representative Johnson, from Champaign, knows very well that the Criminal Code does not apply to everyone but the poor. So this delineation he made between who is guilty of stealing a shopping cart and who isn't is a phoney one. The new Retail Criminal Law Code applies to everybody, including poor people. I'll tell you this much, this is a vote that you're not going to rest well with because there's no justification for it at all. And I ask your defeat of this Bill."

Speaker Bradley: "The Gentleman, Mr. Matijevich, to explain your vote, Sir."

Matijevich: "Yes, very briefly, I was going to ask Representative Totten in the debate but I didn't get a chance, I was going to ask him what label did the Governor put on this felony? What class is this? Is it Class Z or what? I'll vote 'aye' but I want to know what label we've got on this felony."

Speaker Bradley: "Have all voted who wished? Have all voted who wished? The Clerk will take the record. On this question we have 124 'aye', 26 'nay'...voting 'present' and ...what is it... And this motion, having received the Constitutional Majority, prevails and the House accepts the Governor's specific recommendation for change regarding House Bill 212 by adoption of the Amendment. The Gentleman from Cook, Mr. Lechowicz,



Lechowicz: "Point of information, Mr. Speaker. I'd like a ruling from the Chair what the procedure's going to be on the Amendatory Veto or the acceptance of...rejection of that. Normally in the past the Sponsor would be recognized and he'd explain the Amendatory Veto and how it relates to the Bill and there would be some discussion. And I was wondering if the procedure will be in that order or if there's going to be a further extension debating the entire Bill?"

Speaker Bradley: "Simply the policy in the past, as you stated. I think we should follow the procedures that we followed in the past, which simply is to have the Sponsor explain the Governor's Amendment. We can have the regular debate, but I think we should stay on the Amendment and not get back to the point of discussing the complete Bill and debating the pros and cons of a legislation that we've already adopted. We got into that a little bit on the last Bill and I think we could move it along rather rapidly if we just strictly stay within the Amendments of the Governor. On the Calendar under the Amendatory Vetoes appears a motion to override the Governor's specific recommendation for change with respect to House Bill 286. The...I'm sorry, the motion is to accept and the Gentleman from Cook, Mr. Stearney."

Stearney: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 286 concerns itself with the question of child pornography. The Bill would prohibit the creation and distribution of materials involving minors portrayed in obscene acts. The Governor's Amendatory Veto changed the word 'obscene' to that of pornography and..."

Speaker Bradley: "Mr. Stearney, would you... Pardon me, I hate to interrupt but people are taking pictures in the gallery, or the television cameras or whatever, there are not lights, the t.v. light is not on as yet and you are prohibited from taking pictures until the red light is on. The Gentleman from Cook, Mr. Stearney. And the t.v. light is not on."

Stearney: "The Governor's...the Governor's message provided and he



specifically delineated what he meant by the creation, in other words any person who photographs, films and video tapes, produces or publishes certain materials would be subject now to a class 3 felony and also subject to a \$50,000 fine. For those individuals who are in the area of distribution of materials, the penalty would be a class 4 felony with a \$25,000 fine. Now, these are not mandatory but permissive penalties. I respectfully ask for a favorable Roll Call on this Bill."

Speaker Bradley: "Discussion? The question is, shall House Bill 28...

Shall the House accept... The question is, shall the House accept the Governor's specific recommendation for change with respect to House Bill 286 by adoption of the Amendment? All in favor vote 'aye', opposed vote 'nay'. I'm sorry, just a minute, hold it. Mr. Darrow, the Gentleman from Rock Island."

Darrow: "Will the Sponsor yield?"

Speaker Bradley: "He indicates that he will."

Darrow: "Representative Stearney, is my memory correct that the Governor lessened the penalties for child pornography by this Amendatory veto? Didn't we have stronger penalties than the Governor has here?"

Stearney: "He didn't really lessen them. He eliminated the provision that made it a mandatory prison sentence."

Darrow: "That is not lessening them then?"

Stearney: "That would not lessen the penalties?"

Stearney: "No, the penalty is still class 4, which is 1 to 3 and class 3 felony, which is 1 to 10 years in the penitentiary."

Darrow: "With no mandatory jail time."

Stearney: "No, there's no mandatory...nothing mandatory."

Darrow: "So we could say he's soft on child pornography then."

Stearney: "No, he's not. Let's be very frank and candid. These mandatory penalties have a way of not being applied and it's best that perhaps we don't impose such a requirement on the court because then they're looking to circumventing the intent of the Bill."

Darrow: "Then would the same apply to class A felonies then? We should not



have mandatory penalties there... May I address the Bill, Mr. Speaker?"

Speaker Bradley: "Proceed, Sir."

Darrow: "Mr. Speaker, Ladies and Gentlemen of the House, I feel when we look at various penalties and various mandatory sentences, we should consider childhood pornography as one of the most serious and most gruesome, revolting type of crime there is. If we're going to classify things as x felony, I think we should add this to the classification of x felony. And yet, here we have the Governor saying 'No, it should not be that serious to have children portrayed in various sexual exhibitions.' Mr. Stearney presented some of the material to our Committee. It was very repulsive. I can't believe the Governor is that type of person who would advocate lessening the penalty and yet here he is. I think we should accept what the House and Senate had and make a mandatory sentence provision in this Bill."

Speaker Bradley: "The Gentleman from Cook, Mr. Getty. We're going to clear the board and start again when Mr. Getty proceeds."

Getty: "Mr. Speaker and Members of the House, now the board is clear so we're not explaining our votes. Do I understand correctly?"

Speaker Bradley: "That's correct, Sir."

Getty: "All right. Mr. Speaker and Members of the House, I would urge you to vote 'present' on this Bill. I would urge you to vote 'present' for this reason. The guts of this Bill now, as has been amendatorily vetoed by the Governor, listed out of House Bill 1010 the indecent liberties Amendment that we put in that provided that the people who are responsible for child pronography, that is the producer of the film, the solicitor of the child, the parents who knowingly and willingly permit their child to engage in this, would be guilty of not a class 1 felony, as they would under the indecent liberty statute, but only a class 3 felony. I submit under this, as the Governor has amendatorily vetoed it and by the way he vetoed out the appropriate section of House Bill 1010 so you would not have, as a law would be the indecent liberties action available, you would



have the ludicrous situation where if I hired a 25 year old man to engage in sex with a 12 year old child...I hired him, paid for it, paid the man to engage in the sex and I photographed it and reproduced it. That man who engaged in the sex with the 12 year old child would be guilty of a Class 1 Felony. But the man who instigated it, the man who photographed it, the man who intends to profit from it would be guilty of only a Class 3 Felony. I submit to you that this is as patently irresponsible as it would be to lower the penalty on a killer for hire situation if I hired somebody to kill you. I submit that we wouldn't want to nor would this General Assembly ever entertain reducing a penalty on a hired killer situation. It should be a Class 1 Felony. If we were to adopt this we would be reducing it, we would be saying child pornography is not that serious. We should say, 'Let the people who put them up to it, let those people go free.' I submit to you, this Bill, as it stands now is not a creditable Bill."

Speaker Bradley: "The Gentleman from DeKalb, Mr. Ebbesen."

Ebbesen: "Mr. Speaker, I'd like to ask a question of the chair. Is it permissible for any Member of this House to file a motion to override the amendatory veto of the Governor on anybody else's Bill?"

Speaker Bradley: "Yes, Sir."

Ebbesen: "Has such a motion been filed in that posture related to this Bill, House Bill 286?"

Speaker Bradley: "That's the only motion that the Clerk has...at the present time, Sir."

Ebbesen: "Well, I would just like to make an observation that for those people who are...would like this Bill in its original form, I would suggest that you follow the parliamentary procedures and file such a motion and let's consider it at the proper time."

Speaker Bradley: "The Gentleman from Cook, Mr. Stearney, do you wish to close the debate, Sir?"

Stearney: "Mr. Speaker and Ladies and Gentlemen of the House, as this Bill originally passed this chamber and the other chamber,



it was a Class 4 felony. There was nothing mentioned about a Class 1 felony being involved. Now, I'd like to also draw your attention to this Amendatory Veto on page 2. The Governor eliminated two paragraphs on page 1 of my Bill and incorporated them in his Amendatory Veto. Now, the...and he only expanded on the definition of creation; but creation was in my Bill. Now... but the biggest problem in the question of child pornography is the distribution, the only way to dry up the market is to dry up the distribution. And that's what this Bill specifically focuses itself upon; and because in very few instances are you ever going to be able to apprehend the actual person who created this material, especially if it was in another state, California, New York or elsewhere. The problem is distribution, and this Bill attacks the question of distribution. And it says any individual who sells, delivers, exhibits or otherwise makes available is subjecting himself to a Class 4 felony and with a \$25,000 fine. That is the gist of the Bill; and that's the real way to attack the question of child pornography. And I think this is an intelligent, it's a rational approach to a very serious problem and let's not talk about Class 1 or Class 2 felony. It's reasonable in its application; and I think it'll be applied and enforced in a court. I respectfully ask you for a favorable Roll Call on this particular measure. Thank you."

Speaker Bradley: "The question is, shall the House accept the Governor's specific recommendation for change with respect to...Mr...the Gentleman from Cook, Mr. Lechowicz."

Lechowicz: "Point of order, Mr. Speaker. The point is, what's the effective date of this Bill?"

Speaker Bradley: "This Bill...this Bill will take three-fifths...there is an immediate effective date on the Bill so it will take three-fifths of the chamber."

Lechowicz: "107 votes?"

Speaker Bradley: "It takes 107 votes, Sir."

Lechowicz: "May I point out then...may...may I address myself to the Bill very briefly, Mr. Speaker? Address myself to the Bill very



briefly?"

Speaker Bradley: "Proceed."

Lechowicz: "May I point out to the Membership that Representative Getty pointed out that the Governor's amendatorily vetoed House Bill 1010. His motion on file to override the amendatory...to override the veto...if the House supports Representative Getty in that motion, Representative Stearney then can also ask this House to override the amendatory veto on 286 and have his Bill put into law as it was passed out of this House. I, for one, was a very strong Sponsor...Cosponsor of this Bill; and I, for one, do not appreciate the fact that the...certain provisions in this Bill have been watered down. I'll be voting 'present' on this Bill. I will vote 'aye' to override the Governor's veto on 1010. Hopefully, I will vote 'aye' with Representative Stearney and others on the override of an amendatory veto on this Bill as well. Thank you."

Speaker Bradley: "All in favor of the Gentleman's motion will vote 'aye', opposed will vote 'nay'. Have all voted who wished? The Gentleman from Cook, Mr. Abramson, to explain his vote."

Abramson: "Mr. Speaker, Ladies and Gentlemen of the House, in explaining my 'aye' vote, one of the previous speakers indicated that the man that hires an individual to engage in sex with a minor under this Act would be eligible for a lesser penalty. However, one flaw in that is that under the accountability section of the Criminal Code, you'd be responsible for that crime also...my belief."

Speaker Bradley: "The Gentleman from Cook, Mr. Stearney, to explain his vote."

Stearney: "Mr. Speaker, Ladies and Gentlemen of the House, I do wish to point out one salient fact; and that is, that if this Bill were not to pass we may very well have no...no law on the books regarding child pornography. And the reason I say that is that Representative Mann's Bill has passed both chambers and there's an amendatory veto to that. That Bill would legalize the distribution of all pornographic materials in this state, except you could not have them on public display. In other words, even child pornography





could be distributed throughout the State of Illinois. The only means of attacking that particular loophole is by passing this Bill. If this Bill were not to pass, and Representative Mann's Bill is passed through this House by an amendatory veto or veto or overriding the veto, there will be no law against the distribution of child pornography. So I respectfully say to you I think that this is the most intelligent way of attacking this problem. And I ask your favorable Roll Call on this matter."

Speaker Bradley: "The Gentleman from Cook, Mr. Schlickman, to explain his vote."

Schlickman: "No, Mr. Speaker, but to pose a parliamentary inquiry. Did I understand you correctly in saying earlier that to accept this specific recommendation for change would require a three-fifths vote?"

Speaker Bradley: "Because of the immediate effective date of the Bill."

Schlickman: "Well, Mr. Speaker, that immediate effective date was voted upon by us previously when only 89 votes were required. The issue before us now is not the immediate effective date; but rather the specific recommendation for change and the Constitution of the United...the Constitution of the State of Illinois requires only 89 votes to accept those specific recommendations for change. I respectfully suggest, Mr. Speaker, you're not wrong, but your Parliamentarian is."

Speaker Bradley: "No, Mr. Schlickman, I don't think the Parliamentarian is wrong either because he agrees with you; but we have a problem with the Supreme Court that thinks we need 107."

Schlickman: "Well, forget about the Supreme Court. Let's make it 89. By what...by what decision...by which decision?"

Speaker Bradley: "The parochial case, I believe..."

Schlickman: "Oh, no, that has nothing to do with effective dates, not in terms of the number of votes required. Oh, no."

Speaker Bradley: "We'll check it, Mr. Schlickman."

Schlickman: "Well, let's adopt it, it has been accepted and go on."

Speaker Bradley: "Have all voted who wished? The Lady from Lake, Mrs. Geo-Karis, to explain her vote."



Geo-Karis: "Well, Mr. Speaker, and Ladies and Gentlemen of the House, I voted for the original Bill. I can see some changes in this one; but on the other hand, as the Sponsor of this Bill said, if we don't have this one, then we're really way out on the limb. And I do think that anyone who does photograph and film and videotapes and what have you creates child pornography or knowingly causes another producer as this amendatory veto provides, will commit a Class 3 felony to which a fine of up to \$50,000 may be added in this amendatory veto. So when you consider that and consider the Class 3 felony says 1 to 10 years in prison...in a penitentiary and parole... 3 years, I think perhaps the amendatory veto should be considered because if we don't have anything we aren't helping to stop the abuse of child pornography."

Speaker Bradley: "Have all voted who wished? Have all voted who wished? The Clerk will take the record. On this question we have 102 'ayes', 3 'nays', 53 voting 'present'...Mr. Stearney."

Stearney: "I'd like to poll the absentees, please."

Speaker Bradley: "The Gentleman requests a poll of the absentees. Will... the Clerk will poll the absentees."

Clerk Hall: "Breslin, Hanahan, Hoffman, Laurino, O'Daniel..."

Speaker Bradley: "Laurino wishes to be recorded as voting 'aye'. Hanahan 'present'."

Clerk Hall: "...Pouncey, Shumpert, Taylor; Mr. Speaker."

Speaker Bradley: "Have all voted who wished? The Gentleman from Lake, Mr. Griesheimer."

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

Speaker Bradley: "How's the Gentleman recorded?"

Clerk Hall: "The Gentleman's recorded as voting 'present'."

Griesheimer: "Change that vote to 'aye', please."

Speaker Bradley: "Record the Gentleman as voting 'aye'. The Gentleman from Kane, Mr. Waddell."

Waddell: "How am I recorded?"

Speaker Bradley: "How's he recorded?"

Clerk Hall: "The Gentleman's recorded as voting 'present'."

Waddell: "Change it to 'aye'."



Speaker Bradley: "Record him as 'aye'. Mr. Laurino, for what purpose do you arise?"

Laurino: "Would you change my vote to 'present'?"

Speaker Bradley: "Change Mr. Laurino from 'aye' to 'present'. Any other changes? On this question we have 104 'ayes' and 3 'nays'... the Lady from Lake, Mrs. Geo-Karis, on a..."

Geo-Karis: "Point of parliamentary inquiry. If this Bill fails to get 100...if this Bill fails to get 107 votes, Mr. Speaker, do I understand then that the only thing that will be delayed is the effective date of it, but the Bill still passes as amended, am I correct?"

Speaker Bradley: "Without the Parliamentarian being next to my side, I'm going to say that I think you're correct..."

Geo-Karis: "Thank you."

Speaker Bradley: "...Mr. Parliamentarian? We have a couple of choices, Mr. Stearney. You could file a motion or refile your motion that would remove the effective date and...because we'll have an incorrect...it takes 107 votes, Mr. Stearney, because of the Supreme Court ruling on the effective date that you have. If you want it to become law with 89 votes as of July 1st of next year, you can refile your motion, receive 89 votes, remove the effective date, the immediate effective date, and it would become effective July 1st of next year. Without 107 you...it can't become effective and you're...we would just have an incorrect Bill with...with an effective date that we were not going to recognize and it would become effective July 1st. So what's your druthers, Sir?"

Stearney: "Without the 107 it would not become immediately effective?"

Speaker Bradley: "That's right, Sir."

Stearney: "But the Bill...the Bill would effectively pass this chamber having received more than 89 votes..."

Speaker Bradley: "And would..."

Stearney: "...as to the substance of the Bill..."

Speaker Bradley: "...and would become effective July 1st if it gets the required votes over in the Senate according to the rules."

Stearney: "...let it...let it go. I accept the vote, Mr. Speaker."



Speaker Bradley: "The Gentleman from Lake, Mr. Matijevich."

Matijevich: "Well, I think that...I'm not sure about that ruling. That ruling, I think, effects an Amendment. We're talking about a whole Bill. I don't know how you can separate an effective date from a ...the other part of the Bill. I just can't...I don't think we've done that before, I'm not sure. That's my question about it. In other words, I think because of the effective date, if that's the court's decision, that you need 107<sup>2</sup>, I would think, for this to prevail."

Speaker Bradley: "The Gentleman from Christian, Mr. Tipsword."

Tipsword: "Mr. Speaker, in the action that we're taking here now in this kind of a Session, aren't we acting solely and only upon whether or not we accept the Bill with the Amendment that the Governor provided for the Bill?"

Speaker Bradley: "Yes, Sir."

Tipsword: "And so, consequently, does the same rule therefore apply to the language of the original Bill as would apply when we are voting on the original Bill back during the Regular Session in regard to this thing of the effective date?"

Speaker Bradley: "That's what the Supreme Court says, Mr. Tipsword."

Tipsword: "What the Supreme Court said?"

Speaker Bradley: "Yes, Sir, yes, Sir."

Tipsword: "That we were voting on the effective date here and not upon the Amendment provided by the Governor? I'm wondering if..."

Speaker Bradley: "What they said...what they actually said was we're voting on both at the same time."

Tipsword: "...well..."

Speaker Bradley: "On final...final action, this is the final action of this Bill; and in order for it to become effective immediately as the state provides in the legislation, it will take 107 votes. And I don't see how it can become effective immediately with 102; but it does receive...we've debated this, you know, many times. It does receive 89 votes at the passage stage if the effective date was not in this Bill. Assuming it was not, he would need 89 for it to become law; and it would become effective July 1st



of next year. The Gentleman from Christian, Mr. Tipsword."

Tipsword: "Well, if I...I thought I understood that...that Supreme Court opinion--what they were saying was they were looking at a Bill that we amended that had...or tried to amend with the Governor's Amendment that had an effective date written in as this one does. And it didn't receive enough votes in that situation. Now, you're talking about giving the Sponsor now the privilege of taking the effective date out as he could have at the time of the passage of the Bill to begin with. I don't think we're voting on that issue now. The vote...you're going to accept this Amendment to the Bill as the Bill came before this House; and I don't think that he has that privilege at this time."

Speaker Bradley: "The effective date, Mr. Tipsword, of course, is in the original Bill, not in the Amendment. The Gentleman...the Gentleman from Lake, Mr. Matijevich."

Matijevich: "Mr. Speaker, I'd like to reiterate again. Let's say that this is the original Bill on Third Reading. We're not on the Amendment. It would've required 107 votes. This is the last Roll Call. The Supreme Court says, I believe, that you need the same amount of votes on this as you needed on Third Reading. If, for example, on Third Reading, if it didn't have 107, then you would've had to take it back to Second Reading to take that effective date off; but we can't do that now. So it requires 107 votes, I believe."

Speaker Bradley: "The Gentleman from Lake, Mr. Pierce."

Pierce: "Mr. Speaker, I think there's a solution here. The Gentleman could file another motion..."

Speaker Bradley: "That's what we suggested..."

Pierce: "...with an Amendment...with an Amendment attached to his motion changing the effective date. If the Governor then would certify that that methis suggestions for change and would certify that as meeting...as meeting his amendatory veto, then it would become law. And I imagine he would certify that change in effective date. I think if you filed that motion, you probably couldn't call it today, you'd have to have it on the Calendar and call it another day."



Speaker Bradley: "I know what your question is, Mr. Tipsword, just one minute. The Gentleman from Peoria, Mr. Mudd."

Mudd: "Mr. Speaker, if we amend...if you drop the effective date of this Bill and we approve the amendatory veto without the effective date in there, the immediate effective date, it would still have to go back to the Governor for his certification that he approves that Amendment."

Speaker Bradley: "Correct."

Mudd: "Okay."

Speaker Bradley: "Mr. Stearney. There are 104 votes. The Chair is going to rule...stand on its ruling that there...104 votes your motion would fail and the... you have the alternative of filing another motion and taking out the effective date. We've done this in the past. Speaker Blair ruled the same way that I'm ruling and so did Speaker Redmond."

Stearney: "Mr. Speaker, your ruling is that the Bill...it takes... The Bill becomes...would effectively pass this chamber... because it only needs 89 votes. You're saying however that because it failed to receive 107 it would not become effective immediately. Am I right?"

Speaker Bradley: "And with the effective date clause in the Bill I cannot declare it passed. You've got to take out the effective date."

Stearney: "Well I would ask then that you put this on Postponed Consideration if that's your ruling."

Speaker Bradley: "The Gentleman requests that this be put on Postponed Consideration. Are there any objections? Hearing none, it will be on Postponed Consideration. The Gentleman from Christian, Mr. Tipsword."

Tipsword: "I don't wish to interfere with the ruling that you've made on the Bill but I think the ruling that you've made is very important to the action on a lot of other Bills here. And what you are effectively saying is that a Member now in this override Session has the privilege of amending a Bill. And I would submit that a Member does not now have the privilege of



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amending a Bill whether it's a Sponsor or a nonsponsor. That point of time was past when we passed the Bill."

Speaker Bradley: "I know that we may be in dangerous ground. We've done it before. I don't see how we can...I don't see how we can pass the Bill and say that it is passed with an effective date..."

Tipsword: "I'm not telling you you have to do that. I think your ruling is correct. There are not 107 votes and the court has said when it has an immediate effective date in it there must be 107 votes."

Speaker Bradley: "We agree on this point. Now, I know the point that you're raising is the fact that I'm allowing him to amend the Bill and not...whether we accept the Amendment or not."

Tipsword: "You are suggesting that, yes, Sir."

Speaker Bradley: "That has been suggested and been done in the past with a couple of people that I could look at, with their Bills and it was done on the floor of the House. I'm going..."

Tipsword: "I can think of no reason because of some expediency sometime that the House has been in error that it should continue its erroneous ways."

Speaker Bradley: "We'll make a decision before we come to that next Bill that has that ruling. We will address ourselves to it..."

Tipsword: "If we don't, what you're saying is, is that we can amend Bills here and I think we really left beyond that. We're..."

Speaker Bradley: "It's precedent that I'm basing my ruling on this. We're going to make that change, you can understand what's going to happen then also. People are going to get up and object because of precedence."

Tipsword: "We're called here to act on Governor's Amendatory Vetoes not on Members Amendments to existing Bills."

Speaker Bradley: "We will make that decision before the next Bill is called that has that problem. Under the Calendar under Amendatory Vetoes appears a motion with respect to House Bill 314. The motion is to accept the Governor's specific



recommendation for the change by adoption of the Amendment to the motion. On that motion, the Lady...the Gentleman from Cook, Mr. Stearney."

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

Speaker Bradley: "Pardon me, Mr. Stearney, the Gentleman from Christian, Mr. Tipword."

Tipword: "Mr. Speaker, if your ruling prevails, it applies on every Bill then that you can amend. But not just the ones that have an effective date in it."

Speaker Bradley: "We're going to check the record, Mr. Tipword and see what the other rulings have been that set precedence on my ruling. I'm only ruling on what has been done prior to this time. If I'm wrong on that ruling we will back up. That's why I'm saying we will go ahead on this Bill and get the correct ruling if I'm wrong."

Tipword: "Mr. Speaker, you're so excellent in the Chair that I'll let you have the opportunity to be totally correct."

Speaker Bradley: "Mr. Schlickman, for what purpose do you rise?"

Schlickman: "Well I just wanted to suggest that in light of your stating that you're going to reconsider or review your decision in this matter, subsequently..."

Speaker Bradley: "We're checking the matter, yes Sir."

Schlickman: "May I suggest, as a courtesy of the Sponsor...out of the record rather than having it on Consideration Postponed."

Speaker Bradley: "It's already on Consideration Postponed. We'll address ourselves to that matter...if you would have asked that we would have given it consideration. We can come back to that. On... Mr. Stearney on 314."

Stearney: "Mr. Speaker and Ladies and Gentlemen of the House, this Bill, I don't believe has any problem with the effective date. The Bill originally provided that whenever a defendant who had been admitted to bail utilized the services of a public defendant, the court may then assess attorney fees and levy on that particular bond. The Governor's Amendatory Veto added the language, 'or other appointed council.' In other words





he made the Bill somewhat broader. There's nothing really wrong with it. It doesn't change the substance of the Bill. I ask that we accept it. Thank you."

Speaker Bradley: "Discussion? The Gentleman from Cook, Mr. Greiman."

Greiman: "Thank you, Mr. Speaker. Will the Gentleman yield for a question? Mr. Stearney, is it my understanding that regardless of who the person is who actually furnishes the money for bonds, that money would be used to pay that public defender or other council, is that right?"

Stearney: "The Bill uses the word 'may'. It's discretionary. The court, after a hearing, can decide what to do."

Greiman: "Well but you're saying, I think, that...that it can be used, although it's been deposited by someone else. Isn't that right?"

Stearney: "Well, Mr. Greiman, if you ever looked at a bail bond it's the defendant himself who has his name ... no one else."

Greiman: "Okay..."

Stearney: "The only way that knowledge would come to the court is if the defendant himself presented it to the court."

Greiman: "All right, then on the Bill, if I may, or on the Amendatory Veto, the Governor has failed to correct the most glaring deficiency in this Bill. That deficiency is that people often must borrow money to make their bail. They must find resources other than their own to make the bail on the condition that the deposit will be returned to the lender. This will effectively bar people from going out and borrowing money to make bail. Now whether you think they should sit there or not is immaterial. The fact is that someone should be able to make bail, that this will be a matter which will intimidate a defendant's ability and impair a defendant's ability to make bond pending a finding of innocence or guilt. And the Bill is bad. The Amendatory Veto has not effectively cured that defect, although it could have been cured the Bill should not be...the Amendatory Veto should not be accepted. Thank you."



Speaker Bradley: "Further discussion? Mr. Stearney, to close."

Stearney: "Mr. Speaker and Ladies and Gentlemen of the House, there's nothing wrong with this Bill. It's discretionary with the court after a hearing to determine whether he's going to make that assessment. But need I remind you that we have a serious abuse of justice. We have the taxpayers subsidizing the criminal for his own offense. If you spent any time in the courts you would find that defendants who have posted 500, 1000, 1500 dollars cash in bonds nevertheless get the public defender to represent them. And it's the taxpayer now who's furnishing that counsel. I think an individual, if he's able to pay, if he's posted his own bond should pay for his own counsel and not ask the middle income taxpayer to do so. I ask for a favorable Roll Call on this vote."

Speaker Bradley: "The question is, shall the House accept the Governor's specific recommendation for change with respect to House Bill 314, by adoption of the Amendment? All in favor vote 'aye', opposed vote 'nay'. The Gentleman from ... I'm sorry, Mr. Katz, did you wish to speak on...explain your vote?"

Katz: "Just to explain my vote, Mr. Speaker. .... Mr. Speaker and Ladies and Gentlemen of the House, I agree very much with the sentiment expressed that if the defendant has money that the county ought to be able to recover counsel fees. But that's not what's involved in this Amendatory Veto. The question is whether or not the key to his freedmon while his trial is being had, which is bail, whether that bail can be taken from the defendant. As a practical matter, many of the defendants here will not be able to borrow the money or to have someone else in the family come up with the money, which alone can give them a freedom until the trial is had. If we pass this Bill the people will say we are not going to, unless you have the money that will give your freedom that's going to go to a lawyer. It isn't going to come back to us. We are interested in your freedom but we're not interested in paying legal fees. And so I'm going to have



to vote 'no' because the point raised by Mr. Greiman is absolutely correct. This is a bad Bill because it does deprive people who are still presumed innocent of the right of bail in many situations."

Speaker Bradley: "The Gentleman from Cook, Mr. Schlickman, to explain his vote."

Schlickman: "Mr. Speaker and Members of the House, in explaining my vote, I would simply remind you of a charge of the Speaker previously that in considering these Amendatory Vetoes, we ought to consider them exclusively and not go to the merits of this Bill, which the opposition is founded upon. This specific recommendation for change simply wants to establish parody between public defenders and court appointed counsels. That's the only issue at point and I would urge an 'aye' vote."

Speaker Bradley: "Have all voted who wished? Have all voted who wished? The Gentleman from Cook, Mr. Bluthardt, to explain his vote."

Bluthardt: "No, point or inquiry...point of order, Mr. Speaker."

Speaker Bradley: "State your point."

Bluthardt: "Mr. Speaker, on June 30, 1977, this House by a vote of 91 to 75 declared the seat of Peg Breslin vacant. Mr. Speaker, in view of that fact I now ask whether Peg Breslin is entitled to retain that seat and vote on these measures?"

Speaker Bradley: "Let's finish this Roll Call and I'll address your questions, Sir. Have all voted who wished? Have all voted who wished? The Clerk will take the record. On this question there are 116 'ayes', 35 'nays'. This motion, having received the Constitutional Majority, prevails and the House accepts the Governor's specific recommendation for change regarding House Bill 314 by the adoption of the Amendment. In regard to Mrs. Breslin, the question that you...brought up to me, the Chair's position is that she is a duly seated Member of the House of Representatives, having been appointed to fill the vacancy, her own vacancy. And until we have a ruling by the Supreme Court the Chair stands by that position that she has been



appointed, a duly appointed Member of the House of Representatives,  
Mr. Bluthardt. Mr. Bluthardt."

Bluthardt: "Mr. Speaker, you know I'm a little appalled at the applause that comes from your ruling. I think your ruling is wrong and I think those who have deliberately tried to keep Mrs. Breslin seated here, despite the findings..."

Speaker Bradley: "People in front sit down so we can see Mr. Bluthardt. The Gentleman from Cook, Mr. Madigan, for what purpose do you rise, Sir?"

Madigan: "To inquire of the Chair, Mr. Speaker, what is the order of business at this time?"

Speaker Bradley: "We're on the Amendatory Vetoes, Sir."

Madigan: "Then I suggest that if Mr. Bluthardt is not addressing himself to one of the Amendatory Vetoes that he is out of order and should be so ruled."

Speaker Bradley: "Not on a point of order...He didn't ask for that. I didn't know when I recognized him what he was standing for. Mr. Bluthardt, do you have a further point to make, Sir?"

Bluthardt: "My point of order, Sir, you've ruled that Peg Breslin is entitled to be seated despite the findings of this House on June 30, despite the contemptuous behavior of the Legislative District leaders, which...despite the fact that this House has ruled that she is not entitled and she's not qualified by reasons of lack of residency on the very same day found that she was entitled to be seated and that she was a resident..."

Speaker Bradley: "I don't think the Chair...Mr. Bluthardt..."

Bluthardt: "Mr. Speaker, I am entitled, not only a question...a point of order but a question...a point of personal privilege and I'm exercising that right at this time."

Speaker Bradley: "State your point then, Sir. I didn't realize this..."

Bluthardt: "You've ruled on the point that the point was, is Peg Breslin entitled to be seated and to vote on these measures, despite the finding of this House to the contrary on June 30, 1977? Now, Sir, if that's your ruling, that she is, then I appeal the ruling of the Chair. I want a Roll Call vote. You



know we all put up our hands and swore to uphold the Constitution of this state and I want a Roll Call of those who will deliberately flaunt that Constitution and allow that young Lady to sit here, even though she's not qualified...found not to be qualified to be seated here."

Speaker Bradley: "The Gentleman from Rock Island, Mr. Darrow. But before we get to him, the Chair did not base its decision or its ruling on what took place on the 30th of June of this year. You weren't listening to what my ruling was. I based that ruling on the fact that she was duly appointed to fill that vacancy by the manner prescribed in the Election Laws of the State of Illinois, not by what took place on June 30th. The Gentleman from Rock Island, Mr. Darrow."

Darrow: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, it's my contention that the overruling of the Chair is not in order at this time. We do have rules in our rules of election contest and qualification challenges and that would be the proper way to raise this point. I believe the maker of this motion is out of order at this time. I think the Parliamentarian and the Chair should so rule."

Speaker Bradley: "The Gentleman from Lake, Mr. Matijevec."

Matijevec: "Mr. Speaker, I rise because I heard someone say, 'That's ridiculous', what Representative Darrow said. That is not ridiculous. As a matter of fact, the Speaker did not make a ruling. He courteously gave his opinion to a question. There really was not any basis to make a ruling. The only way that Representative Bluthardt can attack what he did is through a particular motion to not seat her. And it is under our rules, there was not in fact a rule decided upon. Therefore, he can not appeal it. So, Representative Collins, you're wrong. That was not ridiculous. Representative Darrow said it and he said it right."

Speaker Bradley: "The Gentleman from Cook, Mr. Collins."

Collins: "Whatever you have, Mr. Speaker, because Representative Matijevec's point was as ridiculous as Representative Darrow's. The question is whether a person is in this Chamber voting illegally who is



not a Member of this House and that is my point of order if it wasn't Mr. Bluthardt's. I think he's perfectly within his providence for appealing your ruling and I would ask that the ruling of the Chair be overruled also."

Speaker Bradley: "The Gentleman from St. Clair, Mr. Flinn."

Flinn: "Well, Mr. Speaker, I'm looking all over the Calendar and I can't find that order of business that you've got on. I don't know how in the hell we got where we're at."

Speaker Bradley: "The Gentleman from Sangamon, Mr. Robinson."

Robinson: "Mr. Speaker, I would like to advise the Chair that if this is carried through then I plan to ask for a ruling of the Chair about whether Representative Matula is duly seated according to the decision of the Sangamon County Circuit Court."

Speaker Bradley: "The Chair is going to rule the motion that Mr. Bluthardt made as out of order. Our proper procedures to take...if you have some question about a seating of a Member and if we would go ahead with your motion, Sir, to overrule the Chair and it would be successful then we are...does that mean that the seat is declared vacant? I would hate to see that happen and it would be...that would... It would merely circumvent what procedures we have, that you have available to you immediately, if you so wish, to file a motion but not going through this. So, I'm going to have to rule you out of order, Sir on that issue. And we will go back to the Calendar... The Gentleman from Cook, Mr. Collins."

Collins: "Mr. Speaker, I take it you have ruled Representative Bluthardt out of order. I'd like to appeal that ruling."

Speaker Bradley: "The Gentleman from Cook, Mr. Ewell."

Ewell: "Mr. Speaker, so that we don't kick the election off early, I'd like to make a motion that we table his motion. I don't want to start the election campaign early. If he appeals it I want to make a motion that that appeal lie on the table."

Speaker Bradley: "Again I would like to reiterate, if we go the way that you're assuming you would like to go you're circumventing the procedures that are provided for in our rules. If you want



to make a motion or file a motion to bring...to suspend the appropriate rules, that is the way to go on this - and the same number of votes are needed, but not to be doing it by overruling the Chair on a motion which decides a seat in the House. It simply is not ...matter, you know that, you've been on the Elections Committee. It's not the manner to do it, Mr. Bluthardt. The Gentleman from Cook, Mr. Telcser."

Telcser: "Mr. Speaker and Members of the House, I really am not inclined to get into the substance of the issue, which Representative Bluthardt wishes us to address, unless of course I'm called upon to vote on the record. But I wonder, Mr. Speaker, if you realize the import of what your ruling really means. We've spent a number of years in this House attempting to reform the procedures of the House and to avoid the dictatorial tactics of some people who from time to time have occupied that podium and had the gavel in their hand. And one of the protections which the Members of this House have against that type of procedure from the podium is to have the opportunity at any time to overrule the Chair. Now, Mr. Speaker, by making the ruling or the maneuvers, which you have just done, you are taking away from the Members on any question...on any question, their right to have the sufficient numbers, as provided by the rules, available to overrule the Chair. If what you say prevails what can happen from now on is that at any time any Member of this House wishes to move to overrule the Chair the Chair simply has to say, 'You can't do it.' Now I can't think of a more arbitrary and capricious way to handle the gavel than to let that kind of ultimate power remain with the person who happens to be standing at the podium with the gavel. I think, Mr. Speaker, that the question of the issue of an Election Contest is really beside the point. The point is, can a sufficient number of Members have the right to exercise their will as it should be exercised? Now, if Representative Bluthardt or Collins have sufficient number of votes to overrule the Chair, they



ought to be given the opportunity to produce those votes. And whether or not the question of keeping on...seating a Member of the House is handled by other rules or procedures, really bends the question. You, Mr. Speaker, are now taking from the Members of this Assembly the rights which you and I, I might add, have worked long and hard to protect over the last 4, 5 or 6 years. You are sending this House back... you're putting this House back some 5 or 6 years to the day autocratic, iron-fisted rule by the Chair. I know you don't want to do that, I know that, Mr. Speaker, because you're a Member..."

Speaker Bradley: "Mr..."

Telcser: "Two years from now there will be another Speaker in the podium. It will be a Republican Speaker, perhaps. Do you want that Speaker to act that way? I know you don't and I hope you'll reconsider your ruling and give to the 176 remaining Members of this Assembly the right to have the chance to overrule the Speaker."

Speaker Bradley: "Again I will reiterate. And I hope we're not going backwards, as you might suggest. The decision of the Chair is this, they have...we have the proper methods available to Mr. Bluthardt through the proper motions to do just exactly what he wants to do. I don't... The Chair doesn't believe that by making a motion to overrule is the proper way to address that problem. Now, Mr. Bluthardt can fill out a motion, bring it down to the...to the Clerk and we will address that motion. That's all we're saying. Now, if he wants to do that then I think he should go ahead and make the motion and we will call the question."

Telcser: "Mr. Speaker, you're begging the question, Mr. Speaker. A motion to overrule a ruling by the Chair is always proper, it's always in order and that ought to be a power and a right as it is in the hands of every Member of the General Assembly. It's a right to overrule the Chair."

Speaker Bradley: "Mr. Matijevich, on a point of order."





Matijevich: "Mr. Speaker, I don't know how more clearly you could have stated the point. And I don't know what the other side of the aisle is trying to do because you laid it right out there where it is. The matter of fact is that Representative Bluthardt didn't follow those rules that you're talking about, Representative Telcser. He didn't...he didn't even go according to the rule as far as appealing a rule. He didn't have six Members like he should. He didn't do all those things that you should do according to the rules. But this is the real point. If there was an overruling of the Chair sustained, we're nowhere. And that's what the Speaker is trying to say. If you did overturn his ruling that has no effect on Representative Breslin at all so what really are you trying to do? If you really want to get to the issue that you're talking about as the Speaker said, 'File the proper motion.' Do it properly. Otherwise, all you're doing is wasting time. In fact the proper ruling is because nothing can be done by that overturn, is that you're being dilatory. And you ought to rule everybody being dilatory because the motion to overrule the Chair does nothing."

Speaker Bradley: "The Gentleman from Lake, Mr. Griesheimer."

Griesheimer: "Mr. Speaker, following the lead of my fellow from the 31st, I'd like to call for the question."

Speaker Bradley: "There's no question before the House right now... The Gentleman from Logan, Mr. Lauer."

Lauer: "Thank you, Mr. Speaker. I have a great deal of respect for the Gentleman from Lake who has just expounded at considerable length and as you know, I have considerable respect for the Gentleman who is presently occupying the Chair. But I would suggest, Ladies and Gentlemen of the House, that to know the rules is to be able to obfuscate and use them to your own device. But it advocates, Mr. Speaker, that the most basic principle in parliamentary order and this goes back to Robert's Rules and the Gentleman from Lake can look them up, is that there is no way under any kind of parliamentary



order, that the will of the proper number of Members can be overturned and that at any time the ruling of the Chair can be questioned and a vote must be taken. And if the ruling of the Chair is found to be in error in the opinion of a majority of the House, that ruling will not stand. Now, whether it comes down to a case of Mr. Bluthardt is going into the proper or an improper exercise of prerogative of questioning the Lady from LaSalles right to hold a seat is neither here nor there. But the most basic principle that we have to address today is whether or not it will be the will of this House. The majority of the Members of this House that will rule the House or whether it will be an iron-fisted, autocratic cynical and dictatorial rule of the man who holds the gavel. Mr. Speaker, your own honor as a Gentleman and as a Member of this House is now at question and I think that you owe it to all of the Members of the House a vote on whether or not your ruling should be overturned."

Speaker Bradley: "The Gentleman from Cook, Mr. Madison."

Madison: "Mr. Speaker, it seems to me that there's a way out of this dilemma and that is for you to call a vote on the..on whether or not the Chair should be overruled. And I say that for this reason, Mr. Speaker, that if it turns out that the Chair is sustained, so be it. If it turns out that the Chair is overruled, I can't for the life of me think of what it would mean. It certainly wouldn't have any effect on Peg Breslin's ability to vote in this chamber as far as I'm concerned. So, let it go, take the ruling up or down and let's move on with the Amendatory Vetoes, Mr. Speaker, because it won't mean a damn thing."

Speaker Bradley: "Mr. Bluthardt, do you wish to make a motion, Sir."

Bluthardt: "Well I thought I had, Mr. Speaker. I've been down here probably a little longer than you have and I've conducted meetings for many, many years. It's always been my understanding of parliamentary law that any ruling of the Chair is subject to appeal and overruling by the Legislative Body. You've made a



ruling and that is that Peg Breslin of this...a duly qualified Member of this House. I have appealed that ruling and I want a Roll Call and I now move to appeal your ruling."

Speaker Bradley: "The Gentleman from Lake, Mr. Matijevich."

Matijevich: "Mr. Speaker, I'd like to make a motion that the issue as to Peg Breslin be referred to the Elections Committee. That ought to solve everything."

Speaker Bradley: "I believe that that issue is in front of the Elections Committee right now."

Matijevich: "Well what the hell we spending all our time for then?"

Speaker Bradley: "All right, where we are right now, Ladies and Gentlemen, we're going to address ourselves to the problem that I have ruled Mr. Bluthardt out of order. Mr. Collins has appealed that rule. So we're going to vote on Mr. Collins' appeal of my...of my ruling Mr. Bluthardt out of order. That's where we were, right? So, we'll take a vote on Mr. Collins' motion, which was to appeal the ruling...or when I ruled Mr. Bluthardt out of order. He has appealed that rule, correct? And Mr. Collins on that motion."

Collins: "Well thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is a sad state of affairs where we have to get to the point where a Member has to arise to appeal the ruling of the Chair which patently steps all over the rights of the Membership of this House. Representative Bluthardt raised a perfectly valid question as to whether a Member was validly seated in this chamber or whether a person was in here voting illegally, which of course is the case. Mr. Speaker, Mr. Speaker, I'm not even warmed up and they're yelling already."

Speaker Bradley: "Mr. Lechowicz."

Lechowicz: "Mr. Speaker, this point is not debatable."

Speaker Bradley: "I think that's... I think that's correct. He's presenting his motion. I would...stay to the motion, you will have an opportunity to speak to the question maybe."

Collins: "I wasn't sure whether you turned me on or off, Mr. Speaker... Well, Mr. Speaker, I think that the question before us, of course,



is whether the Membership has the right to rise and appeal a ruling of the Chair. And you attempted to say that they did not and that is what I'm appealing but I am appealing the misuse of the power of the gavel in the Chair that you have displayed today. I am appealing your apparent willingness to join in the contempt that has been shown this House by the Committeemen of that Legislative District. I'm appealing your apparent willingness to join in the contemptuous action of anyone presuming to sit on this floor and vote after having been ousted by a vote of a Membership of this House. This is not an election contest, Mr. Speaker. This is an action that has been finalized. The Elections Committee to which you referred has taken action in this case and did vote to unseat or to declare this seat vacant. The House of Representative did vote on June 30th to declare this seat vacant. And all you're being asked today is to agree with the action of this House which I don't recall how you voted personally but more than 89 voters...Members of this House did vote to declare this seat vacant. The seat is vacant and this is all you will have to state. The seat...there should be no one voting in that seat and it is patently illegal action. And when you declare Representative Bluthardt's motion as out of order, this is the grossest abuse of the Chair that I have seen in my six terms in this Legislature. I thought higher of you, Mr. Speaker. I have to...I hate to have to make a motion to overrule the Chair but you deserve it and you certainly deserve an overwhelming vote of condemnation and I would ask... I would ask every Member in this House to uphold my appeal of this Chair."

Speaker Bradley: "The Gentleman from Cook, Mr. Lechowicz."

Lechowicz: "Mr. Speaker, let's take the question. All those in favor of Mr. Collins vote 'aye', all those in favor of Mr. Bradley vote 'no'. Let's take the Roll Call."

Speaker Bradley: "The question is, shall the Chair be overruled? Pardon me, do you have a question? For what purpose does the Gentleman



from Cook, Mr. Madison arise?"

Madison: "Mr. Speaker, I was going to ask if the Chair would consider turning the t.v. light out so we can shorten the speeches."

Speaker Bradley: "All in favor of Mr. Collins motion to overrule the Chair will vote 'aye', opposed will vote 'no'. Have all voted who wished? Have all voted who wished? The Gentleman from... Cook, Mr. Bluthardt, to explain his vote."

Bluthardt: "Thank you, Mr. Speaker. I appreciate the efforts of Representative Collins to...to protect me and my rights as a Member of this House. I thought I was able to do that myself. I found out I'm...probably I'm not, I know what I'm doing. I want a Roll Call on whether or not Peg Breslin is entitled to be seated. And I think that if we had the proper Roll Call that would end this charade for the rest of this Session. The other way that has been suggested to me is that a delaying way. There is probably no way in the world that I can get that matter before this House before we adjourn this fall. Now, I want the facts to come out. On the 30th of June this House did vote to seat... declare that seat of Peg Breslin vacant. On that same, very same day the Legislative Committee of that district met and found and so declared in writing that she was a resident of that district, the 38th District. Yet, our Resolution found and was adopted by 91 votes that she would not be a resident of that district until December of 1977. So what that Legislative Committee did was to overrule this House, show its contempt for this House and say, 'We don't give a hell what you've found, we want her in Springfield and we want her to represent our district, the Constitution and the laws, to the contrary notwithstanding.' And I want that to come out and I want you to understand what you're voting on. You're voting to make yourselves look foolish by saying we didn't really mean what we said on June 30th when we found she was not a qualified resident of her district and not entitled to sit in that seat. I would ask that you sustain Mr. Collins motion."



Speaker Bradley: "Have all voted who wished? The Gentleman from Marion, Mr. Friedrich, to explain his vote."

Friedrich: "Mr. Speaker and Members of the House, I'm not voting to condemn the Chair, I'm voting to uphold the right of this House according to the Constitution to judge the eligibility of Members to sit in this House. And I think any vote to the contrary is a mistaken vote. The House has already voted on this question but now it seems to come back in different colors and the Chair rules contrary to the action of this House. So those of you who are voting just to sustain my good friend, Representative Bradley, I think are making a mistake in this action."

Speaker Bradley: "Have all voted who wished? Have all voted who wished? The Gentleman from Effingham, Mr. Brummer, did you wish to explain your vote, Sir?"

Brummer: "Yes. I think it's important to point out that the issue that we voted on on June 30th was that Peg Breslin had fulfilled the two year residency requirement at the time she was elected in November of 1976. That's a considerably different question than whether or not she had fulfilled the two year residency requirement on June 30th of 1977, the issues are not one and the same."

Speaker Bradley: "Have all voted who wished? Have all voted who wished? The Gentleman from Cook, Mr. Conti, wishes to explain his vote."

Conti: "Mr. Speaker and Ladies and Gentlemen of the House, in explaining my vote I'm going to put it in the form of an inquiry. We're going to be voting on override of vetoes that's going to have fiscal monetary budgets in it and if we get a Bill where we pass it by 107 votes and there's a question as to the seating of Peg Breslin, can there be a taxpayer's suit filed on whatever Appropriation Bills we do pass if it has 107 votes?"

Speaker Bradley: "Let's decide this issue first. Have all voted who wished? The Clerk will take the record. On this question there are 83 'ayes' and 83 'no' and the Gentleman's motion fails. On the Calendar under Amendatory Vetoes appears a motion with



respect to House Bill 480. The motion is to accept the Governor's specific recommendation for change by adoption of the Amendment... the motion... And the Gentleman from Lake, Mr. Deuster."

Deuster: "Mr. Speaker and Ladies and Gentlemen, moving to this subject I have filed a motion to accept the Governor's recommendation for language changes in House Bill 480. House Bill 480 is entitled the Illinois Abortion Parental Consent Act of 1977. The Governor has not added any new language. The Governor has suggested that one sentence in the Bill be deleted. I have consulted with many people who are interested in the right to life and in this legislation. And it is the opinion of everyone that I know that the Governor has in fact improved the Bill. Specifically, what the Governor has done is as follows. As you may remember the Governor's outlined this very well in his Veto Message. This Bill provides that with unmarried minors seeking to undergo an abortion operation they need either the consent of their parents or a court order. In the Bill in the Section that relates to what the Judge must find in order to approve the minor's request for an abortion, the Bill that we passed provided two things, the Judge find one, that the pregnant minor fully understands the consequences of an abortion to her and her unborn child. And then secondly, the Bill provides that the Judge also find that the minor has achieved sufficient maturity to assume full responsibility for her decision. It is that second standard and that second phrase or sentence that the Governor has recommended that we delete. The Governor indicated he thought that language was unnecessary and vague and I agree. So that if we accept the Governor's language the law will require that the Judge find this, simply that the pregnant minor understand the consequences of an abortion to her and to her unborn child. And I think that's what we wanted to accomplish anyway. So, I will move to accept the Governor's specific recommendations for change in House Bill 480. I might add that the Parliamentarian has advised all Members that when we



accept a...an Amendatory Veto the Bill would not take effect until July 1 of next year, 1978. In this case, because the matter of teenage abortions and parental consent is of such great interest, I have added to my motion that the Act would take effect January 1, 1978. Moving it up six months from what it would normally take effect on. And actually the Bill we passed last spring would take effect October 1. So we are really not adding any new language and if you vote, as I hope you will, to accept the Governor's change and the effective date, this law will take effect January 1, 1978. Before...making myself available to answer any questions you might have. I might say that I wish to express my gratitude to the Members of the Judiciary Committee and this House and the Senate and the Governor have all helped shape what I believe is a landmark law, which will be a model for other states to follow. No other state in the union has this kind of a law except Massachusetts. And I think this Bill, with the Governor's change, is a step forward over the Massachusetts law too. I move to accept his changes and to make the effective date January 1, 1978."

Speaker Bradley: "The Gentleman from Kankakee, Mr. Ryan."

Ryan: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House.

I'd like to point out to the Speaker and the Members of the chamber that the Lieutenant Governor is with us here this afternoon and among his several fine qualities is a fact that he's a pharmacist, Lieutenant Governor O'Neal."

Speaker Bradley: "The question is, shall the House accept the Governor's specific recommendations for change with respect to House Bill 480 by adoption of the Amendment? All in favor vote 'aye', opposed vote 'nay'. Have all voted who wished? Have all voted who wished? The Clerk will take the record. On this question there are 134 'aye', 15 'nay', 4 voting 'present'. This motion, having received the Constitutional Majority...Constitutional Three-Fifths Majority, prevails and the House accepts the Governor's specific recommendation





in House Bill 480 by adoption of the Amendment. The Lady from Cook, Mrs. Willer, for what purpose do you rise?"

Willer: "I'm sorry, Mr. Speaker, I voted wrong. I pressed the wrong button."

Speaker Bradley: "Do you wish to change your vote...Please record her as voting 'aye'."

Willer: "Thank you."

Speaker Bradley: "On the Calendar under Amendatory Vetoes appears a motion with respect to 6...House Bill 602. The motion is to accept the Governor's specific recommendation for change by adoption of the Amendment by the motion. On that motion, the Gentleman from Cook, Mr. Yourell."

Yourell: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 602 has received an Amendatory Veto by the Governor. And all it does is clarify the language relative to the provisions for a back door referendum. He indicated that the language contained in the original House Bill 602 was defective and that there was no time limit for the filing of the petition and the standard procedures for public notice were not used. I agree with the changes suggested. A specific change is a recommendation by the Governor but would ask him to consider additional legislation in the future where he has improved the back door referendum of this particular Bill, the Governor's suggested language for the giving of public notice is a little bit unusual. It requires that the notice for the referendum be published in the newspaper in a unit of local government or if none then published in one with a general circulation in the unit. And if that can't be done to publish in the other method of posting on a post. I don't particularly agree with that language or that idea but I do recommend that the House go along with the specific recommendations...changes in House Bill 602 as recommended by the Governor."

Speaker Bradley: "Discussion? The Gentleman from McHenry, Mr. Skinner."

Skinner: "Now that we've had the real estate tax revolt in Cook County



perhaps some of my colleagues will feel more kindly toward the cause of the taxpayers than they did when this Bill originally passed. I would point out this Bill is definitely a tax increase without a mandatory referendum. And now it is a tax increase without even a mandatory notice. If you have ever seen any of the postings in three prominent places in a township where the local officials do not want to publish something, you're extraordinary. The only ones I've ever seen are the ones that are posted in the courthouse when I worked there and didn't have enough to do and went wandering around the halls. I would hope that anyone who wants to be branded a friend of the taxpayer will vote 'no' on this so that the libraries may continue to go through referendum to increase their taxes by as much as probably 11 or 12 cents per hundred, rather than getting it just by passing a Resolution."

Speaker Bradley: "Further discussion? Mr. Yourell, do you wish to close?"

Yourell: "The Gentleman's comments are well taken and I agree with him except that the Governor has indicated that additional legislation will be welcomed to clarify the posting notice. I ask you to concur with the specific recommendations of the Governor relative to House Bill 602."

Speaker Bradley: "The question is, shall the House accept the Governor's specific recommendation for change with respect to House Bill 602 by adoption of the Amendment? All in favor vote 'aye', opposed vote 'nay'. Have all voted who wished? Have all voted who wished? The Clerk will take the record. On this question we have 102 'ayes', 39 'nays' and this motion, having received the Constitutional Majority, prevails and the House accepts the Governor's specific recommendation for change regarding House Bill 602, by adoption of the Amendment. We inadvertently skipped a Bill on the Calendar but prior to calling that Bill, for what purpose does the Gentleman from Kane, Mr. Waddell, arise?"

Waddell: "Mr. Speaker, the House of Representatives has been invited to a



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State Legislator's Day. And the Interfraternity Council of the University of Illinois wishes to invite all Members of the House to participate in the Eighth State Legislator's Day on February 9, 1978. This gives you an opportunity to get acquainted with the students, the university and you, the Legislators. The emissaries of this are in the balcony in the front and would they please stand? Gerald Willer Bryan Delch and Mark Wilhemigh."

Speaker Bradley: "On the Calendar under Amendatory Vetoes appears House Bill 571. And the motion is to override the Governor's Amendatory Veto in respect to House Bill 571. The...for what purpose does the Gentleman from Christian, Mr. Tipsword, arise?"

Tipsword: "Mr. Speaker, I just wanted to respond to the remarks that were made by the Representative on the other side of the aisle and agree with him and urge the Members of this Body, if they could, to certainly consider accepting the invitation. I'm sure they probably all now have it in their mail. I have gone for the last two or three years and I've found it to be a very excellent program. I felt I had a better understanding of the University once that I had gone over on this program and some of their needs. And I can assure you that on none of the occasions that I've been there have we ever been subject to any kind of lobbying in any regard for any of the...the things that the University might be interested in. I think it's a good informative day and I would urge everyone who possibly can to be there."

Speaker Bradley: "The Gentleman from Cook, Mr. Mann, for what purpose do you rise?"

Mann: "Mr. Speaker, I don't...I don't want to get redundant but I agree with the previous two speakers. I've been down in Champaign for these days and it's a very educational experience and I would encourage you all to go. Mr. Speaker, with your leave, while I'm up, I'd like to announce that Judiciary I will meet for a very very brief meeting today after adjournment in



Room D-1. Thank you, Mr. Speaker."

Speaker Bradley: "Regarding the motion on House Bill 571, the Gentleman from Cook, Mr. Brady."

Brady: "Yes, Mr. Speaker, by way of a short explanation on House Bill 571 and the motion to override the Amendatory Veto. House Bill 571 is a Home Health Care Bill that we passed here in the Spring Session of the Legislature. It passed out of the House with a Roll Call Vote of 133 to 2. It then went to the Senate where an Amendment was put on it and it went to the Senate and passed 48 to nothing. When it came back for concurrence there was some discussion as to whether there would be a fiscal impact on the state in this Bill and because of that on the concurrence vote we received about 95 votes for its passage. I think in the confusion of a lot of legislation being signed at one time, the Governor has inadvertently amendatorily vetoed this. In reading from his Amendatory Veto he says there are three points. Preventing long term care institutionalization can save the state money but in order to do so it must one, target for service those individuals who go into long term care except for provision of such services. I think if you read the Bill you'll find that's exactly what the Bill is doing, taking care of the near poor who are going to go into long term care institutions without some help. Problem two, provide the proper matrix of service to maintain those individuals in a noninstitutional setting. It goes on to say the greater the number of services that must be provided to an individual the less likely the savings will be realized. I agree wholeheartedly with the Governor and as a matter of fact there is no way that home health care can be provided to an individual at a cost which would be as much if not more than the institutionalized person so that is taken care of in the Bill. In Section 3 he says it should not provide free or subsidized services to individuals who could pay for their own services or institutionalization. There is no question, I don't think, in anybody's mind who has looked at the people who have the problems in the State of



Illinois is that we're talking about people who can pay for these services out of their own money and avoid the spiral cycle down to public aid and institutionalization. I don't mean to take too much time but let me just illustrate for you, if I can, the exact problem in this matter. If we take a public aid recipient and say that they get x dollars a month because they're a public aid recipient, we can also have and we do have right now in our society many individuals who have a pension, which is less money than that public aid recipient is receiving on public aid. And that pensioner who has not declared themselves eligible for public aid becomes ineligible because of this Amendatory Veto. I don't think the Governor intended that. There is definitely set out eligibility guidelines that the Department of Public Aid can set on individuals receiving this home health care. There is no question that that is in the statute as it now exists because the Department of Public Aid use to engage in these services in a limited way back in 1969 when they arbitrarily made a decision to stop them. They were taken to court in that decision and as of this last June, 1977, the court rules that they're in error and have to provide them. The Department of Public Aid chose to appeal that decision, why I don't know. Maybe they don't want to extend themselves to provide services for people that need them. But I don't think we in the Legislative Body can say because the Department of Public Aid is not interested in doing the job for the people that need it, that we should be concerned and say we have to go with the Department of Public Aid on this issue. One last point. There's no question that money is spent to provide services to people, be they at home or an institution, but if we're talking about state input of money, an institutionalized person on medicare is 50% reimbursable by the State of Illinois, while a person left at home under home health care is only 25% reimbursable. If the costs were as high as institutionalization you could provide for two people at the price



of one. In my opinion this is a good piece of legislation. It goes a long way towards solving some of the immediate needs of the near poor. And if any way there's an eligibility problem I'll join with anybody in this Assembly to write into statute what we as a Majority in the Assembly feel should be an eligibility standard. If you don't think the Public Aid Department is going to do it properly or low enough. In my opinion, they did it in the past, they can do it again. I urge your support of the override of this Amendatory Veto."

Speaker Bradley: "The Gentleman from Cook, Mr. Schlickman."

Schlickman: "Will the Sponsor yeild?"

Speaker Bradley: "He indicates that he will."

Schlickman: "I assume that House Bill 571, as it was originally introduced by you was well thought out and as it was considered by the House, was well considered. The Governor, by his Amendatory Veto, is simply eliminating a Senate Amendment and restoring the Bill to its original form. Is that correct? Form and content?"

Brady: "The Governor, by his Amendatory Veto, is eliminating what you specifically, say technically a Senate Amendment which I offered in conjunction with the Department of Aging under this Administration who asked for it because they said the near poor would be excluded and could not be covered without that language. And after that language was added the Senate voted 48 to 0 to put that Bill out."

Schlickman: "So I'm correct in that the Governor's Amendatory Veto simply restores the Bill as to the form and substance as it was when you introduced it. Number two...that was rhetorical. Number two, the Bill as it was originally introduced by you and as passed by this House would not have had a fiscal impact according to the Department of Public Aid? Now subsequently, with Amendment...Senate Amendment #1, we have not been advised of the fiscal impact and I'm wondering if you'll do so now."

Brady: "Yes, I can state that for you, Representative Schlickman, from the Department of Public Aid's own terms. In the court suit,



Vicker vs. Trainor, the Department of Public Aid stated in a court of law that this program could cost as much as...as much as 2 million dollars to the state and 6 million dollars of federally reimbursable funds on an annual basis."

Schlickman: "Thank you."

Speaker Bradley: "The Gentleman from McHenry, Mr. Skinner."

Skinner: "Yes, will the Sponsor tell us who Mrs. Vickers is? Would the Sponsor tell us who Mrs. Vickers is?"

Brady: "Yes, Representative Skinner, forgive me. Sometimes when you get embroiled in such an issue you think that everybody has picked up on it, seen it or read it. There was a handicapped woman named Mrs. Vickers, who was confined to a wheel chair who was receiving this type of service that we're talking about providing in 1969 by the Department of Public Aid. The Department of Public Aid by arbitrary decision decided to cut off that type of service. She went to court and was represented by legal council to try and get her rights back to receive home health care as a handicapped person because of the statute as it existed. Mrs. Vickers was awarded the decision in June of 1977 but it's a very mute and sorry point because Mrs. Vickers, since that time, had to use the minimal assets she had available to her to keep her assistance going at home, used them up, became a public aid individual and now is confined for the rest of her remaining years to an institution. That's the exact situation that we're trying to eliminate in many, many other individuals."

Skinner: "Now is it the same woman who had stubs for arms and legs whose picture was in the Daily News...the Chicago Daily News?"

Brady: "A severely handicapped woman, that's correct."

Skinner: "I just wanted to put this in the minds of everyone the way it hit me when I read the article. Thank you."

Speaker Bradley: "Mr. Brady, do you wish to close or just go on the question?"

Brady: "I would just like to say in closing that what was pointed out there was the fact that..."



Speaker Bradley: "I'm sorry, Mrs. Geo-Karis would like to ask you a question. Correct?"

Geo-Karis: "A point of information. Is Mr. Brady asking for concurrence with this Amendatory Veto or override..."

Speaker Bradley: "He is overriding it."

Geo-Karis: "Thank you, that's all."

Brady: "In closing just let me say that the woman we described here earlier is only one individual who is in her own problem severely handicapped and yet had that desire to say, 'I want to be self-sufficient. I want to stay at home.' But she needed the little extra help that we can give as a government, that we can help. We have many, many people in this situation and the cycle is driving them into a Public Aid situation in nursing homes. We're going to save money. Not in the long run, in the short run with this legislation and I urge your support of the override."

Speaker Bradley: "The question is, shall House Bill 571 pass, notwithstanding the Governor's specific recommendation for change? All in favor signify by voting 'aye', opposed by voting 'nay'. Have all voted who wished? Have all voted who wished? The Clerk will take the record. On this question there are 119 'ayes', 39 'nays', 2 voting 'present' and the motion, having received the three-fifths Constitutional Majority prevails and House Bill 571 is declared passed, notwithstanding the Governor's specific recommendation for change. On the Calendar...the Gentleman from Lake, Mr. Matijevich."

Matijevich: "Yes, Mr. Speaker, I just want to make a point. We wasted some time today and I just wanted to make the point that I...I think we ought to work late tonight so that we don't have to work late tomorrow because tomorrow is a Friday, the end of the week and we're going to be here Monday. Tuesday is the last day for House Bills. And I think the consensus of the Membership is that we get the work done today so we can get out of here quickly tomorrow. I think everybody would agree to that and work hard tonight and I hope the Speaker





goes along on that. I'm sure he will. Thank you, Mr. Speaker."

Speaker Bradley: "Your point is well taken. On the Calendar under Amendatory Vetoes appears a motion with respect to House Bill 603. The motion is to accept the Governor's specific recommendation for change by adoption of the Amendment. On the motion...on that motion, the Gentleman from Cook, Mr. Yourell."

Yourell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 603 authorized local libraries and library districts to levy a tax for the purpose of a working cash fund. This fund will be subject to a backdoor referendum. And the language is that such a tax may not be levied for more than four years but they need not be consecutive. That's where the Governor attached the amendatory language. He recommended moving the limitation on a municipal or township levying the tax for more than four years from the sections dealing with library districts but it was inadvertently placed in the sections dealing with local libraries where it was intended ....that is to be placed when it was added by Amendment. I move that we accept his specific recommendation according to the Governor relative to House Bill 603."

Speaker Bradley: "Discussion? The question is, shall the House accept the Governor's specific recommendation for change with respect to House Bill 603? The Gentleman from LaSalle, Mr. Anderson."

Anderson: "Will the Sponsor yield for a question?"

Speaker Bradley: "He indicates he will."

Anderson: "How will this backdoor referendum work under the Consolidated Elections Bill, have you any idea?"

Yourell: "No, I don't."

Anderson: "Is there anyone in the chamber that might be able to answer that? Evidently not."

Speaker Bradley: "Further questions? All in favor of the Gentleman's motion signify by voting 'aye', opposed by voting 'nay'. Have all voted who wished? Have all voted who wished? The Clerk will take the record. On this question there are 118 'aye', 28 'nays' and 2 voting 'present' and this motion,



having received a Constitutional Majority, prevails and the House accepts the Governor's specific recommendation for change regarding House Bill 603 by adoption of the Amendment. On the Calendar under Amendatory Vetoes appears a motion with respect to House Bill 657. The motion is to accept the Governor's specific recommendation for change by adoption of the Amendment...the motion. On that motion, the Gentleman from Cook, Mr. Terzich."

Terzich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, these Bills had to refer...with regard to sex discrimination, which there were companion Senate Bills sponsored by Senator Knuppel. House Bill 657, the Bill amends a number of Acts which extend its survivors benefits to widows. Under the provisions of this Act these benefits would accrue to survivors regardless of sex. The Bill also amended the Workmen's Occupational Disease Act approved July 1971 as amended by removing of a variety of discriminatory languages. The Governor supported these changes and has approved Senate Bill 114, which is identical in intent. And therefore, with these modifications he has approved House Bill 657 since the other provisions were covered under the Senate Bill and I would move for adoption of the Governor's Amendatory Veto."

Speaker Bradley: "The question is, shall the House accept the Governor's specific recommendation for change with respect to House Bill 657? All in favor signify by voting 'aye', opposed by voting 'nay'. Have all voted who wished? The Gentleman from Cook, Mr. Schlickman."

Schlickman: "Just a parliamentary inquiry, Mr. Speaker. I notice that by this Amendatory Veto the Governor is not affecting new language proposed by a Bill but is deleting an existing Section of an existing law and I'm wondering if that's appropriate."

Speaker Bradley: "The Chair can't answer that question. It will be answered by the court."

Schlickman: "By the court? Well why don't we have the courts handle that matter of whether 107 votes is required for a Bill that has



an immediate effective date that we previously approved."

Speaker Bradley: "We've already done that. Have all voted who wished? Have all voted who wished? Take the record. On this question we have 153 'ayes', no 'nays', 1 voting 'present' and this motion, having received the Constitutional Majority, prevails and the House accepts the Governor's specific recommendation for change regarding House Bill 657 by adoption of the Amendment. On the Calendar under Amendatory Vetoes a motion with respect to House Bill 658. The motion is to accept the Governor's specific recommendations. On that motion, the Gentleman... the Lady... The Gentleman from Cook, Mr. Terzich."

Terzich: "Again, Mr. Speaker, these were on the Sex Discrimination Bills. The provisions that the Governor has struck from this Bill were incorporated in a Senate Bill, which he did approve... under Senate Bill 122. And therefore I would move that we accept the Governor's Amendatory Veto on House Bill 658."

Speaker Bradley: "This question...questions? The question is, shall the House accept the Governor's specific recommendation for change with respect to House Bill 658 by adoption of the Amendment? All in favor vote 'aye', opposed vote 'nay'. Have all voted who wished? Have all voted who wished? The Clerk will take the record. On this question there are 156 'ayes', no 'nays', 1 voting 'present'. This motion, having received the Constitutional Majority, prevails and the House accepts the Governor's specific recommendation for change regarding House Bill 658 by adoption of the Amendment. House Bill... On the Calendar under Amendatory Vetoes appears House Bill 658. The Gentleman from Cook, Mr... Or 659. The Gentleman from Cook, Mr. Terzich."

Terzich: "Again, Mr. Speaker, House Bill 659 has to deal with the Veteran's. And this Bill simply changes the date of termination of the Vietnam conflict from April 29, 1975 to May 7, 1975, to bring it in compliance with other Bills that were signed having that similar effective date. And this simply brings it into compliance and therefore I would move for adoption of the



Governor's Amendatory Veto on House Bill 659."

Speaker Bradley: "Discussion? The question is, shall the House accept the Governor's specific recommendation for change with respect to House Bill 659 by adoption of the Amendment? All in favor vote 'aye', opposed vote 'no'. Have all voted who wished? Have all voted who wished? The Clerk will take the record. On this question we have 162 'ayes', no 'nays' and none voting 'present'. This motion, having received the Constitutional Majority, prevails and the House accepts the Governor's specific recommendation for change regarding House Bill 659 by adoption of the Amendment. On the Calendar under Amendatory Vetoes appears House Bill 687. On that motion... The motion is to accept the Governor's specific recommendation. On that motion, the Gentleman from Cook, Mr. Walsh. I'm sorry... Mr. Walsh in the chambers? We'll go to accepting motions on House Bill 737. The Gentleman from Cook, Mr. McCourt. Mr. McCourt. Would the Gentleman standing in front of Mr. McCourt please be seated?"

McCourt: "Mr. Speaker and Ladies and Gentlemen of the House, the Governor has suggested some minor changes in House Bill 737. The main change is that the Department of Registration and Education would be able to license a person that has a degree in Forestry without requiring an examination. The other changes are very minor, mainly housekeeping and I urge your favorable support."

Speaker Bradley: "Discussion? The question is shall the House accept the Governor's specific recommendation for change with respect to House Bill 737 by adoption of the Amendment? All in favor vote 'aye', opposed will vote 'no'. Have all voted who wished? Have all voted who wished? Mr. Schiffer, would you get Mr. Farley's button. Mr. Farley wishes to be recorded as voting 'aye'. Have all voted who wished? Have all voted who wished? The Clerk will take the record. On this question we have 129 'aye', 18 'nays' and the motion, having received the Constitutional Majority, prevails and the House accepts the



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Governor's specific recommendation for change regarding House Bill 737 by adoption of the Amendment. On Amendatory Vetoes appears House Bill 748. The Gentleman from Cook, Mr. Levin."

Levin: "Thank you, Mr. Speaker. The Governor's Amendatory Veto simply corrects a typographical error that crept into this Bill when it was in the Senate. There is no substantive change of any kind."

Speaker Bradley: "Discussion? Hearing none, the question is, shall the House accept the Governor's specific recommendation for change with respect to House Bill 748 by adoption of the Amendment? All in favor vote 'aye', opposed vote 'no'. Open it up. Have all voted who wished? Have all voted who wished? The Clerk will take the record. On this question there are 146 'ayes', no 'nays', 1 voting 'present'. This motion, having received the three-fifths Constitutional Majority, prevails and the House accepts the Governor's specific recommendation for change regarding House Bill 748 by the adoption of the Amendment. On the Calendar on Amendatory Vetoes under motions is House Bill 760. The Gentleman from Cook, Mr. Jaffe."

Jaffe: "Mr. Speaker, Members of the House, we're going to move to concur in the Governor's Amendatory Veto on House Bill 760. Basically what the Governor did was return the Bill to the form that it was originally filed as. As you recall, this Bill...this Bill deals with the prior sex history of a rape victim. When we filed this Bill initially we made it so that the past sexual history of a rape victim with any person other than the accused was inadmissible as evidence in a trial of rape. The House Judiciary Committee added an Amendment to that, which provided for an in chamber proceeding where you would determine whether or not that was relative to that particular trial. When it went over to the Senate another Amendment was added and the Amendment that was added in the Senate added on another facet to the Bill and that stated briefly that you could produce evidence concerning the prosecuting witnesses



reputation for sexual promiscuity. Basically what the Governor has done has really eliminated the Senate Amendment, which I didn't like in the beginning anyway. He's eliminated that portion of the Bill, left it as it originally left the House and I would move to concur with the Governor's Amendatory Veto."

Speaker Bradley: "Discussion? The Gentleman from Cook, Mr. Houlihan."

Houlihan: "I have a question of the Sponsor, please."

Speaker Bradley: "He indicates he'll yield."

Houlihan: "I might correct Representative Jaffe that the Bill, as passed by the Legislature would have prohibited evidence of past sexual misconduct but it would not have prohibited reputation testimony as to chastity, is that correct?"

Jaffe: "You're talking about as it passed the House originally, is that it?"

Houlihan: "That's correct."

Jaffe: "When it passed the House originally and I'm trying to look at my notes over here, if you will look at the...at the synopsis. We originally introduced a Bill making past sexual conduct of a rape victim with any person other than the accused inadmissible as evidence in a trial of rape. Then what happened was it went to the House ...to the House Judiciary Committee and they added, number one they added.... Well they added evidence that dealt with prior, with the witnesses reputation for chastity. However, as a matter of caselaw, I think the Governor indicates that in his Amendatory Veto Message, that that really went contrary to caselaw and for that reason the Governor struck it."

Houlihan: "Could you also tell me... I'm looking here at an analysis, the staff analysis which indicates that it bars any use, substantive or otherwise, of such evidence. But the Bill prohibits only substantive evidence. Is that correct? If I understand what this change is is that it would prohibit it even as impeaching evidence as far as the creditability of a witness."

Jaffe: "No, no as far as impeaching evidence, you're always able to impeach a witness. It has absolutely nothing to do with impeaching



evidence. And I certainly wouldn't want you to..."

Houlihan: "Well then what does that language mean then by any use substantive or otherwise? What is the otherwise?"

Jaffe: "What line are you referring to, if I may ask?"

Houlihan: "Excuse me just a moment, please."

Jaffe: "As a matter of fact, let me say this to you. I think it's just quite the contrary if you look at D as amended. It says, 'No evidence admissable under this Section shall be introduced unless ruled admissable by the trial judge after an offer of proof has been made at a hearing to be held in camera in order to determine whether the defense has evidence to impeach the witness. So, I think that that...'"

Houlihan: "Well my question, Representative Jaffe, refers to the last part of the Veto Message wherein it states in strike and then in quotes, 'As substantive evidence'. Could you tell me what the effect of that deletion is?"

Jaffe: "Well let me...let me... I'm trying to read the entire Section to you as it stands now, so I think that your objection would be overcome. It says, 'No evidence admissable under this Section shall be introduced shall be introduced unless ruled admissable by the trial judge after an offer of proof has been made at a hearing to be held in camera in order to determine whether the defense has evidence to impeach a witness in the event that prior sexual conduct with the defendant is denied. Unless the court finds that such evidence is available counsel for the defendant shall be ordered to refrain from inquiring as to prior sexual activity between the alleged victim and the defendant.'"

Houlihan: "I don't want to belabor a point but could you tell me what it means to delete the words in line 11 of the Bill, 'As substantive evidence'. The Bill originally read, 'It is inadmissable as substantive evidence.' The amendatory change here is to delete the words, 'as substantive evidence'."

Jaffe: "I don't think that substantive evidence really means anything after you look at the Bill as it's been redrafted by the Amendatory



Veto. I think it's just..."

Houlihan: "If it didn't mean anything why did you have it in the original Bill?"

Jaffe: "Well, there are a lot of things that were changed in that particular Bill. You know, as I indicated to you, if you'll notice, there were changes on line 12, 15, 16, 17, 20, 21. And so I think that you have to take all those things and make them conform to make some sense. And I think that if you read certain things in there they just would be inconsistent and they won't make any sense."

Houlihan: "Well, I certainly am confused. In this Amendatory Veto Message of a Bill that is only some...what appears to be only some 11 lines, the amendatory change here would make six changes in the Bill. And in deleting the words, 'As substantive evidence', I suggest is to broaden what this Bill does and it's to make it inapplicable also for impeaching evidence as well as substantive evidence in an element which has to be either proved or defended in the case. I think it does substantially more than what perhaps the Sponsor, Representative Jaffe, feels that it does in requesting us to concur. I shall vote 'no'."

Jaffe: "I might say that I think your conclusion is completely erroneous. I don't think that you can eliminate impeaching evidence at any time. I think that's someone's Constitutional rights and I certainly would think that your conclusion is wrong, Representative Houlihan."

Speaker Bradley: "Further discussion? Mr. Jaffe, do you wish to close the debate? Mr. Stearney, did you wish to address the question?"

Stearney: "Would the Sponsor yield to a question?"

Speaker Bradley: "He indicates he will."

Stearney: "Well, Representative, under the present law a...the complaintant reputation for promiscuity can be gone into by defense trials before the jury, am I right?"

Jaffe: "That is correct, that's right."





Stearney: "Under your Bill as originally passed by both Houses before defense council could do so, you would have to have a hearing in chambers before the judge and demonstrate the relevancy and the competency of the evidence that you would like to cross-examine the plaintiff about, am I right?"

Jaffe: "Are you talking about..."

Stearney: "I mean your Bill as originally passed."

Jaffe: "As originally passed we have an in camera proceeding, yes. We still have an in camera proceeding."

Stearney: "Now, the Governor's Amendatory Veto<sup>2</sup> would further restrict the evidence that could be produced even after having that in camera hearing, am I right?"

Jaffe: "Not really, because I think it's a matter of caselaw. I think what the Governor basically did was to really follow the caselaw. And I think that to some extent, the Senate was a little bit confused in adding on the thing that they did add on. So I think that the Governor's Amendatory Veto really conforms to caselaw and I think that any other suggestion is wrong."

Stearney: "But in your Bill, after an in camera hearing a defense council can go into the complainant's reputation for promiscuity with others...with persons other than the defendant, am I right? Under your Bill as originally drafted..."

Jaffe: "No, you know, I think only...only with regard to certain aspects. But I must tell you that I was not happy with that Amendment, as you know. It was our feeling at the time that we couldn't get anything stronger so we accepted the Amendment that came over from the Senate. I would hope now that the Governor has exercised his Amendatory Veto that after it passes the House he'll be able to deliver us a few hot votes in the Senate and pass it out of there as it should have been passed out originally because it conforms to what we wanted originally."

Stearney: "Mr. Speaker, in addressing myself to the Bill I would agree with Representative Houlihan and urge a 'no' vote on this



particular matter. I think the Amendatory Veto, the message, has confused the Bill even more so than it was beforehand and it would be almost difficult if not impossible to ever impeach.

I would respectfully urge a 'no' vote on this matter."

Speaker Bradley: "Further discussion? The Lady' from Lake, Mrs. Geo-Karis."

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

it behooves us to look at the fact that the Amendatory Veto does not prohibit evidence of the alleged victims prior sexual conduct with the accused where that evidence is available. But when the defense counsels take it upon themselves to destroy and victimize a victim in a rape case without any evidence, that's what this Amendatory Veto is destined to prevent. I speak in favor of the Amendatory Veto because too long and I say this again, too long we have victimized the victims in rape cases and we protect the defendants beyond a reasonable call of duty and ethics. And I think it's high time we wake up. Those of you who haven't tried rape cases, well I have as a prosecutor... Let me tell you, it's the most difficult thing in the world to prove a guy is guilty of rape and then they laugh at you after that and the jury feels so sorry for them. So I think it's high time that we realize the facts at hand and what's really happening. For everyone's information, for all the crimes that have gone down the crime of rape has gone up and that's no joke, Ladies and Gentlemen. I support the Amendatory Veto."

Speaker Bradley: "The Gentleman from Lawrence, Mr. Cunningham."

Cunningham: "Mr. Speaker and Ladies and Gentlemen of the House, in these days of ERA we have lots of discussion about male chauvinists. We're going to have a Roll Call here in a minute that will show who the male chauvinists are. Those are the ones that vote 'no' on this Amendatory Veto. This is a compassionate Bill designed to protect the dignity of all the citizenry of all the state regardless of their sex. The change that was made by the Governor as acknowledged by



the incomparable Sponsor just makes the Bill a little more effective, tightens it up into a workable, useful instrument for all mankind. When you vote 'no' stand up when they call for the Roll Call on the male chauvinist, vote 'aye'."

Speaker Bradley: "Mr. Jaffe, do you wish to close, Sir?"

Jaffe: "Mr. Speaker, Members of the House, I think that the Governor really did conform his Amendatory Veto to what the law is at the present time and I would suggest that there's been some confusion of the issue about the Governor's Amendatory Veto in this particular instance, I think it's correct. I never thought that I would see the day when Thompson, Cunningham and Jaffe would agree on a Bill but evidently that day is here today and I would urge an 'aye' vote on the Governor's Amendatory Veto."

Speaker Bradley: "The question is, shall House Bill 760...the question is, shall the House accept the Governor's specific recommendation for change with respect to House Bill 760 by adoption of the Amendment? All in favor vote 'aye', opposed vote 'nay'. Have all voted who wished? Have all voted who wished? The Clerk will take the record. On this question there are 155 'ayes', 7 'nays', 2 voting 'present'. The motion, having received the Constitutional Majority, prevails and the House accepts the Governor's specific recommendation for change regarding House Bill 760 by adoption of the Amendment. We overlooked House Bill 687. On the Calendar under Amendatory Vetoes appears a motion to override the Governor's specific recommendation for change with respect to House Bill 687. And on that point the Chair recognizes the Gentleman from Cook, Mr. Walsh."

Walsh: "Mr. Speaker and Ladies and Gentlemen of the House, House Bill 687 deals with the reimbursement of the state to local school districts for the handicapped orphans. The Bill provides that that shall be done on a current basis. Previously it had been done the year following the time that those services were rendered. The Governor's Amendatory Veto which, in



my opinion was in error, would have forgiven the state for the claims for the...for the school year 1966, rather 1976, 77. The override would have the effect of making the state liable in case any district should drop the program. This is the way the Bill was represented at the time it was presented in the House and in the Senate and I submit is the way that it should continue. I know of no fiscal impact that this would have immediately. It would set up an obligation for I suppose 7 or 8 million dollars that the state would continue to carry against the possibility that any school district or all school districts should discontinue this program. If they did then the state would have to pay those districts for those services from 1976 to 1977 school year. I urge your 'aye' vote for this motion to override."

Speaker Bradley: "Discussion? The Gentleman from Cook, Mr. Brady."

Brady: "Yes, Mr. Speaker, I just rise in support of Representative Walsh's motion. He stated it exactly correct. It was presented as a Bill that would, should a school district ever go out of that business, in essence, they would be repaid by the state at the final date. We put it on current spending. But just let me tell you how dramatically that effects...this veto affects school districts. Chicago, for example, would have to take a 4 million paper entry and call it a liability from an asset even though there's no money changing hands and put them in a 4 million dollar deficit position. Now every school district in the state is affected to some degree, I'm giving you the biggest deficit position. But if your school district is near deficit position and can not, by law, budget under deficit, this Bill in the form it's presently in could create that problem. I don't think that was intended and I urge your support of Representative Walsh."

Speaker Bradley: "The Gentleman from Madison, Mr. Lucco."

Lucco: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise also to support Representative Walsh in the override of this Bill."



The Gentleman from DuPage, Mr. Schneider."

Schneider: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. The Bill is as it left the House I think and arrived on the Governor's desk, equitable to all districts. We are, of course, trying to reach the status in education where we go to current funding of education. This is one of the first programs to do this and it is important that we take into consideration that should schools terminate programs in Special Ed. that they receive their reimbursements. To sustain the Governor would be, I think, erroneous and have a negative...a serious negative impact on those schools, therefore for once I support Representative Walsh."

Speaker Bradley: "Mr. Walsh to close... The question is, shall House Bill 687 pass, notwithstanding the Governor's specific recommendation for change? All those in favor signify by voting 'aye', opposed by voting 'nay'. Have all voted who wished? Have all voted who wished? The Clerk will take the record. On this question there are 125 'aye', 33 'nays' 1 voting 'present'. The motion, having received the three-fifths Constitutional Majority, prevails and House Bill 687 is declared passed notwithstanding the Governor's specific recommendation for change. On the Calendar under Amendatory Vetoes appears House Bill 931. And on that motion the Gentleman from Will, Mr. Davis."

Davis: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'm moving to accept the Governor's Amendatory Veto, which I believe tightens up this Bill and applies to further exclusion under the Bill as passed by the General Assembly. If I can read from the Amendatory Veto an explanation, House Bill 931, as passed, applies to Voc. Rehab. facilities in general. However the exclusion provided under the Fair Labor Standards Acts of the United States Government is available only to workshops and work activity centers certified by the wage and hour division of the United States Department of Labor. So for purposes of enforcement as well as greater protection



for workshop clients the Governor is recommending an identical provision be made in the state law to comply with the Fair Labor Standards Act of the United States Government, Section 14(c). I would move for a favorable Roll Call."

Speaker Bradley: "The question is, shall the House accept the Governor's specific recommendation for change with respect to House Bill 931 by adoption of the Amendment? All in favor vote 'aye', opposed vote 'nay'. Have all voted who wished? Have all voted who wished? The Clerk will take the record. On this question we have 152 'aye', 1 'nay', none voting 'present'. And this motion having received the Constitutional Majority, prevails and the House accepts the Governor's specific recommendation for change regarding House Bill 931 by adoption of the Amendment. On the Calendar under Amendatory Veto Motions appears House Bill 1010. The Gentleman from Cook, Mr. Getty."

Getty: "Mr. Speaker, Members of the House, House Bill 1010 is an Amendment to the Indecent Liberties Statute that puts in to Indecent Liberties the traffickers in child pornography. This is a strong Bill. This is the Bill that will make it a Class I felony for the person who produces, who solicits a child to engage in a sexual act for the purpose...for the purpose of filming it or otherwise reproducing it and selling it as child pornography. As I mentioned this regarding another Bill earlier, this is a situation that if we do not pass this legislation we would have a ludicrous incident where a man who produced child pornography could hire someone else to engage in a sexual act with a child. He could then be prosecuted only for a Class 3 felony and not for a Class I felony. But the person engaged or paid to engage in that act who is photographed with the child would be guilty of a Class I felony. I suggest to you that it is the people who produce these things, it's those who solicit the children, it's the parents or guardians who knowingly permit it, who are the most culpable and should be punished accordingly. In addition to this, this Bill addresses another very serious



problem. One of the major metropolitan newspapers exposed the fact that under current law, as it is now, if a person is being prosecuted for indecent liberties and they show that the child accepted money, accepted money, they have an absolute defense as prostitutes. That is a defense to indecent liberties. So that if a male who's 25 years old pays a little boy or a little girl 10 dollars to engage in a sexual act there's a defense in our statute, that's a defense of prostitution and he can't be convicted of indecent liberties. Now that's something that this Bill also clears up. I suggest to you that this may be one of the most important social issues of our time. It also goes further to set out certain circumstances under which the product of this, this filth, this child pornography can be seized and provides for an appropriate release. I would hope that the same type of Roll Call by which this House passed it last spring, 147 to 0 would be the result. Let's say resoundingly Illinois won't tolerate this sort of thing. We want to treat these people in the hardest possible way, that's a Class I felony."

Speaker Madigan: "Is there any discussion? Mr. Telcser."

Telcser: "Mr. Speaker and Members of the House, I agree with the last speaker, the Gentleman who is the Sponsor of this Bill and also with a Member of my side of the aisle who earlier this afternoon had a piece of legislation dealing with the same subject matter. Illinois ought to have on its statute books a proper tool with which to prosecute...indict, prosecute and punish those people who engage in these terrible activities. I must say that I'm in somewhat a state of confusion. If the Gentleman's motion to override fails, I'm not sure what position we're in, now am I sure of what position we'd be in relative to the other piece of legislation heard this morning. I wonder if the Gentleman really wants to persist in his motion this afternoon before we have a chance to sort out the differences in the two pieces of legislation and what would happen should both the Gentleman's present motion



prevail and should this Assembly concur with Representative Stearney's motion, which he will be making sometime today or tomorrow regarding his piece of Legislation. We may very well find ourselves in a position whereby we have nothing on the books in Illinois, nothing on the books to carry out the intent with which this Legislature overwhelmingly passed these Bills. I really doubt very much that I could vote 'yes' on the Gentleman's motion because of the confused state of affairs we now find ourselves in regarding both of these matters. Perhaps if this were taken out of the record this afternoon the Sponsors could see just where we are so that the Member could more intelligently make their decision."

Speaker Madigan: "Is there any further discussion? Mrs. Willer."

Willer: "Yes, thank you, Mr. Speaker. I don't think there's any confusion here. I think the answer is quite simple, just vote in support of the motion. This is a very good Bill, this is the Bill that was raped to go on to the other Bill that we voted on this morning. This is a tougher Bill. This is the work product of the Subcommittee, the Sponsor is to be commended. I think it's pretty bad, this is the second time we've seen the Executive Branch playing politics with a very sensitive subject. First we get gimmicky Class X Felony and now we have this to scrape the spectiveal of an excellent Bill answering the need. The people want a Bill like this and then to have...as I say it was just raped and put on the other Bill that we voted on this morning. There's no confusion. Just support the Sponsor's motion and we'll have a very good Bill."

Speaker Madigan: "Is there any further discussion? There being no further discussion, the Chair recognizes Mr. Getty, to close the debate. Mr. Getty."

Getty: "Mr. Speaker, Members of the House, I would most urgently ask you to give your affirmative vote for this. There is no confusion. This is a Bill that will make it a class 1 felony





to engage, to hire somebody to have sex with a child and photograph it and then sell it. There's no confusion about that. This is tough legislation. This is legislation that's needed. If another Bill is called later on and that, for some reason although it is weaker, although it does not quite address the subject in the same manner, is called, I don't see any basic inconsistency we have, for example....contributing to the sexual delinquency of a minor, which is a lesser offense in many indecent liberty charges. The other Bill could also be passed as a lesser offense but I suggest to you we would be a disgrace if we did not say that those people who engage in this, who pay for it, who film it, who traffic in it should be guilty of a class 1 felony and I ask for your resounding support."

Speaker Madigan: "The question is, shall House Bill 1010 pass, notwithstanding the Governor's specific recommendation for change? All in favor signify by voting 'aye', all those opposed by voting 'no'. Have all voted who wished? Have all voted who wished? Have all voted who wished? The Clerk shall take the record. On this question there are 126 'aye', 6 'no', 11 voting 'present' and the motion, having received a three-fifths Constitutional Majority, prevails and House Bill 1010 is declared passed, notwithstanding the Governor's specific recommendations for change. I'm informed that we can no longer add people to the Roll Calls. On the Order of Total Veto Motions, page 6, there appears House Bill 17. Mr. Kelly. Mr. Richard Kelly on House Bill 17."

Kelly: "Yes, Mr. Speaker and Members of the House, I ask for your support of my override motion on House Bill 17. As you recall, this is a conservative approach to the subject of obscenity and for all intent and purposes it retains most of the language used in the current Illinois Obscenity Statutes, which I might add was upheld recently by the U.S. Supreme Court in a case of Ward vs. Illinois. The current



obscurity law is a very good law and I feel that House Bill 17 is also a very good law because it, in all reality, duplicates most of the language used in the current obscenity law and it goes one step further by defining an interest in violence to be also obscene. I realize that this is the first time that a Legislative Body has attempted to define violence as being obscene. In most cases we think of obscenity as being pornographic. Well, Ladies and Gentlemen, the decision which was made in Ward vs. Illinois related to materials that were not only pornographic but were obscene in nature. And I certainly think that the time has come for Illinois and for that matter, the Legislatures in other states to consider a definition of obscenity which would include violence. Now Ladies and Gentlemen, this particular proposal indicates that violence, in interest in violence, as being a close-up representation or depiction of the cutting, chopping, burning or otherwise maiming the body of a human or an animal. Now, I can't see anything wrong in this very plain outspoken, simple definition of an interest in violence. And I feel that the court, if the opportunity arises, the U.S. Supreme Court or any court in this state would give credence to the fact that there is a coalition between violence and obscenity. Now, Ladies and Gentlemen, in the Governor's Message he indicates that this Bill may be Unconstitutional because of this new approach. And I feel that it will be held up under the Constitution and that there is, as you know, a permanent severability clause with every piece of legislation which passes from this chamber and from the General Assembly which will give... Let's say if the court, if this particular case is tested in court the...that proposal could be stricken and the law would be maintained. Ladies and Gentlemen, the Gentleman also indicated in his Message that this would be unnecessary because of House Bill 1915. And I counter the Governor by saying that House Bill 1915 is in all reality, diametrically the opposite of House Bill 17. And that while



House Bill 17 is a very conservative approach to obscenity, House Bill 1915 would leave Illinois with one of the most liberal obscenity laws in the nation. Now, if you want to vote with people like Larry Flint, with people like Hugh Hefner, publishers of booklets then you had better vote against my particular proposal. But if you believe in maintaining a tradition, which has made Illinois a leader in moral standards, then I would ask that you would support House Bill 17. Ladies and Gentlemen, therefore I ask for your support and move that House Bill 17 pass notwithstanding the veto of the Governor."

Speaker Madigan: "Mr. Brummer."

Brummer: "Yes, Mr. Speaker, Ladies and Gentlemen, I rise in support of Representative Kelly's motion because I too feel that it's important for Illinois to have a strong obscenity statute, one that is consistent with current case law. As I understand it, House Bill 17...it merely uses the language used by the United State's Supreme Court in their landmark decision reached in 1973 in Miller vs. California. This Bill also defines an interest in violence as one having been a close up representation, depicting, cutting, chopping burning and otherwise maiming the body of a human or an animal. This language is not...is not inconsistent with the United State's Supreme Court decision on the subject of obscenity. In fact, when the current Illinois Obscenity Law was recently upheld, much of the evidence used in that case was in the area of violence. The violence provision of this Bill strengthens the Bill. Therefore, I ask for your support in joining with Representative Kelly in overriding the Governor's Veto."

Speaker Madigan: "Mr. Greiman."

Greiman: "Yes, thank you. I wonder if the Gentleman would yield for a question?"

Speaker Madigan: "The Sponsor indicates he'll yield."

Greiman: "I note that the Bill suggests that it would be a crime to



depict the cutting of the body of an animal or a person, is that right? Am I correct?"

Speaker Madigan: "Mr. Kelly."

Kelly: "Thank you. Yes, Representative Greiman. Under..."

Greiman: "So, does that mean that the University of Illinois College of Medicine could no longer show pictures in their surgery classes as to how one might perform surgical procedures? How would they do that in view of this statute? How would they possibly show surgery?"

Kelly: "They can continue to show surgery as long as they want provided that the community does not object to that particular evidence. I think the portions of the Bill which relates to eliminating sporting events certainly has every intent of eliminating the type of problem you're bringing up and I don't think that has a direct bearing upon this particular piece of legislation."

Greiman: "Well, Mr. Speaker, on the Bill. I don't know that surgery is considered a sporting event but Mr. Kelly might feel that it is. Now, it seems to me that we are literally putting the medical schools out of business with this Bill that by any meaning, reasonable meaning of the language of this Bill, the author of a book on surgery is guilty of depicting an interest in violence as that is defined in this statute. Now that's patently absurd but I suspect and I suggest to you that the Bill is patently absurd. It is again a reaching into.. it is a poorly drawn Bill, by the way, which seems to reach into again, the recesses of our minds. This General Assembly commissioned a House Committee to spend time to...to formulate an obscenity statute and I submit to you that House Bill 1915, which has passed this House, which has been amendatorily vetoed and has the approval of the Governor, is the most sophisticated, most intelligently thought out Obscenity Bill that any state has ever had. And I would be proud to be in a state that has that Bill. This Bill is again a book burning, witch hunting appeal to the most basic of our desires the most basic. Again we're told what our moralities should be, what we should think,



what we should read and the First Amendment, the intent of the draft of that First Amendment was that the marketplace shall be the determiner of what we should read and what we should not read, what we shall think and what we shall not think. This is Unconstitutional still and it should be voted 'no'."

Speaker Madigan: "Mr. Williams."

Williams: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. I arise in the full support of the override of this Bill. I'd like to give you a little bit of the history of this. Since 1973 myself, Representative Kelly have had this Bill and prior to that, our good colleague that was on the other side that is now in Congress who is a good friend, Representative Hyde, was the one who had introduced this and I picked it up when he left the House. In answer to Representative Greiman there as far as depicting surgery, it is in the Constitution right now that if it does have a scientific value it is not obscene and therefore it would be allowable. I'd like to point out as a result of the Miller vs. California, where it says that local community standards shall prevail. Actually what the Supreme Court really says is that in the public morality, if it is acceptable to the community, is a law that prevails in our society. The role of law, in this case as in some other areas, I believe is to make a moral statement about the kind of society in which we wish to live. I think this concerns the tone of society and the moral atmosphere is the ultimate regulator of the conduct of our society. If something can be said, if it can be shown, if it is obviously permitted by our society then the young people will obviously consider it as 'doable' and it is okay. I think it is more than a coincidence that other societies that have decayed and have collapsed, I think in a case of the Roman Empire, it has been in an atmosphere of a deeply declining moral attitude on the part of the society... rampant pornography actually raises the questions about the kind of a society in which we wish to live. Or there are those



who say we may not regulate pornography or any other conduct of adults who might be in consent with each other. This is absurd and like all civilized societies, we have long had many rules which attempt to set the moral standards and regulate the sexual conduct. I believe there comes a time and the time is right now when our society is threatened by unbridled obscenity. And societies polluted by moral stench are not likely to survive and that is why the Supreme Court decision and the moral statement it permits the law to make, which is contained in House Bill 17 are imperative that we override here today. And I urge all of the support of all my colleagues in the House."

Speaker Madigan: "Mrs. Willer."

Willer: "Will the Sponsor yield?"

Speaker Madigan: "The Sponsor indicates that he will yield."

Willer: "Representative Kelly, under this Bill, could a movie be made and show depicting the crucifixion of Jesus?"

Kelly: "Well first of all, I think that's a ridiculous question and I think that if it was in good faith and there was...certainly it would be permitted. But if it's not in good faith the community would object to it. It all depends upon the standards of the community as the Supreme Court outlined in Miller vs. California."

Willer: "And if there was a community composed of people who found this offensive because of their own beliefs, they could ban it then?"

Kelly: "If the community whether it be state or a city or a municipality wished to prevent this, this is what the U.S. Supreme Court said in their 1973 decision, that community's standards could be maintained. So, the answer to that question is, yes they could."

Willer: "Thank you."

Speaker Madigan: "Mr. Kelly, to close the debate."

Kelly: "Well, Mr. Speaker and Members of the House, I would just like



to close by pointing out to a...or in response to a question raised by...an earlier Representative raised regarding scientific value. On line...on page 3, line 8 of this particular Bill it says that the effect would be that it could not be abridged unless there is some serious scientific value to this material. So, there is scientific value, which we talked about, then it could continue. So that has no inference or no effect upon this particular law. I think this is an excellent Bill and I would ask for your support of my motion to override."

Speaker Madigan: "The question is, shall House Bill 17 pass, notwithstanding the veto of the Governor? All in favor signify by voting 'aye' all those opposed by voting 'no'. Have all voted who wished? Have all voted who wished? Mr. Kelly, to explain his vote."

Kelly: "Yes, Mr. Speaker and Members of the House, I'll tell you, with the current Illinois obscenity law being upheld you might think that House Bill 17 is unnecessary and possibly it may be except for that one provision which I say is important in the area of violence. And maybe you don't agree with me, but I'll tell you one thing, there's going to be another proposal coming up here shortly. And that's House Bill 1915 and it's completely diametrically opposed to the current statute and this particular Bill. And that particular proposal is only going to need 89 votes to pass and Ladies and Gentlemen, it's going to come very close and it may very well pass and you're going to have a new Obscenity Bill whether you like it or not. I think this is a very excellent Bill. It duplicates the current law. And if you prefer to have...the most...as the Governor said in his particular statement, he did point out that this would be the most far out reaching...1915 would be the most outreaching Bill on obscenity that the United States has. And I'll tell you, if you don't get House Bill 17 you very well likely have that proposal. Thank you."

Speaker Madigan: "Have all voted who wished? Have all voted who wished? Have all voted who wished? The Clerk shall take the record."



On this question, the motion, having failed to receive a Constitutional three-fifths Majority...for what purpose does Mr. Kelly arise?"

Kelly: "Well, if possible, I would like to put it on Postponed..."

Speaker Madigan: "The Gentleman requests that this matter be placed on Postponed Consideration. The matter shall be placed on the Order of Postponed Consideration. On the Order of Total Veto Motions there appears House Bill 186. Mr. Luft."

Luft: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 186 was a result of a great deal of study by the Economic and Fiscal Commission and the Executive Committee and many other people too numerous to mention at this point. I would like to specify that this was not intended to be political in any way whatsoever. The Federal Funds coming into the State of Illinois are now over 2 billion dollars. Last year nonappropriated expenditures of Federal Funds totaled over 57 million dollars in this state. It was thought by most people on the Appropriations Committee and the people dealing with this subject that House Bill 186 was necessary. House Bill 186 was passed by this House without one single 'no' vote, it passed the Senate without one single 'no' vote. It's very simple in philosophy. House Bill 186 simply amends the Finance Act to require the appropriation of all federal monies. It was the...The Governor vetoed the Bill saying that he needed the flexibility of not appropriating these funds so they could try to get more Federal Funds. My feeling is that if we continue to pursue without control of Federal Funds we'll wind up in situations like there were this year when we had to finance the MEG Unit when Federal Funds were withdrawn. We now have to finance with General Revenue Funds and I'm simply stating that I think the Legislature is supposed to be in control of the purse and without this type of legislation we advocate that responsibility."

Speaker Madigan: "Mr. Telcser."

Telcser: "Mr. Speaker and Members of the House, I rise in opposition of





the Gentleman's motion to override the Governor's Veto. It's indeed a very tempting and enticing Bill to support, particularly for those of us who spend years serving in the General Assembly. For those of us who really believe in the separation of powers and the fact that the General Assembly ought to be appropriating all the funds, the fact of the matter is that we do appropriate 99% of the Federal Funds that come into the State of Illinois. There are a small number of dollars, perhaps amounting to maybe 1% of federal money, a small number of dollars that goes direct...as intended by the Federal Government, to the Executive Branch of Government. This money in the main is used for emergency purposes. Now, I wonder if the Members of the Assembly really want to be in a position to have to come into Session in the event of an emergency in the state such as a flood or a fire and have to debate and appropriate the monies, which the Governor would have to release for the purposes of those particular emergencies. I don't believe that any Member of this House really wants to do that or really wants to be involved in holding up, perhaps, the disbursement of funds which would be vitally necessary in a swept manner to be used in some sort of emergency here in this great state. I believe that the Governor's veto was a sound one. It was correct..."

Speaker Madigan: "For what purpose does the Gentleman from Cook, Mr. Lechowicz, arise?"

Lechowicz: "Point of order, Mr. Speaker. The Gentleman is totally incorrect. The emergency provisions are exempted from the Bill."

Speaker Madigan: "Your point is well taken, Mr. Lechowicz. Mr. Telcser, do you wish time to consult with your advisor, Mr. Telcser?"

Telcser: "Not at all, Mr. Speaker, not at all. Representative...the Gentleman who rose in opposition to my remarks may very well feel that the language in the legislation does in fact cover all those emergency contingencies but it is my opinion and



the opinion of the Governor that that is not the case. And that the Governor, whether he is the Governor or some future Governor, could find themselves in the position where their hands are tied when it comes to releasing emergency money. I say to you that we now have the power with the present law without House Bill 186 to appropriate the vast majority of Federal Funds which come into this state but that we ought to leave to the Executive of the state that little bit of leeway to handle certain circumstances which may come up. And those things do in fact happen and I do not want to be a party to tying up the possibility of the use of emergency funds for any unforeseen circumstance."

Speaker Madigan: "For what purpose does the Gentleman from Tazewell, Mr. Luft, arise?"

Luft: "Well, Mr. Speaker and Ladies and Gentlemen of the House, I'd just like to make perfectly clear what he was talking about."

Speaker Madigan: "Mr. Luft, you've already spoken in debate. You'll have an opportunity to close the debate. Mrs. Geo-Karis."

Geo-Karis: "May I address my inquiry to the Sponsor?"

Speaker Madigan: "The Sponsor indicates that he will yield."

Geo-Karis: "Mr. Sponsor, at the present time is it true that about 99% of the federal grants received by the state agencies are appropriated by the General Assembly?"

Luft: "Representative Geo-Karis, I made the statement that last year 57 million dollars of nonappropriated funds were spent in the State of Illinois."

Geo-Karis: "But what percentage does that constitute?"

Luft: "Well, we have a 10 billion dollar budget in this state."

Geo-Karis: "So, wouldn't that be about 99% of it then?"

Luft: "If I can answer a little bit on that too. It's not so much what was spent last fiscal year or the fiscal year. But what we're doing also in this Bill is prohibiting perhaps spending nonappropriated funds next fiscal year and the fiscal year after that of untold numbers of millions of dollars. In Appropriations Committee this morning we spent 37 million dollars



of Federal Funds in a Supplemental Appropriation Bill and if it wasn't specific for the Comptroller's ruling, legally if those Bills would have failed the Appropriations Committee the agency could have gone out and spent that money."

Geo-Karis: "Mr. Speaker, I'd like to address myself to the question.

As much as I'm very fond of the Sponsor of this Bill, Mr. Speaker and Ladies and Gentlemen of the House, I think we're tying the Governor's hands when we're not in Session and he should need to pursue some of these sources. And I think also there has been another House Bill, 2345, that's been passed into law establishing Intergovernmental Cooperation Commissions as the State Central Information Reception Agency as the purpose of receiving information from all state agencies in regard to application for federal grants and etc. I would think, Mr. Speaker and Ladies and Gentleman of the House, that this passage of the...the override of this Bill would be to the extent that it would be against the Governor's goal pursuing all sources of federal aid while the state's resources are limited and when the General Assembly is not in Session. Therefore, I'm going to have to speak against the override of the Veto of the Governor in this particular case."

Speaker Madigan: "Mr. Totten."

Totten: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House.

I rise in support of the override motion presented from the Gentleman from Tazewell. And I do for several reasons. First of all, I sat on the Economic and Fiscal Commission for years and while we wrestled with this problem and drafted the legislation that appears before you today. I sat on the Appropriations Committee since I was elected to the House and I've seen the problems that exist when we have unappropriated Federal Funds. Although this Bill may not answer all those questions and a lot appears to be on who in the Governor's Office as to what we should do. Let me remind you that because the Federal appropriation is going through without us being able to appropriate them, some 25% of our budget is now impacted



by Federal Funds because we've got to match them or either take over the total funding of those programs when the grant lapses. I think the Legislature, as an equal branch of government, has got to have the jurisdiction to look into Federal Funds because of their impact on our total state budget and what the taxpayers of this state may be funding in the future. I think it's important that we put that restriction on the Executive Branch of Government and have the input from the Legislative level which this Bill does."

Speaker Madigan: "Mr. Tipsword."

Tipsword: "Mr. Speaker and Ladies and Gentlemen, I would certainly like to urge all of the Members of the House to very seriously consider this override, because this veto goes to the very heart of the power and the reason for being of the House of Representatives and the Senate. The Legislature of the State of Illinois, if we have any power at all as a branch of state government, if we are left anything under the Constitution that brings us even close to an equal branch of government in this government in the State of Illinois it is the power of the purse and the right and the power to appropriate funds that come into the State of Illinois. Let me give you just a little example to tell you how important I think this is to us. I know one thing, that you are faced day after day with someone coming to you and saying, 'Look, this is what some state agency has done. This is the thing they tell me I've got to do in my business.' And you say, 'I've never heard of it.' And you look and you find it's a regulation that some state agency has passed, has enacted which has the force and effect of law. I know I get that almost every day and I'm sure you do too. And they blame us here in the Legislature for those actions taken by state agencies. Well here is another place where state agencies take action for which you get blamed. They receive money from federal agencies, from federal grants, from federal appropriations that may never get appropriated by us. They use them as they wish



to use them, which they feel may be in the limits that the Federal Government has given to them. And people find those actions and those expenditures made by those agencies and who do they blame when they disagree with them? You. The Legislature appropriates the money in this state. The Legislature tells the agencies what funds they can appropriate and the programs that they can be used for. If we are going to have that obligation to the public then we should also take upon ourselves the right to say if those funds are to be appropriated and used for those purposes that the agencies decide to use them for. Now... I can think of another extreme example in the use of those funds. I can recall this wouldn't have been appropriated by us but at least it was by a university, having some funds that they got from the Federal Government for a research program that people disagreed with all over the State of Illinois. And who did they blame? The university that was using that fund? No, Sir. We got the letters here. We were the ones that said you've got to stop that kind of a terrible program going on. I think it happened to be at Southern Illinois University that this research project was happening. This is a job for the Legislature and when there are Federal Funds we can appropriate them. They say that it doesn't give these agencies flexibility. We return here time after time after time. We were here the first six months of this year. We are back here now. We could have come back a little sooner if it's necessary to provide for the appropriation of these Federal Funds. I sat in the Appropriations Committee yesterday and today acting on Bills to appropriate federal grants that have been come...that have been made available since we were last here in July. It doesn't slow them down that much. We provide these funds and then they come back and tell us, 'Oh you appropriated them for us but now actually we're not really going to use them all this time because we've been three months in trying to train people to use the funds.' They're not going to lose those



funds in the short time that it takes us to come back here. It is the obligation and it is expected by the people of the State of Illinois that we will appropriate until these agencies or departments...whether or not they're going to use funds and whether or not they're going to use funds and whether or not they're going to use them in programs for the People of the State of Illinois that the people want or whether they're going to run roughshod over the people and the desires of the people throughout this great State of Illinois in the use of funds that may come into their hands from some other source. This is the power of the Legislature and unless we have that...we give up our position of equality with the Judiciary. We give up our position of equality with the Executive. And we simply cannot afford to do that to the people in the future. They say most of the funds have been appropriated in the past. That's true. But they may not be appropriated in the future. And just because we have been very careful to appropriate them in the last few years, as much as we possibly could under the limits that we now have upon us, does it mean that in future years they're not going to take them all and run with them without us doing a single thing? We need to know what is done with those funds and we need to override this veto. Not because it was vetoed by this Governor. It's what we need to do as a Legislature in all the years to come no matter who the Governor may be. Thank you very much."

Speaker Madigan: "Mr. Lauer."

Lauer: "Thank you...thank you, Mr. Speaker. Ladies and Gentlemen, out in the country you know, we have this idea that if you want to talk to a mule first you've got to get his attention. And sometimes you have to hit that mule between the horns with a two by four in order to get his attention so you can talk to him we find that a mule is a very intelligent animal and they certainly understood what's being said for them. Now actually bureaucrats fall into the



same category. From time to time you have to get their attention. But instead of hitting them in the head with a two by four we give them a very hard bite in the left hip pocket. Actually, it comes down to a case of Mr. Tipword hit the nail right on the head. We are the ones that get the flack. If there's a misuse of funds, I don't care whether they're Federal Funds or if they're State Funds. I've heard the argument used that these funds...these Federal Funds are flow through and we have no right to interfere with them in any way. Mr. Speaker and Ladies and Gentlemen of the House, I'd like to quote from Article 8, Section 2, Subsection (b) of the 1970 Constitution. And I am quoting. 'The General Assembly, by law, shall make appropriations for all expenditures of public funds by the state'. It doesn't say 50%, it doesn't say 99%, it says all. I don't know that all is a relative term. I was always taught that it was a very exact term and it meant exactly what we all understand it to mean, 100%. And Federal Funds notwithstanding and the so called emergency provisions and argument notwithstanding. In these days of modern communication and modern transportation certainly if there's an emergency we can be called into Special Session and suspend rules so that probably within 2 days time the money can be appropriated so it can be spent. Mr. Speaker, I think the arguments in opposition to House Bill 186 are specious and that this veto was ill advised, would represent a Non-Constitutional usurpation of power by the Governor and the veto should be overridden."

Speaker Madigan: "Mr. Capparelli."

Capparelli: "Mr. Speaker, I'd like to move the previous question."

Speaker Madigan: "The Gentleman moves the previous question. All those in favor signify by saying 'aye', opposed 'no'. In the opinion of the Chair the 'ayes' have it and the previous question is moved. The Chair recognizes Mr. Luft to close the debate."

Luft: "Thank you, Mr. Speaker. I think everything's been said that could be said and I think put quite well. But one thing that



I want to make perfectly clear, the argument was that we could not spend emergency funds. On page 2, line 15 of the Bill it states, 'This Section does not restrict the Governor from exercising emergency powers pursuant to Section 7 of the Illinois Emergency Services and Disaster Agency Act of 1975.' Now, I don't know how much clearer that can be than to say that the Governor can spend these monies in emergency situations. The Bill is not intended to be a political Bill. The Bill is the result of a lot of work of both Democrat and Republicans. I can only hope that you will vote on a common sense approach, it will be a vote resigned that you will not advocate your responsibility as a Legislator and I would move at this time, Mr. Speaker, that we pass<sup>2</sup> House Bill 186, notwithstanding the veto of the Governor."

Speaker Madigan: "The question is, shall House Bill 186 pass, notwithstanding the veto of the Governor? All in favor signify by voting 'aye', all those opposed by voting 'no'. Mr. Schlickman, to explain his vote."

Schlickman: "Well, Mr. Speaker and Members of the House, I'm voting 'no' for four reasons. Number one, this Bill is discriminatory. It applies only to Federal Funds going to state agencies, it does not apply to Federal Funds going to state colleges and universities. Number two, it's making a mountain out of a molehill. We're dealing with only about one percent of the Federal Funds coming to state agencies, 99% are appropriated by us. Number three, Mr. Speaker and Members of the House, I want Illinois to get its fair share of Federal Funds and I don't want the state to be inhibited by our not being in Session and thereby not being able to secure and appropriate Federal Funds that are available on a short notice basis. Federal Funds, Mr. Speaker and Members of the House, that can only be used for legislatively approved goals. Finally, Mr. Speaker and Member of the House, we have a vehicle for auditing the use of Federal Funds. We have a vehicle for the handling of Federal Funds and that's in House Bill 2345, which





this Legislature passed and which the Governor has approved.  
I urge a 'no' vote."

Speaker Madigan: "Mr. Mautino to explain his vote."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, to be very brief in the explanation of my vote...but yesterday we spent about 4 hours in this chamber listening to the Federal Government and a state agency try to explain what happened to 751 million dollars of Federal Funds. 751 million dollars that we, as Members of the General Assembly, did not have any handle on or any notice of or any degree of knowledge of how that money was spent and where it was spent. I submit to you for that reason alone if anyone in this chamber can tell me how that 751 million dollars was spent I'd be most happy to examine their positions. But at this time...at this time... We talked yesterday about a loss of 751 million dollars that we didn't have a handle on. That should be enough of a reason for this General Assembly to examine and allocate federal monies. Please put more green votes on that board."

Speaker Madigan: "Mr. Lechowicz, to explain his vote."

Lechowicz: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I might point out to the Membership that it was stated quite early in the debate that these series of Bills were a byproduct of the bipartisan commission, 12 Members from each Body in asking that they support an issue...an issue of the responsibility of the General Assembly in appropriating all funds. Now, maybe some people in this General Assembly do not believe that 57 million dollars is a lot of money. But I believe that the taxpayers of Illinois expect us to assume that one dollar is a lot of money and in turn when it's 57 million it's our responsibility to appropriate every single dollar that comes into this state. I, for one, brought this matter up before the entire Committee. The entire Commission and asked the will of the Commission as far as the Veto Message on this Bill and every Bill that was a byproduct of the Economic



and Fiscal Commission. The vote on this Bill was unanimous from both sides of the aisle of the Members that were present to go for the override of the Governor's Veto. And the reason why that happened. I believe there's a specific responsibility by the 1970 Constitution, as was pointed out by Representative Lauer, that it is our responsibility to appropriate all monies. I believe that the issue of federal grants are not free. It was pointed out that some of the Membership of this Body received adverse undue criticism on monies that were brought into the State Treasury, allocated and spent without the knowledge of the Appropriations Committee, without the knowledge of the Revenue Committee, without the knowledge of any Member of this body. I believe this is wrong. If you believe in the strong appropriation process, appropriation process of the Membership of this House and the Senate, you'll support the override motion on House Bill 186. If you believe that it's our responsibility to make sure no programs are appropriated for without our knowledge you'll support the override issue on House Bill 186. I believe it's our prerogative and yes, the Executive has his prerogative and his view of the budget but I believe we should be kept informed, make the allocation of the monies. And the capricious argument that this Bill would effect the emergency powers, emergency money, is totally false. This Bill deserves your support. You passed it 152 to 0, it passed the Senate 54 to 0 and now, because of the Bureau of the Budget coming up with very capricious arguments, we're in this stalemate. Any Member who believes in the Legislative responsibilities will vote 'aye' and override this veto. Thank you."

Speaker Madigan: "Mr. Matijevich, to explain his vote."

Matijevich: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, this is one Bill I really think that the Legislature ought to stand up and be counted in favor of because we really are voting for the integrity of the Legislative process. That's really what the issue is all about. I think in years to come we will



find that Legislatures throughout the country, State Legislatures will be speaking out against spending by the Federal Government. What we do with federal programs really has an effect on our state dollars, on our state programs. Many of us have in our district said, 'We have programs that the Federal Government has really thrown at us. There's nothing we can do about it.' Those federal programs then have a limited time and the next thing you know we build up a bureaucracy. That bureaucracy then after the federal program, the time limits run out, becomes the federal...the state bureaucracy. We can't do anything about it unless we adopt Legislation like this so that we have a voice in the federal dollars. It's responsibility, it's accountability. If there's anything I hear my voters talk to me about, it's the fact that we ought to be accountable of public funds. We are speaking out in favor of the General Assembly. We aren't speaking out against the Governor. I urge this House to really speak out in favor of yourselves. You are the Legislature, you are the Legislative process and you should be in favor of that process by casting an 'aye' vote."

Speaker Madigan: "Mr. Dunn, to explain his vote."

Dunn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I happen to be a Member of one of the Appropriations Committees and from time to time we see in Appropriations a situation where an agency is partly funded by state money and partly funded by Federal Funds which come on a pass-through basis. We have no control, we have no means to know what is going on. We need to have this Bill passed so that we appropriate all these funds. I'm certain that no Member of this General Assembly is going to be foolish enough to look Federal Funds in the eye when we really want them and need them and vote to turn them down. No one is going to go home and be on record for that. What we want to be on record for is responsible accounting, responsible appropriating and we cannot do that unless we know the total picture, the total dollars



coming in, the total dollars going out. If we don't see these Federal Funds in the appropriation process, we cannot be responsible. Pass this Bill, put two more votes on the board and you'll make a strike for better government in Illinois."

Speaker Madigan: "Mr. Mudd, to explain his vote."

Mudd: "Mr. Speaker, Ladies and Gentlemen of the House, not to be repetitious, but there's one point that we're missing on this particular Bill. I agree with all the statements made on responsible appropriation of funds for programs that are carried out within the State of Illinois. However, I think one point ought to be made. Many times we appropriate state funds through our appropriations system that is a duplicate service...service or program that's being carried out by some agency within the state with Federal Funds. Now, if we don't have an accounting of the federal monies and appropriate for those, we're spending the taxpayers many times on programs that are being duplicated by Federal Funds. And if that's not a point in favor of this Bill then I...I surely don't know what is."

Speaker Madigan: "Mr. Luft, to explain his vote."

Luft: "Thank you, Mr. Speaker, Ladies and Gentlemen. I'm going to be very brief and I hope I will be the last because I think it's time to get off this. I can look at the board and I can see...and I hope everybody would listen to me, but I can look at the board and I can see people on red that I know that sit on Appropriations Committee, that I know realize that this Bill is a must. But apparently it's obvious to me and a lot of others that we may get the votes but a lot of people are going to have to vote their way for political reasons. So therefore, I would just like to make one thing very clear that one of the Representatives said. He indicated that we were only talking about 1 percent of the total appropriation Bill this year. What he doesn't realize is that next year it could conceivably be 20 percent, it could be 30 percent and as long as the funds keep coming in it could be 50 percent. We



have to put the lid on it. And if we're not going to put the lid on the Legislative process then I think we're going to be in very big trouble. I would hope those people on red or yellow on that board that sit on Appropriations Committee and know that this Bill is legitimate, is for real, will please give us the votes so we, the Legislature, can do our job."

Speaker Madigan: "Mr. Ryan, to explain his vote."

Mr. Ryan: "At the proper time, Mr. Speaker, if this succeeds with 107 I'd like to verify."

Speaker Madigan: "Have all voted who wished? The Clerk shall take the record. Mr. Lechowicz requests a poll of the absentees."

Clerk Hall: "Friedrich. Hoffman. Kent. Klosak. Madison. O'Daniel. Reed."

Speaker Madigan: "Mr. Madison wishes to be recorded as 'aye'.  
Mr. Ryan."

Ryan: "Mr. Speaker, what seems to be the delay here, could you tell me?"

Speaker Madigan: "The Clerk is having a difficult time tabulating the count. He can't seem to find all the votes. On this question there are 106 'ayes', 57 'no' 8 voting 'present' and Mr. Luft has requested that this matter be placed on Postponed Consideration. It shall be placed on that order of business. On the Order of Total Veto Motions there appears House Bill 312. The Chair recognizes Mr. Tipsword."

Tipsword: "Mr. Speaker, Ladies and Gentlemen, this is a motion to override the Governor's Total Veto of House Bill 312. House Bill 312 exempts certain materials used for agricultural drainage from the sales tax. And the reason that this Bill was proposed and passed by us originally is that this is...sales tax is supposed to be a tax on tangible, personal property sold for final use or consumption. That's how it is applied to all other items. But these items of tile and plastic tubing used for agricultural drainage are not sold for final use or consumption. The final use or consumption



in these articles and their use is that the corn and soybeans and hay and the other crops produced on the farms in the State of Illinois in which they are installed are the end product. And consequently these items are just one of the items that go into this final product of grain or hay or livestock. Also, once these items are in place they are no longer personal property but become a part of the real estate and as such are taxed as part of the real estate so consequently in this situation if sales tax is applied to them they are taxed twice. Taxed at the time that the farmer purchases them to take home to put into his land as drainage items and then taxed as an added increment in the value of the real estate which is then drained real estate and more valuable for assessment purposes and is so taxed. So, consequently, I would call upon you to override the Governor's Veto of House Bill 312 because this does not really meet the test, these items do not meet the test of those things that should be subject to sales tax in the State of Illinois. They are not for final use and consumption at the time they go into drainage. And they are also subject to double taxation in the State of Illinois and I urge all of the Members of this House to please participate in the override of this particular veto by the Governor of House Bill 312."



Speaker Madigan: "Mr. Ewing."

Ewing: "Mr. Speaker and Ladies and Gentlemen of the House, with all due deference to my colleague from the other side of the aisle, I don't know how anything could be much more final than to plant it in the ground for the next forty years for use. Now we've been chipping away at the sales tax revenue of this state for special interest groups in the last three years that I've been down here. And I think it's high time that we quit it or we'd better be prepared to increase the sales tax or increase the income tax. We've done plenty for the farmers this year. They don't need this type of aid. We've got plenty of places for that money. It is final use. It is a good tax. And I think that the Governor's veto ought to be upheld. Thank you."

Speaker Madigan: "Mr. Lauer."

Lauer: "Mr. Speaker, will the Sponsor yield for a question?"

Speaker Madigan: "Mr. Lauer."

Lauer: "Will the Sponsor yield for a question?"

Speaker Madigan: "The Sponsor indicates that he will yield."

Lauer: "Representative Tipsword, what is the total fiscal impact of the Bill?"

Tipsword: "I wish you hadn't asked that and I'll tell you why I wish that. This is not my Bill. This is Representative O'Daniel's Bill, who is now no longer a Member of the Legislature having taken a position with the federal government. Perhaps, I'm not sure, but perhaps my colleague on this, Representative McMaster, knows what that amount might be. Oh, I am advised here and it apparently appears in the synopsis that both state and local tax together..... it's something less than a million dollars. It's probably one of the smallest ones that we've had of the..... changes in the state sales tax. I regret that I didn't have that at my fingertips and I thank Representative Brummer for it."

Lauer: "Mr. Speaker, if I may address the Bill."

Speaker Madigan: "Mr. Lauer."

Lauer: "We are here making a huge thing..... or apparently there's an attempt to make a huge thing out of a tax law for something less than a million dollars. Mr. Speaker, I can't help but wonder how



far we have to go toward ruining the economic climate of this state before we find out down here that maybe we don't always know best and that maybe it might be better to leave some of the money that people take in in their own pockets to be spent to their own devices. I think Representative Tispword's remarks are extremely well taken when he says that this tile and plastic drainage pipe does not fall within the category of a final use. It certainly is not for any kind of consumption purpose because I farm a farm right now where the drainage tile was put in in 1890 and it's still working beautifully. Now by the same token that drainage tile has had real estate tax paid on it every year since 1890 and I anticipate that it will probably continue to have real estate tax paid on it and at a relatively high rate at some years to come. The reason I say that is because the value of that land is at this moment relatively high. And without that drain tile I guarantee, Mr. Speaker and Members of the House, that that land would not produce a 'fuss'. Two men couldn't raise a 'fuss'. In fact, it would take at least three and a rabbit would probably have to carry his own provisions as he went across that square hundred and sixty because at one time it was a frog pond. Ladies and Gentlemen of the House, the farming economy right now is in kind of doldrums. Drain prices are down, land prices are up and the farmer is being caught in an economic squeeze. And it would appear that when we are accused of favoring a special interest, when we try to give some tax relief to a much pressured area, that we in the legislature are again attempting to create a bad economic climate in agriculture just the same as we have done in a great deal of industry. Mr. Speaker and Ladies and Gentlemen of the House, I strongly solicit an 'aye' vote on this motion to override House Bill 312."

Speaker Madigan: "Mr. McMaster."

McMaster: "Mr. Speaker and Ladies and Gentlemen of the House, I along with Representative Tispword.... and I cosponsor the motion to override the Governor's Veto of House Bill 312. It has been well said by other speakers here of the need for this. Certainly this is one of those falls when those of us out on the farm realize the





need of more tile. We have many fields in this state that will not be harvested until after the ground freezes up. I think another thing to be recognized is the fact that we have taken the sales tax off of other products used for farming purposes such as fertilizer and limestone. I think it is only right that we add farm drainage tile and plastic tubing for that purpose... to this list that is exempt from sales tax. I strongly urge a 'yes' for this motion to override the Governor's Veto."

Speaker Madigan: "Mr. Tipsword to close the debate."

Tipsword: "Ladies and Gentlemen, I would just ask you to consider very carefully this Bill. Recall that at the time that it was passed in this House, it passed by 143 votes to 12. It is an insignificant amount of money in comparison to most of the other items that we deal with. It is large to the individual, but to the budget of the State of Illinois it certainly is not large. And this is an item that increases and enhances the value of land throughout this state and increases and enhance the productivity of the land in the State of Illinois and thereby very essentially contributes to the total income of the people and the economy of the people of this state and certainly to all of the income of the State of Illinois. And I would certainly urge that we override the Governor's Veto of this House Bill 312, considering that it does not really meet the essential test of a sales tax for it is not for final use and consumption. Therefore, I urge the override of House Bill 312."

Speaker Madigan: "The question is, shall House Bill 312 pass notwithstanding the veto of the Governor? All in favor signify by voting 'aye' and all those opposed by voting 'no'. Mr. Byers."

Byers: "Thank you, Mr. Speaker. I think that this is an important Bill for the farmers in our state. I think that the tile that they put in the fields help to increase the production and also encourage more production. And I think right now we need to encourage people to stay in farming rather than get out. And I think would be a great help to the people of the entire State of Illinois. And for that fact, the whole United States of America. I think that you should reconsider, you people that are voting 'no',



to vote 'aye' on this Bill because it is very important to the people from the agriculture community."

Speaker Madigan: "Mr. Stuffle to explain his vote."

Stuffle: "Yes, Mr. Speaker and Members, realizing that this is a Bill that Representative O'Daniel put a great deal of time into and realizing that many of us come from agricultural areas, that it's most important that this pass. The revenue loss aspect of the Bill is not that great, it's been pointed out both by Republican and Democrat on this floor. Moreover, I find it difficult to see some of those from agricultural areas who have talked so much about the business climate in this state being hurt under the tax ..... many of us who have taken opposite positions on some issues to be voting against this measure. I would urge each of those people to reconsider in their own minds and cast an affirmative vote for this piece of legislation."

Speaker Madigan: "Mr. Lechowicz to explain his vote."

Lechowicz: "Thank you, Mr. Speaker. Very briefly, the original contents of this Bill would exempt the Retailor's Occupational Tax for materials used for agricultural drainage purposes. Now this ... if you don't pass this, it could revert back to the taxpayers in the respective districts. I think it deserves your support. It's for a purpose that every agricultural community in this state is in support of, long been overdue.... it's been.... it should have been rectified a long time ago. Thank you."



Speaker Madigan: "Mr. Brummer to explain his vote. Have all voted who wished? The Clerk shall take the record. On this question there are 117 'aye', 44 'nos', no voting 'present'; and the motion having received a Constitutional three-fifths Majority prevails and House Bill 312 is declared passed notwithstanding the veto of the Governor. On the Order of Total Veto Motions there appears House Bill 333. The Chair recognizes Mr. Leinenweber."

Leinenweber: "Thank you, Mr. Speaker, I think most of you know the contents of House Bill 333. What it seeks to do is establish the public policy of this state in regard to the expenditure of Medicaid Funds, and that is, to prohibit the state from spending Medicaid Funds for abortions unless the life of the mother is in danger. The issue is, in my opinion, is not whether or not we have abortions or not have abortions. That case, unfortunately, was decided by the United States Supreme Court. The issue is, what should the public policy be in this state in regard to the expenditure of taxpayer's funds. Now this issue was litigated all the way to the United States Supreme Court last spring and resulted in the case of Mahar versus Roe. The United States Supreme Court stated...very clear terms that it is up to the individual State Legislators to determine how Medicaid Funds, how public funds could be spent for medical services for terminations of pregnancy. In other words, the state can use the the funds or it can choose not to use funds. It is my position, and I believe the position of all those...most...vast majority of those people in this state who care--unfortunately there are a lot of people who don't care--but of those people who do care, it is my strong feeling that the vast majority of them favor House Bill 333 and we should make a public policy determination that taxpayer's funds, those funds extracted from our taxpayers in this state, should not be spent for abortions unless necessary to preserve the life of the mother. Now, what reasons should guide this state in determining the public policy? First and foremost, I would suggest to you that millions of people in this state and elsewhere strongly feel that nontherapeutic, nonmedically



necessary abortions are immoral and wrong. And I think it is the providence of the state that they take into sound consideration the feelings of those taxpayers whose tax money we vote to spend. Now over and above the overriding consideration of what the taxpayers feel in regard to the expenditure of their funds, I would suggest there are other compelling reasons for the State of Illinois to do what in the terms of Mahar versus Roe the Supreme Court said we could do, and that is, by legislation to prefer childbirth over abortions. I would suggest to you that...you talk to people who want to adopt children, and there are thousands of people in this state who this day are waiting to find a child that they can adopt--who for one reason or another cannot have children of their own--thousands of people are forced to go to the black market and pay... literally thousands of dollars in attempts to obtain a child that they can raise. I would suggest to you that the overriding reason why there are no children available in the State of Illinois and elsewhere is the policy of this state currently to spend taxpayer's money to abort the unborn. Another compelling reason for the state, I think we should look to the fact that we are now in the State of Illinois and elsewhere, at below zero population growth. I would suggest to you that it is a very sound fiscal reason for the state not to encourage the destruction of its unborn, and that is, to consider the fact that when those of us reach retirement age, that we do have some children left to supply the money to pay for our retirement and to take care of us. Very briefly, I don't want to dwell on the issues raised in the Governor's Veto Message. All of those issues were argued extensively in Committee and on the floor of this House last spring when we overwhelmingly adopted House Bill 333. There was nothing new raised by the Governor, they've all been considered before. The equal protection clause of the Constitution is not violated by House Bill 333. The United States Supreme Court has made that very clear. As far as the back alley butchers, I would suggest to you, you go back and read some of the articles in the Chicago press about the so-called



abortion clinics in that city which literally hundreds of people per day go through there obtaining quickie abortions. I suggest to you that you read those exposes and determine for yourself whether or not those people who currently stand in line to obtain abortions are receiving proper medical care. I would suggest to you that with the present cost of abortions in these clinics that we aren't causing any particular hardship that would...would resurrect the back alley abortionists. Again, are we being fair to the poor? Well, for....first of all, there's no equal protection problem because the state would not provide anybody with a free abortion unless it's medically necessary. What about reverence for life...to have these hundreds of people go through during their lunch hours to obtain abortions? What about the counselling these people receive? What kind of counselling do you receive when you run through a hundred people a day? I would suggest to you that the emotional scars that these procedures leave on these people is a good reason not to be so fast and ready with the state's money to provide them with these free abortions? What about rape and incest? First of all, it should be enough to say that they are virtually unheard of. And I would just point out that the Bill does not prohibit an abortion. All the Bill addresses is the question of the expenditure of taxpayer's money. And I might say that to suggest to you that the scars of a rape or an incest are not going to be eradicated by an abortion. And I would suggest further that it's quite possible additional scars will be heaped upon those already there. Finally, I'd like just to point out that the unborn is a separate, distinct human life. And this is not a theological argument, this is a biological and genetic fact. The unborn is not potential life but it is human life with potential. And I'd like to share with you the words taken from the yearbook of Obstetrics and Gynecology in the year 1940, and I think they're very apropos. 'At the present time when rivers of blood and tears of innocent men, women and children are flowing in many parts of the world, it seems almost silly to be contending over the right to life of an unknown atom of human flesh in the uterus of a woman.'



No, it is not silly. On the contrary, it is of transcendental importance that there be in this chaotic world one high spot, however small, which is safe against the deluge of immorality and savagery that is sweeping over us that we, the medical profession, hold to the principle of the sacredness of human life and of the rights of the individual, even though unborn, is proof that humanity is not lost'. In closing, Mr. Speaker, Members of the House, I would suggest that the public policy of this state ought to be that embodied in House Bill 333. I therefore, Mr. Speaker, move that House Bill 333 do pass, the veto of the Governor notwithstanding."

Speaker Madigan: "Mr. Kelly."

Kelly: "Thank you. Mr. Speaker, Members of the House, I rise to support Representative Leinenweber in House Bill 333. In my opinion, this is the most important subject which will come before this Body during the Fall Session, and that is to protect the lives of not only thousands but in reality, millions, of unborn children who will be aborted by use of Public Aid Funds. Now I resent my tax dollars being used to finance abortions and I know that many of my constituents join me in this particular view. It seems to me that the taxpayers should have something to say about how their tax dollars are being spent. House Bill 333 is consistent with the efforts which are being made in Washington. And it's also consistent as Representative Leinenweber pointed out with the recent decision of the U. S. Supreme Court which proclaimed that states can make this determination. You know, Ladies and Gentlemen, life is a precious thing and we have a responsibility not only to our forefathers but to mankind to maintain and defend the rights of the unborn. I gladly rise in support of Representative Leinenweber's motion."

Speaker Madigan: "Mr. Gaines."

Gaines: "Mr. Speaker and Ladies and Gentlemen of the House, it intrigues me that the persons who are hollering the loudest to deny the rights of a legal abortion to poor people don't have poor people in their districts. It also amuses me, and also disdains me, that they're mostly the same ones who vote not to give these



children subsistence in terms of public aid once they get here. They say, 'Bring them in then starve them to death. Bring them in then don't give them adequate health care so they catch something else and die'. These are not the people who want more medical care for babies of a public aid recipient. And I'm quite sure that if some grotesque imbecile impregnated their daughter or wife they'd find an abortion center. I'm quite sure that the rights that they want to deny persons because they are on public aid are rights that most of the people in their districts cherish even though they may be secretly rather than publicly. I do not feel that persons because they're on public aid should be denied a legal right. They talk about the court decision. The court decision says it's just as legal not to have this restriction. It does not say you have to have this restriction. And the whole country agonized on this issue...and taxpayers on both sides. So no matter what you do, some taxpayer is going to have his money spent or not spent as he or she does or does not see fit. I don't hear these people getting up defending the rights of the poor to have other things other than babies. Then the same ones will get up later when we have the Public Aid Budget and swear up and down that they have babies just because they want to raise their level of subsistence. You can't have it both ways. So therefore, I'm urging you to support the courageous stand of our Governor. Thank you."

Speaker Madigan: "Mr. Mugalian."

Mugalian: "Thank you, Mr. Speaker. I think that the aim of the law should be to reduce the degree to what governmentary treats its citizens differently. For example, the criminal justice system is, or should be, judged on whether all defendants receive a fair trial regardless of their station in life and regardless of their financial resources. This concept pervades our Anglo-American jurisprudence and has been incorporated into our State and Federal Constitutions...equal protection under law. No person may be deprived of life, liberty or property without due process of law. Which means that all persons are entitled to due process. The perfect law, Ladies and Gentlemen, and perfect



laws would not permit a small differential in treatment. It would permit no differential. Equality of opportunity, equal access to the marketplace, equal guarantee of civil liberties, equal educational opportunities, equitable criminal sentencing, that's what it is all about. This is an ideal toward which we must strive although we may never obtain it. It has an ancient honorable origin from Aristotle who spoke of distributive justice. Who St. Thomas Aquinas, the Magna Carta, our Declaration of Independence and the U. S. Supreme Court decision, in Brown against Board of Education. House Bill 333 does violence to that concept. It is a step backward. In the Governor's words, 'It is also cruel'. House Bill 333 is essentially a selfish assertion of private, personal, judgmental morality. It says, 'You shall not use my tax monies for what I consider personally objectionable'. Not only is this sentiment selfish, it is grounded on money selfishness. Or at least it is only operative against the poor. HB 333 asserts...it asserts, 'I don't care that this strikes the poor, the frightened, the weak. Thou shall, if thou are on welfare, bring the result of violent rape or incest to full term. I can't impose my standards on the well-to-do but I can impose them on you and I will'. That's what that Bill asserts. Now it may be argued by proponents of this Bill that it only goes part way in preventing abortions but that that is not the fault of the Sponsors. It is a step in the right direction they will urge. I suggest that this step ... step makes the situation far worse. That it creates a form of apartheid. That it walls off the poor. The anti-abortionists would probably settle for a law that would prohibit all abortions except those to save the mothers' life and except in cases of rape or incest. Not all of them would, of course, but that would probably represent to them an acceptable compromise. Surely they would extend these three exceptions to welfare women. But HB 333 says to the poor, 'You and only you, cannot terminate a pregnancy resulting from rape or incest. The U. S. Constitution may protect only the well-to-do'. The Governor says that quote, 'He can understand the intent of the Sponsors and Members





of the General Assembly but that they did not, 'intend the cruel result'. I suggest that the Governor is placing tax above candor. But be that as it may, there cannot be any misunderstanding as to the invidious discriminatory effect of this legislation. Therefore, Mr. Speaker, the effect and the intent are now unmistakable. I urge you all to sustain the veto."

Speaker Madigan: "Mr. Ewell...excuse me, Mr. Mann was up prior to Mr. Ewell. Mr. Mann."

Mann: "Thank you, Mr. Speaker. I don't think anyone in this House has more respect for the Sponsor of this Resolution than I do. I think that Representative Leinenweber speaks with great sincerity on all issues, including this one. And I must also bare my soul to the extent that I am troubled by what would seem to be a contradiction between my concern for life, as evident by my Sponsorship of Capital Punishment Abolition Legislation and then my position on this legislation. I don't feel qualified to get into a metaphysical or medical colloquy on whether or not life starts at a different time or period during pregnancy. But it does seem to me that we are now witnessing one more example where government is coming down on the poor. There are close to two-hundred-thousand women living below the poverty line in the State of Illinois, who have to raise babies on thirty-four cents a meal in this day and age. And where, despite our pleading and begging, we can't get even a five percent cost of living increase. Even though the cost of living has gone up seventeen percent since the last cost of living raise was granted. Secondly, we can't even get prenatal care for these two-hundred-thousand women because the double standard of color and poverty prevails in our entire health care system. Third, here we sit over one-hundred and fifty men voting on the lives and the bodies of women. And I just wonder if that is an appropriate thing to do. I think that a women should have some control over her own destiny, over her own life and over her own body. Finally, I would say this to you, in the State of Illinois where you have about a million and a half people living below the poverty line, the poverty line



not set by Russia or some other country but set by the United States of America, people who are denied equal justice before the law in our courts, equal health care in our hospitals; for how long do you think these people are going to take government tyranny and government abuse when it comes to them? I would suggest to you that when you cast this vote, you search your minds and your hearts. You recall, if you will, the double standards that permeate our society throughout. You know and I know that a wealthy affluent woman in Chicago and in the State of Illinois can get an abortion anytime she wants to, anywhere because she has the means to do so. You don't say that you're going to deny her deductions on her income tax. You don't say that you're going to discriminate against her in terms of access to private medical care. But what I'm saying is...I'm about to conclude, Mr. Conti, I'm about to conclude."

Speaker Madigan: "Mr. Conti."

Conti: "Mr. Speaker and Ladies and Gentlemen of the House, point of order. We've got an awful lot of Bills to discuss and Bradley... the Chairman up there before suggested that we speak not on the merits of the Bill. This Bill was discussed in full length. What we should be doing here is deciding to override the Governor's veto or not. The last three Gentlemen who talked spoke on the merits of the Bill. And I think that we're going to be here until 3:00 in the morning if we discuss the merits of each and every Bill. The issue here is to override the Governor's veto or not to override it."

Mann: "Well, to the distinguished Gentlemen and my friend, Mr. Conti, I've been here 15 years and I thought Members had a right to speak on issues. And I'll never cut you off, Sir. And it's not an Amendatory Veto, it's a total override. I'll conclude by saying that I hope you weigh this issue and your conscience and then vote."

Speaker Madigan: "Mrs. Dyer."

Dyer: "Very briefly, Mr. Speaker and Ladies and Gentlemen of the House, certainly no one has more respect for the Sponsor than I. We



agree on many other important issues. So when I make my three quick points I hope he'll remember I'm speaking about the Bill and not the Sponsor. There are three reasons why this is a very harmful Bill and why the Governor's veto should be sustained. First, as a woman, as a mother and as a grandmother who has just welcomed a new grandchild with great joy, this summer, I'd like to point out to the Sponsor that the normal, natural thing is for a baby to be wanted and to be welcomed and to be provided for. That is the natural pattern of humanity. When any woman is desperate enough even to think of abortion she's already gone through a traumatic stage. This Bill does not permit her even to abort a fetus even in cases of rape, incest or in a prediction of fetal deformity. So even if there are predictions that the child is going to be mongoloid, under this Bill the poor women in this state will go on and have to bear this type of child. I think that's a very unfortunate aspect. Second, I think everyone in this room should be mindful of the fact that the health insurance plan paid for by taxpayers, available to the General Assembly, who's salary is paid for by the taxpayers, does include coverage for abortions. So, I think that the Bill is hypocritical in that sense. Thirdly, I think we should remember the historic separation of church and state in this country. The Supreme Court has very wisely said that every woman in the first trimester has the right of individual conscience to decide with her position whether or not she wants an abortion. We're taking away this right now from poor women. And I'd like to warn every Member of this General Assembly to think how they would feel if one day a member of Jehovah's Witnesses happens to be a Representative here and wins enough clout and enough influence to pass a Bill saying there should be no more blood transfusions. Or if a Member of the Christian Science Church gains enough power to say that we can't have any medical insurance of any kind because we believe in spiritual healing. I think we have to keep church and state separate. I think that the



Governor's veto should be sustained."

Speaker Madigan: "Mr. Ewell."

Ewell: "Mr. Speaker, Ladies and Gentlemen, I sit here and listen to the voice of the righteous who will now impose for all people, their will. They say that they are sensitive men. And that they have feelings and they understand. They are so sensitive that they will tell us they can even hear the unborn cry. But yet, these same Gentlemen do not see these children when they come here and live in misery, squalor and poverty. They say we cannot see them, for they are costly. They say they hear the unborn, but they have no feeling for the uneducated and the unemployed. When the time comes to pay the bill for the education because these children are unfortunate, they say 'No, no. We believe only in a system where everybody pays their own cost.' These Gentlemen, sensitive as they are, refuse to even speak for the weak and the unfortunate and those who have no voice. But even beyond that, they refuse to even read the Veto Message of their own Governor. For there the entire thing is laid out, what the Bill does and what the Bill does not do. And I certainly do not have to read this Bill for you or the message for you. But I would like to quote the Governor's final line, in which he says, 'In the end a man can act only out of sense of duty and conscience. The Constitution of Illinois confers that duty upon the Governor and my conscience has told me how to answer it, whatever the political cost.' That, Ladies and Gentlemen, is a statement of political courage. I, too, will join the Governor because he is right. And I suggest to the Members of the other side of the aisle, it's very easy to run when you think you can help yourself and your district pick up a vote or two here. But remember, you keep chopping, whittling down your Governor, you're going to have nothing left to hide behind and the people will soon see you. The Governor is correct in the message, he's entirely right and I will answer my conscience and I will support him in his Veto Message. Thank you."



Speaker Madigan: "Mr. Telcser."

Telcser: "Mr. Speaker and Members of the House, I rarely, if ever, get up to speak on a subject such as this. In the past I've cast my vote and that was it and I really had intended to do that today only. But a prior speaker, the Lady from DuPage, I think really very succinctly hit the nail on the head when she alluded to the fact that the court, based upon their decisions I think, would clearly rule this piece of legislation, should it become law, unconstitutional. The fact that it eliminates situations such as rape and incest clearly makes this piece of legislation, in my opinion, so restrictive and so narrow that it is unlikely that any court would uphold the constitutionality of this piece of legislation. That, I think, is a very important point. It's a point which I think that every Member ought to consider, regardless of how they believe the other facts fall upon this question. I believe that the Governor did do a courageous thing when he vetoed this piece of legislation. As the prior speaker, I think that he ought to be sustained, I hope he's sustained and I urge every Member to vote to sustain the Governor's Veto on this particular Bill."

Speaker Madigan: "Mr. Davis."

Davis: "Mr. Speaker and Ladies and Gentlemen of the House, I rise to support the evictions of the Governor of the State of Illinois on House Bill 333. And I also want to say, in his Veto Message, he has made the most profound statement any Governor has ever made in his veto. Surely, this statement will be included among the great statements that men of past ages have made. And I will quote, 'I hereby return House Bill 333, withholding my approval and ask you to prayerfully and carefully consider the human consequences involved. If you reaffirm initial decisions...your initial decision that this Bill shall be law, prayerfully consider.' That is the most profound statement because that's exactly what I've done. A lot of people were down here, I guess two weeks ago and they came



to me, some of them from the various churches on the south side, some of them even from my church and say, 'We came down here. We're going to stop this abortion. We're opposed to them and we're going to stop them.' And I said to them, 'That's your right. But you're not going to stop abortion because the Supreme Court has pointed out the Constitutional Rights of women to have abortions.' I said, 'What you're going to do is stop poor women from using Public Aid money for abortions. That's all you're going to do. Instead of coming down here picketing us in the General Assembly, you ought to be in Washington picketing the Supreme Court because they're the ones who rendered the decision, not us. We simply are lawmakers and they are the highest law interpreting body in the world... in our country rather. And that they have said that it's the woman's Constitutional Right.' Now everybody's talking about, the Supreme Court is talking about...saying about the state doesn't have to appropriate money. Well, I want you to know that with some dissenting justices in that decision, Justice Brennan, Justice Marshall and Justice Blackburn, this is what they said. 'If a state must pay the cost of a live child's bread, as a necessity, medical expenses, it must also pay the costs of elective abortion. For the procedure in each case constitutes necessary medical treatment for the condition of pregnancy. Therefore, the state cannot contend that it protects its fiscal interests in not funding elective abortions when it would cause far greater expense in paying for more costly medical services performed in carrying pregnancies to term. And after birth, paying the increased welfare bill incurred to support the mother and the child.' Now, I respect every man's religious convictions and every woman's religious convictions. Back in the 20's I was a Scout Master and I heard a beautiful speech on the floor by one of the young men who was in my troop in those days. I went down in West Virginia, when a man I regard as a great liberal was running in the Democratic Primary to oppose John Fitzgerald Kennedy. And I spoke with a lot of



feeling down there and a lot of people came to me and said, 'What's wrong with you? Are you really against Mr. Humphrey?' And I said, 'No, I'm not against Mr. Humphrey, I'm for Mr. Kennedy. And I'm going to tell you why I'm for Mr. Kennedy. We've got an opportunity here to kill two birds with one stone. One is the old bird known as 'religious prejudice' and the other one known as 'racial prejudice'. And I'm down here to take a shot at him.' And we took a shot at him and the results are that Kennedy finally went on and was elected as President of the United States. The first Roman Catholic ever to be elected. And my heart was proud. And certainly of his performance, there's no question about what he started the ball 'a rolling in this nation that resulted in the things we enjoy. I was absolutely right. I know I was right and I respect your religious convictions but let me tell you this; when someone comes to me, as a preacher, talks to me about an abortion and wants my advice, do you know what I'd tell him, confidentially? It's better to have that child on your knee than to live forever with that child on your conscience. That's the way I feel about it, personally. But this Bill is simply a Bill robbing women of their Constitutional Rights simply because they're poor and I think we ought to rise, irrespective of any political consequence, we ought to rise to the dignity of the occasion and support the Governor who has made, I believe, one of the most important statements that has ever been made by any Governor. And he said that he made it prayerfully and I think that that's a great statement and I plead with you now. Forget about the political consequences and uphold this man when he's right."

Speaker Madigan: "Mr. Kosinski."

Kosinski: "Mr. Speaker, I feel that minds are well made up, no additional rhetoric will change any votes and in the interest of time, I respectfully move the previous question."

Speaker Madigan: "The Gentleman moves for the previous question. All those in favor signify by saying 'aye', all those opposed by saying



'no'. In the opinion of the Chair, the 'ayes' have it and the motion carries. Mr. Bradley, to close the debate."

Bradley: "Well, Mr. Speaker and Ladies and Gentlemen of the House, I would like to respond to some of the Members who I'm sure very sincerely opposed this legislation. It's a relatively simple Bill, as Representative Leinenweber has explained. It does not prohibit anybody having an abortion. It prohibits the people who are on welfare from having an abortion. One Member of the Assembly suggested that we who sponsored this legislation for a number of years were not responsive to those who are not as fortunate as maybe we are. I would suggest to those Members that they look at the voting record of all of us concerning the Education Bill. Title One... The Title One money that we send to those people who are in dire need insofar as education, whether it be in the East St. Louis area where we contribute over \$11,050 per student in that particular school system and I supported that legislation and I support Title One. I know some school children are receiving a flat grant. There's no question about the need. I believe the budget in the State of Illinois, almost one-third of it, which I support, Representative Leinenweber supports and other Members support. Over one-third of our funds go to the needy. Mr.... One Member of the Assembly has some question about the...his position regarding the Death Penalty and the Bill we are facing here today. Let me quote to you from the Chicago Sun Times on Wednesday, November 2nd. 'A Federal Family Planning Expert said Monday that the vacuum method of abortion also should be used much later in pregnancies than is now customary because it is cheaper, safer, psychologically less wearing on the women than other methods.' They go on to say, 'For abortions later than the 12th week the standard procedure involves inducing labor in the woman to expel the fetus.' And this is the... I would like to underline this next, the last part of that sentence, 'inducing labor on the woman to expel the fetus which is killed





earlier by a salt solution.' It's also...the Governor's message has been quoted rather extensively. I'd like to quote from the message also, because I did read it. And in the third from the last paragraph he says, 'I understand that in vetoing this Bill I depart from the position expressed by the President of the United States, the Congress of the United States, the Department of Health, Education and Welfare and the General Assembly of the State of Illinois. I also believe, in so acting, I am going against the sentiments of the majority of the people of Illinois.' I read the message on more than one occasion. And those words struck home to me more than anything else. The majority...the majority of the people of the State of Illinois, regarding the question of the Constitutionality, I think that question has been resolved by the Supreme Court of this nation. So, I would simply urge that those people who voted for this Bill when it came through this House some time last spring vote again to pass this Bill, notwithstanding the veto of the Governor. Thank you."

Speaker Madigan: "The question is, shall House Bill 333 pass, notwithstanding the veto of the Governor? All in favor signify by voting 'aye', all those opposed by voting 'no'. Mrs. Willer, to explain her vote."

Willer: "Yes, Mr. Speaker, I voted 'present' on this last spring because I believed the Bill was unconstitutional. The courts have declared it is not unconstitutional, we may pass this legislation. I'm voting to support the Sponsor to override the veto of the Governor because I truly believe that the 'embryonic child' as President Carter phrased it, is a human being with the same values I have. I do not cast my vote because of religious convictions. I quarrel with the Catholic Church on most other issues, quite frankly, involving sexuality. I am not casting my vote on the basis of what's popular in my district. I just took a poll, over fifty percent of the people in my district favor the Supreme Court Decision. I have



reason to believe they will not like me for this vote. Certainly, the people who supported and helped me get elected are horrified at my vote. They have called me constantly about it. This is a vote of my conviction that the fetus is a human being. This is saying I believe therefore it has the same worth I have. I am appalled and I would just say I hope the Sponsor doesn't really feel that...I hope he doesn't try to perpetrate upon the people of Illinois the idea that the children born, because of this action we are taking, will be wanted, will be adopted. Let's not kid ourselves. This is a cruel Bill. I know it is and we should admit it but it is not as cruel as destroying the fetus and that is why I'm casting my vote."

Speaker Madigan: "Mr. Johnson, to explain his vote."

Johnson: "Through all the discussion by the opponents of this Bill, the one thread that weaves through their comments is concern for the underprivileged or the poor. I share that concern but they all ignore and all the discussion has ignored one group of the poor who are not afforded protection but through the passage of this Bill and that's the unborn poor. The unchild...or unborn who might grow up to be a physicist or an author or if he's really unlucky, a Legislator or something that's going to be productive for society. I think we're making a valued judgement that somehow the unborn poor have less a right to protection and less a right to life than other people do. And I think that that's a protection that society ought to afford everyone, the right to life. And that's more important in my judgment than any other single right we have."

Speaker Madigan: "Mr. Deuster, to explain his vote."

Deuster: "Very briefly, Ladies and Gentlemen of the House, the question is not here anything to do with individual rights. This legislation does not grant, expand or limit or take away anybody's individual rights. What this legislation does is simply establish the public policy that the people expect to establish in the State of Illinois with respect to the attitude toward life and toward the attitude of what some of us don't like to refer to



but what it really is is the killing of unborn children. We are not taking away the Constitutional Rights that have been recognized by the Supreme Court. An individual person anywhere in the State of Illinois can choose to terminate a pregnancy or have that child in the womb killed. What we are doing is saying, 'We're not going to promote it, we're not going to subsidize it, we're not going to reach into the pockets of the taxpayers of Illinois and force them to pay for something that they think is wrong and they think that's something that should be discouraged as a matter of public policy.' The rights remain, what we're doing here is not subsidizing and promoting that practice."

Speaker Madigan: "Have all voted who wished? Have all voted who wished? The Clerk shall take the record. On this question there are 126 'aye', 42 'no', no voting 'present'. The motion, having received a Constitutional three-fifths majority prevails and House Bill 333 is declared passed. Notwithstanding the veto of the Governor."



Speaker Madigan: "That's what we're going to do, John. On the Order of Total Veto Motions there appears House Bill 1200. Mr. Totten."

Totten: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Mr. Speaker, I arise on a matter that affects every one of us. Four months ago this House concurred with the Members of the upper chamber that a substance called laetrile should be made available, with certain restrictions, to the people of this state. The arguments that prevailed then are as valid now notwithstanding the action of our Chief Executive. In fact, there is even further evidence that laetrile is a valuable weapon in the fight against cancer, evidence we did not have when we passed House Bill 1200 and evidence which the Governor did not have when he vetoed it. Only a few months ago Doctor Harold Manor released results of laboratory tests he conducted at Loyola University showing that laetrile, when used with Vitamin A and certain enzymes, resulted in over 89 percent complete regression and in over 10 percent partial regression of mammary tumors in laboratory animals. Doctor Manor's tests are not conclusive, some will argue and we will agree. But can we afford not to hope that he will be proven right quickly? No, we cannot. Not when a new cancer case is diagnosed every 46 seconds and in this year alone that totals some 700,000 cases. I arise, Mr. Speaker, not as a physician or a scientist and I cannot explain why laetrile works or does not work or how it works but I am a potential cancer patient, as are all of us in this chamber. And I know that I and you would like to have the freedom to decide, with our physicians, what method of treatment would be best for me and you, should we become cancer patients. In a country founded upon personal freedom it is difficult to understand how cancer patients are forced to become cancer criminals. Yet more than 50,000 Americans have travelled to foreign countries to be treated with laetrile because they cannot be treated in this country. Or they are bringing the substance laetrile into the states illegally because it is a treatment that they freely



choose. One of our Senate colleagues had to take his mother to a foreign country recently for laetrile treatment because she did not have the freedom to choose that treatment here at home. Cancer is a frightening and dreadful disease and that is what House Bill 1200 is all about. I rise, Mr. Speaker, to refute various points in the Veto Message that we are considering, for it was said that laetrile can actually be a dangerous health hazard. What an irony. The Surgeon General of the United States and the American Cancer Society view cigarette smoking as a possible cause of cancer and they repeatedly warn us that smoking may be dangerous to our health. Yet the Federal Government, the same Federal Government pays handsome subsidies to that same tobacco industry. That same Federal Government embarked on a Swine Flu Vaccination Program that saw 45 people die within hours of being inoculated and the F.D.A. did not warn us of the dangers of that program. Nor does the F.D.A. warn pharmacists not to stock aspirin, even though aspirin is implied in the deaths of over 100 Americans each year. It is interesting to note that the F.D.A. classifies laetrile as nontoxic. Yet when we hear of the potential dangers of laetrile because of its potential toxicity we do not hear of the dangers of another accepted cancer treatment called toxic chemotherapy. Ironically, the F.D.A. classifies Vitamin E as a worthless substance, the same as laetrile. Yet our own Illinois Department of Public Aid subsidizes Public Aid recipients with thousands of our tax dollars for prescriptions for Vitamin E. Mr. Speaker, it seems clear to me that the true functions of regulatory agencies, such as the F.D.A., should be to determine if a product is dangerous, to prohibit false advertising and to make the public fully aware of the opinion of the medical profession. Beyond that, I do not believe government agencies should have the right to ban a substance which in itself is considered to be worthless. I mentioned in my opening remarks that House Bill 1200 would make laetrile available in Illinois with certain restrictions. No one would



deny that any form of medical treatment taken in excess or without supervision can produce ill effects, even disastrous effects. That is one reason we should override this veto. House Bill 1200 provides us with some of the very safeguards that may prevent undesired consequences. House Bill 1200 provides the Department of Public Health to monitor the use of laetrile. House Bill 1200 provides that the physician explain to the patient other forms of orthodox treatment. But most importantly, Mr. Speaker, the approval of this legislation would bring the treatment of cancer patients with laetrile out of the back room and into the orthodox medical community where it can be safely and properly administered. Enactment of this legislation will make it unnecessary for Members of the Illinois Senate or the Illinois House or any other Illinois resident to take their ailing parents, spouses or relatives to a foreign country for treatment. The Governor's Veto Message said that House Bill 1200 would put the Illinois Stamp of Approval on the black market. May I submit, Mr. Speaker, that quite the contrary would occur. First of all, the legislation exempts laetrile from Section 17 of the Illinois Food and Drug Act. Which means it may be manufactured, sold and distributed like any other drug. And although F.D.A. restrictions concerning transport across state lines will make it difficult to bring the substance into Illinois when a market for laetrile develops, our system of free enterprise will enable manufacturing in this state as well as every one of the other 12 states that have approved similar legislation. Notwithstanding these difficulties, any patient may bring laetrile into this state under a federal court order and two such orders have been issued in Illinois. This is not a black market, Mr. Speaker, but a perfectly legal means of obtaining laetrile. Let me submit further, Mr. Speaker, that our failure to enact this legislation will be discriminating against the poor, for it will be only the rich who can afford to travel to foreign countries to receive the medical



treatment they desire. Travel is expensive, not the actual cost of laetrile treatment. By failing to enact this legislation we will be encouraging development of a black market because prohibition for the desired product creates that black market. We need only recall the days of prohibition to remind us that the criminal element profited by government imposed restrictions. Prohibition, incidentally, was not directed against drinking itself, but against...directed against the manufacturers sale and transportation of alcoholic beverages. It sounds very familiar. Mr. Speaker, I render no judgment in this matter and no false claims. Laetrile may be a miracle drug or it may only offer hope. I do know this, there are many people in this state who believe laetrile is for real and who are deriving positive benefits from its use. I have talked to them, as have many of you and some of them are here today. These people might not be here today if it were not for their belief in laetrile. Are we to deny them that hope? Are we to deprive them of the freedom to make their own decisions because we believe that decision might not be a safe one? I am reminded of Benjamin Franklin's view on the matter when he said, 'Those who would give up essential freedom to purchase a little temporary safety deserve neither freedom nor safety.' By what right does the state have to intervene in the relationship between a patient and a doctor? Why should the state deny a patient access to treatment above and beyond orthodox treatment? No one will deny that conventional orthodox treatments are not perfect or there would be no cancer today. Conventional therapies need help and patients undergoing them need assurance. It was only a few weeks ago when it was revealed that a significant number of women enrolled in a nationwide breast cancer screening program, had breasts removed unnecessarily because of mistakes in diagnosing tiny tumors revealed in x-rays. Cancer patients should not be denied hope even if there is only a ghost of a chance of a palliative effect. The medical profession, the same medical profession that opposes laetrile has recognized for years



psychological effect of the placebo, laetrile may be no more than that. But if its users simply think they are feeling better, that alone would be a valid reason for its legitimate use. Depriving them of it is cruel because it prevents cancer patients from trying to ease their own pain. Mr. Speaker, I arise not to abuse the medical community in this country. I commend it, for it has provided us with a health care system second to none. I recognize their arguments that legalization of laetrile would lead to avoidance of conventional therapies and possible misuse but I submit that both risks can be avoided by placing laetrile in the hands of qualified physicians free of restrictions from the F.D.A. House Bill 1200 does not, Mr. Speaker, require a physician to administer laetrile. He or she has the freedom to decide, as does the patient. Freedom of choice is one the the blessings we have as citizens of the United States, we should not deny it to anyone, especially cancer patients in their hour of greatest need. The issue here is freedom. By every rational indication, laetrile is harmless, there is no reason to prohibit it. When John Lock asked Thomas Jefferson, 'What if the Executive, Judicial and Legislative Branches all conspire against the people, then who will defend their rights?' Jefferson replied, 'The people. We are the sovereign power.' Mr. Speaker and Ladies and Gentlemen of the House, we are the sovereign power and I solicit your support to exercise that precious right, that of a free people, to choose. Mr. Speaker, I move that House Bill 1200 do pass, notwithstanding the veto of the Governor."

Speaker Madigan: "Mr. Tipsword."

Tipsword: "Would the Gentleman yield to a couple of questions?"

Speaker Madigan: "The Sponsor indicates that he will yield."

Tipsword: "Representative Totten, just to clarify for me now, the Bill was extensively amended after it left here and went to the Senate, which we then concurred with, was it not?"

Totten: "Correct."

Tipsword: "And is it correct that under the Bill, as it is now written, that before laetrile is administered to any patient that a doctor





even the doctor who agrees to administer it, I understand no doctor has to if they do not wish to under the Bill, must explain to them first all of the treatment that is available and also must fully explain the condition of the patient to that patient before the patient may request and take the laetrile, is that correct?"

Totten: "That's correct."

Tipsword: "And there is nothing in the Bill that permits the drug to be administered by any person other than a physician qualified to practice medicine in all its branches?"

Totten: "I don't believe it would prevent it, but I would imagine if you were going to get hospital approval or a qualified physician's approval, that would have to be..."

Tipsword: "Well, what I'm trying to get at, can anyone else administer it? Can someone set themselves up under this Bill as someone to administer laetrile and not be a physician qualified in all branches to practice medicine."

Totten: "No, this Bill would not permit that."

Tipsword: "Thank you very much."

Speaker Madigan: "Ladies and Gentlemen, if I might have your attention, the Speaker wishes to announce that he plans to work tonight until approximately 9:30 or 10:00 and then to come back in tomorrow at 12:00 noon. Everyone can plan accordingly. Mrs. Geo-Karis."

Geo-Karis: "Mr. Speaker and Ladies and Gentlemen of the House, I have known of two cases that have been on laetrile. One, a youngster, for about eight years. Another, a gentleman, for about the last two years treatment of cancer. I do not wish either to oppose the medical people, however, I just cannot find it in my heart possible to deny anyone with a terminal illness the ray of hope that even this item can give. I might tell you that I found out as recently as Tuesday that there is a hotel in Rochester, Minnesota has it as a food supplement in its store in the lobby. When you know that under the Bill a patient is required to sign an affidavit indicating he or she



has made a knowing and intelligent decision to take laetrile although federal and medical experts consider it to be of no value in combating cancer. I think we have some necessary and reasonable safeguards in the Bill. I might add that I am one of those who has not been at all satisfied with the work that the Federal Drug Administration has been doing in the past five years. I think much is to be desired. I think we should look ahead and realize that we should have a freedom of choice. And I can tell you honestly, if I were told that I had the disease of cancer, I can honestly tell you that if I felt that I wanted to use laetrile I would want to have the freedom of choice because I am an American and I should have a right to decide what is good for me and what is not. And it's my life and I should be able to decide what to do with it. And therefore, much as I regret to oppose our very fine Governor, Governor Thompson, I am asking for an override of this veto."

Speaker Madigan: "Mrs. Chapman."

Chapman: "Mr. Speaker and Members of the House, the Governor said laetrile is a substance which is long on personal testimony and short on scientific evidence. I believe the Governor vetoed this Bill making the right decision for the right reasons. We seriously erred in the initial passage of House Bill 1200. We have an opportunity to rescind this action by defeating this motion to override. It's much too simple to classify or define the only issue of House Bill 1200 as freedom of choice. There are obvious and complicated medical and legal issues in this legislation that cannot be glossed over or forgotten, including physician liability, the conflict of state and federal law and the most issue of refutation of established scientific procedures for reviewing and approving drugs for experimental and medical purposes. It is much too serious a proposition that the General Assembly supercede the established protocol for the evaluation and approval of drug products for use in human medicine. For the Legislature



to override a near unanimous body of scientific and medical opinions that laetrile is not safe or effective in the treatment of cancer would be an unfortunate precedent. New testing and experimentation is underway, but the results are far from conclusive. We could not, in good conscience, legalize a substance on the basis of such sketchy evidence. There is very little chance that the intrastate manufacture, distribution, sale or use of laetrile can be free of Federal regulations. Enactment of House Bill 1200, therefore, will contribute to and encourage an illicit market that can only prove profitable to the criminal elements of our society. Thieves, quacks and charlatans stand to gain the most from enactment of this Bill. I don't understand how we can be a part of this activity. How can we justify the defiance and the violation of Federal laws? The substance, laetrile, is a hoax and it is a fraud. We do not want to be a part of this kind of activity. Cancer patients need help, the best medical help they can get; not false hopes. Laetrile, put in the hands of unsuspecting cancer patients, is a form of suicide. Please vote 'no'."

Speaker Madigan: "Mr. Friedrich. Mr. Friedrich."

Friedrich: "Mr. Speaker and Members of the House, I don't profess to be a scientist or a doctor either one, but I think that if we do not override this veto, we're being somewhat hypocritical. I think it's rather interesting that the medical society does not come down here and ask us to pass a Bill outlawing tobacco which they admit freely and say it causes cancer. They don't ask us to outlaw alcohol which causes sclerosis of the liver. But there's another aspect of this which hasn't been gone into and that's the thing that's older than any of us here and that's the possible placebo of laetrile. I have seen no evidence whatsoever that laetrile is harmful and I have some evidence that it is helpful. But if it is neither, at least it has an effect as a placebo. Of the recent article in the Wall Street Journal which I thought summed up what I want to say better than anything else and here are some



statements out of it. 'From antiquity to this era of medical enlightenment, the placebo has been the single most potent and versatile tool for relieving the suffering that man is heir to.' And that's from a published report from the Mayo Clinic. 'Be it a mother's kiss or voodoo drums, leeches, purgatives, poultices or snake oil, the wondrous effect of placebo therapy is undeniably evident. For modern medicine, placebo is turning out to be not only powerful and mysterious, but vexatious.' Leatril, which is extracted from apricot pits has been periodically claimed by its proponents for more than two decades as an effective treatment against certain types of cancer. Whether laetrille affects a tumor is the core of the controversy. But the battle is focusing on another point - the evidence that many cancer patients indeed do improve physically, at least for awhile after laetrille therapy. The wondrous effect of placebos was described in a recent article by Henry Byerly, the University of Arizona. He said, 'Placebos can accomplish real cures of real diseases, real cures of imaginary diseases, imaginary cures of real diseases, and imaginary cures of imaginary diseases. The placebo affect apparently has played a role in human life from the beginning. It has undoubtedly been the basis for the powers of medicine into the century. For the last hundred and fifty years, physicians have used placebos to treat patients for whom they could do nothing else. For much of this century, pills of milk sugar or pressed bread were key components of the medicine case. If a patient improved, physicians were likely to conclude the illness was imaginary. But now', and read this, 'now, amidst the most advanced medical technology, the placebo is gaining a new respect from medical science. It has proved to be more potent than the country doctor ever imagined.' Now, who of us can say that some of the cures for mental illness is not the fact that they have a hope and laetrille, here's an opportunity to give hope to those who have no hope. It's going to be administered by a doctor which is more than you can say about tobacco and alcohol. Here is



something that gives hope to those who have no hope. I urge your vote to override."

Speaker Madigan: "Mr. Lechowicz."

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

Speaker Madigan: "The Gentleman moves the previous question. All those in favor signify by saying 'aye', all those opposed? In the opinion of the Chair, the 'ayes' have it and the motion carries. And the Chair recognizes Mr. Totten to close the debate."

Totten: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House.

The issue is not whether laetrile is or is not effective in any given patient. The issue is simply that its efficacious nature is a matter left to the physician and this patient to conclude. Any interference in that choice is a deprivation of human liberties. Let me close by relating to you this story. There lived on a mountain a very, an old and very wise man. People came from miles around to learn from this wise man. One day, several young men from a nearby village decided to teach him a lesson. One said, I'll show that wise old man. I'll catch me a small bird and I'll take it up the mountain to him and ask him, 'Old man, what have I here in my hand?' And the wise old man will say, 'A bird.' And then I'll tell him, 'You're right, but is this bird dead or is it alive?' And if the old man says it's dead, I'll open my hand and let it fly free. And if he answers alive, I'll crush it in my hand." And so he proceeded to catch a small bird and carry it to the mountain. And he said to the old man, 'What have I here in my hand?' And the wise old man said, 'A bird.' And the young man said with a twinkle in his eye, 'Yes but, old man, is it dead or is it alive?' And the old man looked at him and he said, 'It is as you will, my son.'" It is as you will, my colleagues. Do we open our hand and let freedom flourish or do we close it and crush that one last hope? It is as you will. I move the motion."

Speaker Madigan: "The question is, shall House Bill 1200 pass notwithstanding the veto of the Governor? All in favor signify



by voting 'aye', all those opposed by voting 'no'. Mr. Ebbesen, to explain his vote."

Ebbesen: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, as was indicated by the Sponsor, Representative Totten, on this legislation that it really does touch every individual and every family in the country. And really the important consideration is knowing what to do and when to do it. It's of utmost importance with cancer and House Bill 1200 is for those cancer victims that are diagnosed to be terminally ill. Now the thing that concerns me more than anything else is the confusion factor. It's my chief concern. How about those people that have got diagnosed cancer that are not and I want to repeat, are not terminally ill. The confused patient can very well abandon a recognized, proven treatment which can lead to a part or a full remission and many times, a cure in favor of a treatment that medically as far as acceptance has little if any help. Now, time is always of prime importance in the treatment of cancer cells. And for what is gained as far as I'm concerned by the terminally ill with House Bill 1200 with full sympathy going out from me and everyone else as opposed to what can and will be law by a very confused public. And on balance I say that the people of Illinois would be better served and a lot more healthy by supporting the Governor's veto and I wish everyone would join me in voting 'no' on this motion to override."

Speaker Madigan: "Mr. DiPrima to explain his vote."

DiPrima: "Mr. Speaker, Ladies and Gentlemen of the House, last week former Legislator Peter Miller was telling me that he went over to see our late and beloved colleague, Joe Sevcik, a week before he passed away. And he said that Joe had asked him if there was any possibility of him getting any laetrile that... you know, he was in very bad shape and there was no way that he could get any. I mean, let that be a lesson; you know, I mean when you're voting here."

Speaker Madigan: "Mr. Cunningham, to explain his vote."

Cunningham: "Mr. Speaker and Ladies and Gentlemen of the House, there's



a demonstrable and discouraging tendency of high elected officials to say to the governed, 'Father knows best.' But this unsolicited paternalism after awhile becomes irritating and frustrating. Democracy becomes a hoax, a fraud if the elected officials habitually disregard the clearly expressed will of the overwhelming majority of the citizenry that are involved. There isn't one among you who doesn't realize that three-fourths of the people in your district are in favor of the override of this Bill. I submit to you that that happy fact should be persuasive for an 'aye' vote in this instance unless there's clear and convincing proof that the product is harmful. The experts are almost unanimous in their condemnation, quotation marks around 'experts', in saying that it's worthless. Oh, a few of them, they use such terms as quack in their assault against it. I personally feel that that comes in poor grace from those who admit that they have no remedy. And it needs to be said here and now that this veto isn't Thompson vintage. It isn't statesmanship in the high tradition. It isn't even a miniprofile in courage. Rather it is a stubborn refusal on the part of the Chief Executive to hear the will of the people of the State of Illinois. The time has come to legalize for the stricken - hope, though that hope be forlorn and disputed."

Speaker Madigan: "Mr. Ewell, to explain his vote. Mr. Ewell."

Ewell: "Mr. Speaker, Ladies and Gentlemen, I've been troubled by this issue, extremely troubled. But I say that if the doctors have no answer and they have had the time, the medical societies have had the money, and they have produced no answers, I have to join with those who cast the vote for hope as the last speaker said, however meager and however forlorn."

Speaker Madigan: "Mr. Williams to explain his vote."

Williams: "Thank you, Mr. Speaker. I don't wish to belabor the point. I just wish to point out as a pharmacist I'm not, my 'aye' vote is not on behalf of whether this is any good or not. I do speak, however, on behalf as Representative Cunningham said, I just did a recent survey in my district with over five



thousand responses and it is true that about 75% of the people in my district want this laetrile to be approved here, at least the patient's right to choose and consult with their doctor. And on that basis, I vote 'aye' happily."

Speaker Madigan: "Have all voted who wished? Have all voted who wished?"

The Clerk shall take the record. On this question there are 123 'ayes', 43 'noes', 5 voting 'present'. The motion having received a Constitutional three-fifths Majority and House Bill 1200 is declared passed, notwithstanding the veto of the Governor. On the Order of Total Veto Motions, there appears House Bill 375. Mr. Stearney. Mr. Stearney requests that this Bill be taken out of the record. Do you intend to call the Bill at any time today? You don't wish to call this Bill today? House Bill 413, Mr. Holewinski. Mr. Holewinski. Out of the record. House Bill 508, Mr. Wolf and Kosinski. Mr. Wolf, who seeks recognition for a purpose other than this Bill. Mr. Wolf."

Wolf: "Mr. Speaker, Members of the House, before I start on this Bill, I would ask unanimous consent to be recorded the affirmative on House Bill 333. I had to be off the floor."

Speaker Madigan: "508. The Gentleman requests leave to be recorded 'aye' on the motion relative to House Bill 333. Is there leave? Leave being granted, he shall be recorded as 'aye' on House Bill 333, Mr. Wolf. And now, Mr. Wolf on House Bill 508."

Wolf: "Mr. Speaker, Members of the House, if you will recall back last May, this House passed House Bill 508 by a vote of 152 to 5. Now, this Bill is a very simple one and there seems to have been some confusion on the part of the Bureau of the Budget when they supplied figures to the Governor and his veto. And on the basis of those erroneous figures that were supplied by the Bureau of the Budget, the Governor did veto this Bill. The Bureau of the Budget maintained that this, the cost of this Bill would be about eight hundred and, I believe, forty thousand dollars over the next four years which is entirely wrong. The fiscal note given by the





Department of Law Enforcement for the coming year was 16 thousand 500 dollars. And since then I have a paper here from the Bureau of the Budget dated October 20th, they now revise their figures and found that there was in fact an error. Instead of costing the state 840 thousand dollars they now claim it will earn for the state 189 thousand dollars over the next four years. To refresh your memory as to what the Bill was, it would require the Department of Law Enforcement to notify owners of Firearms Owners Identification Cards at least 30 days prior to the expiration of that fact. This is similar to what the Secretary of State does with regard to driver's license. There have been a number of people who have never had so much as a traffic ticket who are arrested for forgetting to renew their gun owners card and they now have criminal records. And of course this Bill would correct that. I respectfully ask an affirmative vote on the override of House Bill 508."

Speaker Madigan: "Is there any discussion? Mr. Kosinski."

Kosinski: "Mr. Speaker and Ladies and Gentlemen of the House, as hyphenated Cosponsor of this Legislation I urge you very seriously to override. There has been error on the part of the Bureau of the Budget in giving certain statistical material to the Governor. This Bill, if anything, will generate revenue in terms of the five dollar application fee that comes with Firearm Owner's Identification requests. However, more importantly in this day when we're concerned with law and order I do not wish people out hunting with firearms who don't have the proper permit in their pocket to permit them to do so. I don't want my people in violation of the law. And unless we take a stance of notifying our people that their licenses have expired they can be in that violation. I urge your vote for an override."

Speaker Madigan: "Is there any further discussion? Mr. Leinenweber."

Leinenweber: "I have a question for the Sponsor."

Speaker Madigan: "Which Sponsor?"



Leinenweber: "Wolf."

Speaker Madigan: "Mr. Wolf indicates that he'll yield."

Leinenweber: "Representative Wolf, didn't you also introduce a Bill and didn't it pass out of the House, which increased the fee in the Secretary of State's Office to offset the cost of this program?"

Wolf: "Yes, there was and that would have more than taken care of this, but as I mentioned, the Bureau of the Budget did recognize its error and the Governor's Office is no longer opposing this Bill."

Leinenweber: "What happened to the Bill to raise more money by increasing the fee?"

Wolf: "That was passed at that time."

Leinenweber: "So the state will get more money. And your intention was, as I understood it, was to generate money to pay for the cost of this program."

Wolf: "Yes, but according to the figures I now have from the Bureau of the Budget, they now feel that this program in itself will net for the state an additional 189 thousand dollars in increased renewals over the next few years."

Leinenweber: "So your total package is a bonus for the state?"

Wolf: "That would be affirmative, thank you."

Speaker Madigan: "Is there any further discussion? The question is, shall House Bill 508 pass, notwithstanding the veto of the Governor? All in favor signify by voting 'aye', all those opposed by voting 'no'. Have all voted who wished? Have all voted who wished? Have all voted who wished? The Clerk shall take the record. On this question there are 147 'aye', 2 'no', no voting 'present'. The motion, having received the Constitutional three-fifths Majority, prevails and House Bill 508 is declared passed, notwithstanding the veto of the Governor. House Bill 563. Mrs. Chapman. Is Mrs. Champan in the chamber? She desires this Bill to be taken out of the record. The Chair recognizes Mr. Kozubowski for purposes of an announcement. Would the body give its attention



to Mr. Kozubowski for purposes of an announcement?"

Kozubowski: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I would just like to announce that the Executive Subcommittee on House Resolutions scheduled for this evening after adjournment has been cancelled and those Resolutions will be heard tomorrow morning at 9:00 in Room 114."

Speaker Madigan: "Thank you, Mr. Kozubowski. Mr. Matijevich."

Matijevich: "Mr. Speaker, as long as we're there and we still have a good Membership here, I'd like to also announce that Appropriation I will meet in Room D1 at 11:00 a.m. Also, to ask that the posting notice be suspended for the following Bills, this has all been cleared. House Bill 2461, 2462, 2463, 2485, 2492, 2494, 2495 and Representative Hart tells me, in anticipation of the Message being read on Senate Bill 1390 and 1391, and leave that the Attendance Roll Call be used for that purpose. Thank you."

Speaker Madigan: "Mr. Matijevich, have all of those Bills been assigned to your Committee?"

Matijevich: "All except...and Representative Hart tells me he's working on you on Senate Bills 1390 and 1391."

Speaker Madigan: "Well, we don't even know what those Bills are."

Matijevich: "Oh, I told him to clear it through you and the Minority Leadership and he just walked over there. I took it for granted he had cleared it but I guess he hadn't. He just handed me those two right now. I think they have to do with the Appellate Defender but I'm not sure."

Speaker Madigan: "All right, he tells me that Mr. Ryan has approved. So do you wish to make your motion on all those Bill?"

Matijevich: "Yes and leave to use the Attendance Roll Call."

Speaker Madigan: "The Gentleman requests leave to suspend the posting requirements to hear the Bills previously enumerated. Is there leave? Leave being granted the posting requirements are suspended for purposes of hearing the Bills previously enumerated."

Matijevich: "Thank you. 11:00 a.m. D1, Appropriations."



Speaker Madigan: "Mr. Pierce."

Pierce: "Mr. Speaker, the House Committee on Revenue Real Property Exemption and Classification Subcommittee scheduled for this afternoon at 4:00 p.m....55, has been cancelled due to the late Session at the call of the Chair, probably in another week or so."

Speaker Madigan: "Mrs. Macdonald."

Macdonald: "Yes, Mr. Speaker, I inadvertently was voted 'yes' on House Bill 602. I wish to be changed to 'no'. It will not change the outcome of the vote."

Speaker Madigan: "The Lady requests leave to change her vote on House Bill 602. Is there leave? Leave being granted, her vote shall be changed on that Bill. Mr. Bowman."

Bowman: "Yes, Mr. Speaker, with leave of the House, I'd like to be added as 'aye' on the Roll Call on 508. I was...did not get back to my switch in time."

Speaker Madigan: "You wish to be recorded as 'aye'?"

Bowman: "Yes, Sir."

Speaker Madigan: "The Gentleman requests leave to be recorded as 'aye' on House Bill 508. Is there leave? Leave being granted, he shall be so recorded 'aye' on House Bill 508. Mr. Mann."

Mann: "Thank you, Mr. Speaker. For purposes of an announcement, Judiciary I will not meet tonight due to the late hour but we will meet for a very short meeting tomorrow morning at 11:30 in Room 122B. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Garmisa."

Garmisa: "Mr. Speaker, for the purposes of an announcement. The House Transportation Committee will not meet tonight. We have to have some Amendments prepared for House...House Proposal 45 and we're going to hold the meeting sometime next week at the call of the Chair."

Speaker Madigan: "Mr. Laurino."

Laurino: "Mr. Speaker and Ladies and Gentlemen of the House, I'd like to have the appropriate rules sustained for the six day posting so that the Elections Committee can post their Bills



to be heard next Tuesday from 9 to 11 on Special Sessions #1 and 2. House Bills 812, 1622 and 26 and Special Session #2 House Bill 812 and 13."

Speaker Madigan: "The Chair would like to announce that the series of announcements should not be construed as an indication that we intend to leave. If all Members will please be in their Chair and we will recognize Mrs. Chapman on House Bill 563."

Chapman: "Mr. Speaker and Members of the House, notwithstanding the Governor's Veto, I hope to...that this House approves House Bill 563. House Bill 563 provides that migrant workers may qualify for medical assistance under the State Medicaid Program. These people are needed in our state in order to pick the tomatoes and can the fruits and they fall through the cracks in our medical care program. They need our help. The townships who currently are saddled with the financial support with providing the financial support for health needs for migrant workers need our help also. The Governor has signed the appropriation within the budget of the Department of Public Aid which will provide the necessary funds for this program so that migrant workers may qualify for medical assistance under the law. We have checked with HEW and a telegram is on the way informing us that there are matching funds for which we may apply and probably would be eligible. I have a letter here from the State of Minnesota which indicates that they have a program very similar to House Bill 563 and they are being reimbursed by the Federal Government under the Medicaid Program. This is a permissive Bill. It does not require State Government to do anything but it surely does encourage State Government to cooperate with local townships that have this oppressive burden at this time to seek Federal Funds and to share the financial burden so that medical...workers and their families will have the same kind of medical care that other people in our state receive. I would like to underscore for you that this



measure is supported by the township officials of Illinois, the Cook County Township Officials, the Illinois Canner's Association, the Illinois Farmer's Union, the Illinois Migrant Council, the Cook County Truck Gardeners and Farmer's Association and the Illinois Association of County Boards and Commissioners. I will appreciate your 'yes' vote on this proposal."

Speaker Madigan: "Mr. Keats."

Keats: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I have wanted to stand up and say that this Bill was correctly vetoed because the Bill in many ways is being accidentally misrepresented. Some people have been calling this a Township Bill which it really is not at all. What we are doing is expanding medicaid benefits to people who are employed. Now, most of you know my voting record is fairly pro free enterprise and the business groups will normally like me. But here is a classic example of where the business interests involved are shirking their responsibilities to their employees. The migrant workers we are talking about are brought to the State of Illinois to work in fields and they're paid a very low wage and the company refuses to give them any benefits whatsoever as far as health care goes. So we, the taxpayers, pick up the tab for these migrant workers. The businesses have refused to pay the tab of their own employees. We are not picking up simply medicaid for unemployed indigents, we are picking up medicaid for employed individuals because the companies are refusing to accept responsibilities for their own workers. When this Bill was brought up initially it passed the House by only 3 votes. It was very controversial at the time and the vote was only 3 votes extra to get it passed. Now, something else in this Bill that's often overlooked, this Bill is really an anti-Illinois resident. We have literally thousands of young men and women living on the south side of Chicago and the west side of Chicago and in the suburbs who would be more than happy to go and work in the fields we're talking about.



They would be willing to go downstate and work. Many of these people even today are presently covered under medicaid so it's not as if we have to expand medicaid to help these individuals who we are already working with. This Bill would allow those Illinois residents to have jobs in Illinois. As we expand more and more benefits to migrant workers we make it harder and harder and more expensive for Illinois companies to employ Illinois residents. And we have a large enough number of unemployed people in Illinois that we do not need to turn around and make it easier to employ people outside the state. So, I say to you, this Bill is not a Township Bill. This Bill is not really saying we're helping a group that is unemployed and in trouble. This Bill is in reality an expansion of welfare for people who are employed but the companies are refusing to accept responsibility for their own employees. I'd please ask you to sustain the Governor's Veto. It was certainly one of the finest vetoes he made during this past year. I thank you for your time."

Speaker Madigan: "Mr. Greiman."

Greiman: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House.

One of the subjects that we dwell on so often in this House is the poor. We talk constantly about the poor. That side of the aisle and this side of the aisle. Now, the television cameras are down and the reporters have pretty much left and now it's the General Assembly here left with the poor; with the problems of people who are at the lowest, the lowest rung of our society. They don't even...they're not even voters so we can really turn our back on them, I suppose. They're not really our constituents probably, so what do we care? But I say that we do care as long as there's a parent with a sick child that can't pick up a phone and get medical attention, that's our concern. That's not our concern to merely say let some employer do it, let someone else do it, that's our concern.



That's our responsibility, that's part of the oath and part of the things that we provide, we seek to provide people. And if our job is about anybody, about anything, it's to look at these people who are at that lowest rung of society and to speak as a voice for them. I hope we will speak. The money has already been appropriated for this, the money is in the budget. So we're not talking about additional funds. It's there and the Governor's signed the appropriation. There are Federal Funds that will go along with it. Should we turn our back on Federal Funds? Since when is that a policy of this General Assembly or of Illinois State Government? It is not, I submit to you. It is the moral thing, it is the right thing to override this veto and I ask you to vote 'aye'."

Speaker Madigan: "Mr. Davis."

Davis: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this veto override. I'd like to take exception to a few remarks made by a previous speaker, my distinguished red haired colleague that sits in the front on the right side of the aisle, in simply saying that we tried to address this problem or at least I did and a lot of opposition to House Bill 563 came from me early on in the Spring Session. Simply because I had a Bill that dealt with the same subject that would have put the burden, the burden of insurance...of medical insurance on the employer or the farm contractor or the employer who did not employ a farm contractor and was his own farm contractor. We could not figure out a way to devise an insurance policy... the industry couldn't, so the Bill now resides in Interim Commerce in Interim Study and we're still trying to figure out a way to do that. But during my investigation it came to my attention that a great number of migrant indigents are funded or are not funded but have health insurance through major canneries in the State of Illinois. The labor contractors who bring these people, in many cases I think





Representative Keats would agree, some are illegal...but in many cases Texan residents bring them up from Texas or Arizona or wherever to do stoop labor and I would quibble with Representative Keats in that I don't think anyone wants to do that kind of stoop labor. These people are imported for that reason and paid extremely low wages, it is indeed true. However, the small farm contractor does not have the where with all to come up with the...the private financing and let the user of the product pay for that through increased costs of tomatoes or corn or any other truck area. The burden has fallen on the backs outside of the canner areas of the township government and their general assistance levies. In the county I come from, right now five townships are under Federal lawsuits requirements because the townships did not have the money with which to pay indigent medical costs. And they're now being sued in Federal Court on that particular issue because the townships are not populous enough to levy enough to take care of this problem when the indigent is dropped off onto the back of the general assistance funds. It has been pointed out by Representative Greiman and Chapman that the money has been appropriated, it is there. I would quibble with the Fiscal Note, it's not 3.8 million dollars, I think, for the first year, a great many people are taken over again by the canneries. I think the cost would be a great deal less. I think Public Aid has got to pick up this burden off of the backs of the townships in this point in time until we can work out a private funding method to address the problem. I urgently, urgently, those of you who are local government minded, I urgently request to vote for an override on House Bill 563. And I sure like the looks of the Speaker in the Chair at this moment."

Clerk Hall: "Representative Ryan in the Chair."

Ryan: "Will the Parliamentarian please come to the podium. The Gentleman from Vermilion, Representative Campbell."



Campbell: "Mr. Speaker and Ladies and Gentlemen of the House, I couldn't agree more wholeheartedly with the last speaker if I tried. This is to relieve some of the overburdened taxpayers in some of these local townships whereby the state, the Department of Labor and a few people and a few of the agencies have brought in people from migrant labor to help. And the state has also mandated many of the employers to upgrade their housing conditions and so forth, which they have done. But contrary to what has previously been thought, this is 100% money paid by the local taxpayers. Now, if the state picks up the tab and the Bill merely adds migrants to the coverage of the State Medicaid Program, which is already eligible for federal matching funds. The Bill merely adds one definition to the Public Aid Code, 'For purposes of determining medical eligibility, migrants could be considered residents of the state.' The Federal HEW Office, which oversees medicaid advises that residency is a definition determined solely by the state. Therefore, contrary to the information in the Governor's Veto Message, the State Medicaid Plan may safely add migrants to its coverage and qualify the state to receive 50/50 federal matching funds so that they're both picking up part of the tab. And believe you me, this is a problem in many of these small townships where they just positively don't have the funds and I would urge you to vote to override the Governor's Veto on House Bill 563."

Speaker Ryan: "The Gentleman from McHenry, Representative Skinner."

Skinner: "Thank you, Speaker Ryan. May I engage the Sponsor in a question or two and maybe get an answer?"

Speaker Ryan: "He indicates he'll yield."

Skinner: "Would you tell me if illegal aliens will be allowed to get medicaid if it goes under state sponsorship?"

Chapman: "The answer is, no, they would not."

Skinner: "Then that means that anyone who receives aid from the state must be a citizen, is that correct?"

Chapman: "A citizen or a legal alien."



Skinner: "How do you think the State Department of Public Aid is going to be confident to differentiate between one and the other when some of our state employers who have been on guard to try to prevent illegal aliens from being hired are incapable of doing so?"

Chapman: "I think that this is something that's going to have to be worked out. And it seems to me it's something that can be worked out."

Skinner: "Well, Mr. Speaker, I would respectfully disagree with the Sponsor. Certainly the burden on township government is becoming burdensome in some cases but surely we have to give the Governor something today and this would seem like an appropriate bone to toss in the direction of the budget bureau, especially if they really believe it will save 3 million dollars."

Speaker Ryan: "The Gentleman from Winnebago, Representative Mulcahey."

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

Speaker Ryan: "The Gentleman has moved the previous question. All those in favor say 'aye', all opposed say 'no'. In the opinion of the Chair the 'ayes' have it. The question is, shall House Bill 563... Representative Chapman to close."

Chapman: "Thank you, Mr. Speaker. This may be the only Bill I ever have that the township officials of Illinois support. The Illinois Migrant Council also supports this measure, along with a host of other organizations. It is a good Bill. It responds to the need for improved health care. It responds to the need for help for overburdened township governments. I hope that you will vote 'yes'."

Speaker Ryan: "The question is, shall House Bill 563 pass, notwithstanding the veto of the Governor? All in favor signify by voting 'aye' and all opposed by voting 'nay'. Representative Marovitz, to explain his vote."

Marovitz: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, in the last few minutes we have protected the unborn and we have given hope to those people who are dying. I think, in



considering this legislation, we ought to try and protect people who are living and who are in need of medical help. The services to the migrants presently are sporadic and inconsistent. And in passing this legislation we'll hope to give them the kind of consistent health care that all people in this country deserve. This Bill will also relieve local governments of some of the administrative costs that presently they can not bear. It's an important piece of legislation and when viewed with the other pieces of health care that we have just overridden, I think it's the least we can do for people who reside in this country. I recommend an 'aye' vote."

Speaker Ryan: "Representative McMaster, to explain his vote."

McMaster: "Mr. Speaker and Ladies and Gentlemen of the House, an erroneous statement was made a short time ago by one of the Legislators when he said this was not a township supported Bill. Believe me, it is very strongly supported by the townships. And the process of hearings that we held this summer of the Governor's Mandated Laws Commission, this issue came up, I believe, at every hearing and we held some ten or eleven hearings. And that was in regard to the townships need for some form of relief as far as medical costs are concerned. It's a very, very big issue in the townships in this state and I certainly urge your support in an override of this veto."

Speaker Ryan: "Have all voted who wished? Have all voted who wished?"

The Clerk will take the record. On this question there are 127 'aye', 29 'no', 4 voting 'present'. The motion, having received the Constitutional three-fifths Majority prevails and House Bill 563 is declared passed, notwithstanding the veto of the Governor. Messages from the Senate."

Clerk Hall: "A Message from the Senate by Mr. Wright, Secretary.

Mr. Speaker, I am directed to inform the House of Representatives that the Senate has passed a Bill of the following title, the passage for which I am instructed to ask concurrence of the House



of Representatives, to wit: Senate Bill 1385, 1390, 1391, passed by the Senate November 3, 1977. Kenneth Wright, Secretary. A Message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has adopted the following Preamble and Joint Resolution...the adoption of which I am instructed to ask concurrence of the House of Representatives, to wit: Senate Joint Resolution 57, adopted by the Senate November 3, 1977. Kenneth Wright, Secretary. A Message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of the following Joint Resolution, to wit: House Joint Resolution 51, concurred in by the Senate November 3, 1977. Kenneth Wright, Secretary."

Speaker Ryan: "For what purpose does the Gentleman from Cook, Representative Peters, arise?"

Peters: "I believe, Mr. Speaker, that Representative Telcser wanted to say something on that last Bill but you probably neglected to call him. Sorry."

Speaker Ryan: "I believe you're out of order, Mr. Peters. For what purpose does the Lady from Lake, Representative Geo-Karis arise?"

Geo-Karis: "Mr. Speaker and Ladies and Gentlemen of the House, I just noticed that Bill Redmond's gotten taller and much better looking up there."

Speaker Ryan: "Bill who? You're really out of order. On the Calendar under the Total Vetoes appears a motion to override the Governor's Veto with respect to House Bill 585. The Gentleman from Franklin, Representative Hart."

Hart: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. 585 is a Bill that attempts to clear up a problem when Judges are going to retire and not seek reelection. Under the Illinois Constitution, language was framed by the delegates saying that Judges, not less than 6 months before



their term expires, file a statement for retention as a Judge. The problem is that with an early primary in March, as we have, that the six month period comes after the primary is passed. This Bill attempts to require Judges who are going to seek retention to file the statement on or before December 1 of the prior year, which would give them...persons who are interested in running for a vacancy in the case where a Judge does not seek retention, the opportunity to circulate petitions and get his name on the ballot. And this would cut down the amount of time where vacancies are filled by appointment of the Supreme Court. This Bill passed the House and Senate with virtually no opposition. During the summer months the Governor's Office called me and suggested that they thought the Bill was unconstitutional. I don't agree with them. I think...ambiguous language in the Constitution but it says that not less than six months but it doesn't say that we can't make it more than six months. The worst that could happen would be that some Judge would ignore this law and file after the December 1 period and then contest the matter in court. And if the court would then hold it unconstitutional we'd be no worse off. I think there's a good chance that the court would hold that it is Constitutional, solving the problem and thereby creating a better system of filling vacancies than we now have. So I would urge that the veto of the Governor be overridden and give the Legislature and the court a chance to work this thing out. Personally, I doubt that there would be any Judge in the state who would ignore the mandate of the Legislature and wait until after the December 1 filing period to file this statement. But...and I know of no Judge that opposes this Bill. So, I think the Governor's staff was in error in its recommendation of the veto to the Governor and I would like for the House to again show its support of this legislation by overriding the veto."



Speaker Ryan: "The Gentleman from Christian, Representative Tipsword."

Tipsword: "Mr. Speaker, I rise on a point of order or inquiry perhaps I should say. It appears to me that when someone is presenting a Bill here for an override that he should have the opportunity at least to have a number of votes on the floor that would be sufficient to provide for an override. And it certainly doesn't appear to me, looking around the chamber, that there's enough votes here to give even a fighting chance to the Sponsor of this motion. And I'm wondering if we should proceed when there isn't that kind of attendance upon the floor of the House."

Speaker Ryan: "The Gentleman from Franklin, Representative Hart, to close."

Hart: "Well, I certainly agree with Representative Tipsword that it's unfortunate that matters...really, you know, some of the toughest and most important issues come in this Veto Session and the attendance is unfortunate but I see no alternative but to go ahead and see if we have enough votes to pass this. So I would urge a favorable Roll Call."

Speaker Ryan: "I'd like to point out, Representative Hart, that you have the option. You can postpone your Bill, you've got until Tuesday and have it heard on another day if you prefer to do that."

Hart: "I would have that option after the Roll Call so I'll just go ahead and go."

Speaker Ryan: "All right. The question is, shall House Bill 585 pass, notwithstanding the veto of the Governor? All in favor signify by voting 'aye' and all opposed by voting 'nay'. Have all voted who wished? Have all voted who wished? Representative Hart, for what purpose do you rise?"

Hart: "To explain my vote."

Speaker Ryan: "Proceed."

Hart: "As I was saying in the main debate, I believe the Governor's staff erroneously made a recommendation on this. The Court Administrator, Roy Gulley, supports this legislation and I don't know of any Judges, including the Justices of the Supreme Court,



who oppose it. There is a real problem in Illinois when you have this hiatus between the time of failure to file retention six months before the General Election, which is after the primary and from the time of the General Election, say in 1978, there would be two years before there could be any way to elect a Judge to replace that one who did not seek retention, so that what happens is the Supreme Court makes the appointment for two years. We could cut down the time that these Judges sit by appointments and increase the time that the Judges sit by election of the people, if we would support this legislation. As I say, I don't believe any Judge in the state who is going to not seek retention, would fail to file...or is going to seek retention, would fail to file on the time specified in this Bill if the Legislature made that the law. And so, I believe this would solve the problem that exists and I think it's worth a shot to pass the Bill, put it in the books and make it the will of the Legislature to correct what was a problem created by the Illinois Constitutional Convention Delegates."

Speaker Ryan: "Have all voted who wished? Have all voted who wished?"

The Clerk will take the record. On this question there are 107 'ayes', 43 'nays', and 2 voting 'present'. The motion, having received the Constitutional three-fifths Majority, prevails and House Bill 585 is declared passed, notwithstanding the veto of the Governor. On the Calendar under Total Vetoes appears motion to override the Governor's Veto with respect to House Bill 595, the Gentleman from Cook, Representative Sandquist. . . For what purpose does Representative Griesheimer arise?"

Griesheimer: "Mr. Speaker, I guess this would be a parliamentary inquiry or parliamentary statement. In all..."

Speaker Ryan: "State your inquiry, please."

Griesheimer: "If I may. In all deference to our Governor, whether he be a Republican or a Democrat, a lot of work has gone into review all of these Bills and so far as I'm concerned, we as Legislators are making a sham of this. There is not even a quorum on the floor of this House and some of the Members are





so busy pushing other Members buttons that we're overriding the Governor's Veto. Most of the people don't know what they're voting on because they're not even in the chamber and what I suggest is that... I didn't want to call for a verification because I'm not trying to take an unfair advantage of Representative Hart and some of these other people who are sincere in their Bills, but I am going to call for a quorum of this House and I would suggest to the Speaker that maybe he would like to get his troops back. It seems like there are absences on both sides but they seem to predominate on the other side of the aisle and I would suggest that maybe we question the quorum at this time and find out exactly how many people we really have here."

Speaker Ryan: "Representative Griesheimer would you hold that motion for a few minutes, please? Would all the Members within earshot of this message in the State Office Building or the Stratton Office Building and the Capitol Complex, would you please return to the House floor immediately. Representative Leinenweber."

Leinenweber: "Yes, Mr. Speaker, I'd like to pose a...I guess, a point of order. House Bill 585 just recently was voted upon by the Membership and was declared to have received 107 'ayes' and 43 'nays' and 2 voting 'present'. One of the votes registered as an 'aye', making the 107 which formed the basis of the declaration of the Speaker that the veto was overruled was that of Mrs. Breslin. I would raise that point as to whether or not House Bill 585 actually should have been declared veto overridden. I ask a ruling, Mr. Speaker."

Speaker Ryan: "Give the Chair a minute or two, we'll give you a ruling. You broke up the meeting in the back room too. You just threw me out of the Chair, Harry, thanks."

Speaker Madigan: "Mr. Leinenweber, I understand that you raised a point of order relative to the validity of a previous Roll Call. Mr. Leinenweber."

Leinenweber: "Yes, Sir, that's correct."

Speaker Madigan: "And in response to your point of order, Mr. Leinenweber, the Chair rules that the point is not well taken, for the following



reasons. Earlier today the validity of Mrs. Breslin's seating was raised by another Member of this Body and the Chair at that time ruled that she is properly seated. That ruling was upheld by a vote of this House. Number two, Mrs. Breslin is currently serving pursuant to appointment of her Legislative Committee. That appointment has been challenged and referred to the Elections Committee of this House, which is now considering that question. Therefore this House has not acted relative to that challenge. Number three, regarding the previous challenge to Mrs. Breslin, the Supreme Court has issued a stay regarding that action. And finally, until there is a Resolution of the preceding two points, she is a seated Member of this House. Any votes that she casts in that capacity are valid until there is a Resolution either of the Supreme Court Action or of the challenge currently assigned to the Elections Committee. And there have been Illinois Supreme Court decisions as long as 30 years ago which have held that votes cast in this capacity are valid even if there is a subsequent reversal of the voter's position. And for those stated reasons, your point is not well taken."

Leinenweber: "Thank you, Sir. I would dissent from your ruling."

Speaker Madigan: "And the Gentleman requests that his dissent be recorded in the record and it shall be so recorded. And Mr. Collins wishes to me too..Mr. Leinenweber...and Mr. Ryan will now return to the Chair."

Clerk Hall: "Representative Ryan in the Chair."

Leinenweber: "I now appeal the ruling of the Chair."

Speaker Ryan: "You're going to have Mike so nervous he's not going to know what to do."

Leinenweber: "The only reason I said that is somebody left my mike on."

Speaker Ryan: "Turn his light off, will you please? All right. On the Calendar under Amendatory Vetoes appears a motion with respect to House Bill 1097. The motion is to accept the Governor's specific recommendations for change by adoption of the Amendment in the motion. And on that motion, Representative



McMasters."

McMasters: "Mr. Speaker, Ladies and Gentlemen of the House, I am moving to accept the Governor's Amendment to House Bill 1097. His Amendment corrects the Bill...figures in it such as...in its passage we had 150 thousand dollars in there as the limit that must be reached before a township is required to have a Certified Public Accountant to audit their funds. But after other legislation was passed and signed by the Governor this figure in that legislation was 200 thousand. Therefore, he amended this Bill to make the two figures equal to two-hundred thousand. He also inserted language...it was his feeling that perhaps we did not make any requirements as far as who would audit township funds in cases where the total amount was under 200 thousand. For that reason he is adding in language that says that these auditors must be proficient in accounting principles and practices and shall be compensated at a rate determined by the Board of Trustees but not to exceed 50 dollars per day. The whole purpose of the legislation is to get away from the Township Board of Trustees auditing their own books. We are trying to set up a separate auditing group. I feel that the legislation as passed and amended by the Governor is satisfactory and I would urge a 'yes' vote in support of the Governor's Amendatory Veto."

Speaker Ryan: "The question is, shall the House accept the Governor's specific recommendation for change with respect to House Bill 1097 by adoption of the Amendment? All in favor vote 'aye' and all opposed vote 'nay'. It takes 89 votes. Have all voted who wished? Have all voted who wished? The Clerk will take the record. On this question the vote is 144 'ayes', 1 'nay' and no voting 'present'. This motion, having received the Constitutional Majority, prevails and the House accepts the Governor's specific recommendation for change regarding House Bill 1097, by adoption of the Amendment. Representative Jaffe on the floor? On the Calendar under Amendatory Vetoes appears a motion with respect to House Bill 1186. The motion is to accept the Governor's specific recommendation for change



by adoption of the Amendment in the motion. And on that motion, the Skokie Flash, Representative Jaffe... I stand corrected, the Skokie Swift."

Jaffe: "Mr. Speaker and Members of the House, I'm moving to just adopt the Governor's Amendatory Veto. Basically, what this Bill did is it required the appointment of a guardian ad litem for every minor involved in a court proceeding where the minor is the alleged victim of acts of sexual conduct or abuse. Basically, the Bill, as it left the House and Senate and went to the Governor's desk, made it mandatory that the court appoint a guardian ad litem in each case. With the Governor's Amendatory Veto, it becomes discretionary rather than mandatory. I will not say that I'm 100% happy with it. I think it ought to be mandatory but I'm willing to go along with the Governor in this particular instance because I think it's a step in the right direction and I would move to concur with the Governor's Amendatory Veto."

Speaker Ryan: "Any discussion? Representative Jaffe, to close. Pardon me just a minute, Representative Jaffe. Representative Leinenweber."

Leinenweber: "Representative Jaffe, doesn't the court already have this power to appoint a guardian ad litem?"

Jaffe: "It may or may not. It's never really been specifically spelled out..."

Leinenweber: "They do though, don't they?"

Jaffe: "Well, it's never been spelled out in the statutes. There have been instances where they have made the appointments but that doesn't necessarily mean that they could have the power to do so. All we're doing is making sure that they in fact do have the power to do so by writing it into the statute books. I can't imagine anyone objecting to this particular Bill, not even Harry Leinenweber."

Leinenweber: "Inasmuch as it codifies an existing law I will not oppose."

Speaker Ryan: "Representative Jaffe, do you wish to close?"

Jaffe: "No, Mr. Speaker. I think that everyone understands the Bill and I



think that there are no objections, so let's..."

Speaker Ryan: "The question is, will the House accept the Governor's specific recommendation for change with respect to House Bill 1186 by adoption of the Amendment? All in favor vote 'aye' and all opposed will vote 'nay'. Have all voted who wished? Have all voted who wished? The Clerk will take the record. On this motion there are 154 voting 'aye', 1 voting 'nay' and none voting 'present'. This motion, having received the Constitutional Majority, prevails and the House accepts the Governor's specific recommendation for change regarding House Bill 1186 by adoption of this Amendment. On the Calendar under Amendatory Vetoes appears a motion with respect to House Bill 1201. The motion is to accept the Governor's specific recommendations for change by adoption of the Amendment in the motion. And on that motion...and on that motion, Representative Kempiners."

Kempiners: "Thank you, Mr. Speaker. House Bill 1201 would permit counties of 250 thousand population or more to adopt an ordinance requiring a land owner through whose land drain tile was installed to submit a map indicating the approximate depth or location of that drain tile. The Governor, in his Amendatory Veto indicated that rather than the land owner doing that, it ought to be the person for whose benefit the drain tile is installed, indicating that it would be possible for drain tile to be installed by someone through someone else's land. But it would be for someone else's benefit. I concur in the observation made by the Governor and by what he has done in his Amendatory Veto and I would seek the support of the House in adopting this change."

Speaker Ryan: "Is there any discussion? Do you care to close, Representative Kempiners?"

Kempiners: "I would just ask for a favorable vote."

Speaker Ryan: "The question is, shall the House accept the Governor's specific recommendations for change with respect to House Bill 1201, by adoption of the Amendment? All in favor vote 'aye' and all opposed vote 'nay'. Have all voted who wished? Have all voted who wished? The Clerk will take the record. On this question there are



152 'yes', no 'no' and none voting 'present'. This motion, having received the Constitutional Majority, prevails and the House accepts the Governor's specific recommendations for change regarding House Bill 1201 by adoption of the Amendment. On the Calendar under Amendatory Vetoes appears a motion with respect to House Bill 1415. The specific motion is to accept the Governor's specific recommendations for change by adoption of the motion. And on that motion, Representative Birchler."

Birchler: "Thank you, Mr. Speaker and Members of the House. The junior college people have been contacted. They will accept this Amendatory Veto. This Bill in no way affects the junior college system of Cook County. All I ask is that we give an affirmative vote to accept the Amendatory Veto."

Speaker Ryan: "The Gentleman from Coles, Representative Stuffle."

Stuffle: "Yes, Mr. Speaker, I would rise in support of this.

Representative Birchler had asked me to file the actual motion for this when he was involved in a car accident and he will proceed with the motion. It is as he said, in agreement with the Governor and it clears up a potential difference in the language of the Revenue Code, in the language of the statutes covering the downstate community college system."

Speaker Ryan: "Is there any other discussion? The Gentleman from Randolph, Representative Birchler to close."

Birchler: "Yes, all I ask is that we give an 'aye' vote on this motion."

Speaker Ryan: "The question is, shall the House accept the Governor's specific recommendations for change with respect to House Bill 1415 by, adoption of the Amendment? All in favor vote 'aye', all opposed vote 'nay'. Have all voted who wished? Have all voted who wished? The Clerk will take the record. On that question there are 146 voting 'aye', none voting 'no' and 1 voting 'present'. This motion, having received the Constitutional Majority, prevails and the House accepts the Governor's specific recommendations for change regarding House Bill 1415 by adoption of the Amendment. Representative Walsh, did you want to be recognized?"



## Committee Reports."

Clerk Hall: "Representative Matijevich, Chairman from the Committee on Appropriations I to which the following Bills were referred, action taken November 3, 1977, reported the same back with the following recommendations, do pass House Bill 2464, 2472, 2476. Do pass as amended House Bill 2481. Representative Chapman, Chairman from the Committee on Human Resources reported the following Committee Bill for introduction, House Bill 2506, being a Bill for an Act to amend Sections of the Medical Practice Act. Representative Chapman, Chairman from the Committee on Human Resources reported the following Committee Bill for introduction, House Bill 2507, a Bill for an Act making certain appropriations..."

Speaker Ryan: "Introductions and First Reading."

Clerk Hall: "House Bill 2502. Wolf. A Bill for an Act to add Sections to the Illinois Insurance Code. First Reading of the Bill. House Bill 2503. Porter. A Bill for an Act to amend Sections of the Revenue Act. First Reading of the Bill. House Bill 2504 Porter. A Bill for an Act to amend Sections of the Revenue Act. First Reading of the Bill. House Bill 2505. Porter. A Bill for an Act to amend Sections of the School Code. First Reading of the Bill. House Bill 2506. The Committee on Human Resources. Amends the Medical Practices Act. First Reading of the Bill. House Bill 2507. Committee on Human Resources. Appropriates the Department of Mental Health for salary increases...positions. First Reading of the Bill. Senate Bill 1390. A Bill for an Act making an appropriation to the Capital Development Board. First Reading of the Bill. Senate Bill 1391. A Bill for an Act to amend Sections of an Act to make an appropriation to the Supreme Court. First Reading of the Bill."

Speaker Ryan: "On the Calendar under Amendatory Vetoes appears a motion with respect to House Bill 1706. The motion is to accept the Governor's specific recommendation for change by adoption of the Amendment in the motion. And on that motion, Representative Edgar. Do you want to take that out of the record, Representative Edgar? Take that out of the record, please. On the



Calendar under Amendatory Vetoes appears a motion with respect to House Bill 1732. The motion is to accept the Governor's specific recommendations for change by adoption of the Amendment in the motion. On that motion the... Representative Cunningham, are you prepared to present that Bill?"

Cunningham: "Mr. Speaker and Ladies and Gentlemen, the changes that the Governor's Office made in the Governor's Bill are of small consequence to tidy it up and carry out the original purpose of the Bill. You voted for it overwhelmingly and I request you join in an 'aye' vote now."

Speaker Ryan: "Is there any discussion? The Gentleman from McHenry, Representative Skinner."

Skinner: "Yes, I wonder if the Sponsor would yield for a question?"

Speaker Ryan: "He indicates he will."

Skinner: "Is this the Bill that is going to ratify the Capital Development Board's lunge for money of that local institution such as McHenry County College has gotten out of the Federal Government? They're attempting to take this loc...this money that was gotten by local initiative and take it into the state pot?"

Cunningham: "I find no reference to McHenry College but I'll be glad to speak to his excellency in behalf of that college if you like. "

Skinner: "I didn't catch this the first time it went through but I have a sneaking suspicion that this is the one that is going to legalize what the CDB has been doing through administrative fiat or through absolute clout, by saying we won't give you the rest of the money that we promised you if you'll kick in the money that you have independently gotten from some other source. I believe that's the case. I'm not certain. If it is the case it certainly will stifle local initiatives and I don't think that's what we should be attempting to do in this General Assembly."

Cunningham: "Mr. Speaker, let me allay the fears of the distinguished Gentleman from Crystal Lake. The effect is not that at all. The





effect of the Bill is to utilize Federal Funds where there is an excess of payment of state bonds. It's a housekeeping measure. It has no devious purpose. Your suspicions are unfounded. It deserves a hearty, enthusiastic total 'aye'."

Skinner: "The problem with Representative Cunningham is that since he has become indecisive of whether he is running for Congress or not it is difficult to know when he is sincere and when he is not. So I ask for the time when there wasn't an opportunity for him to run for Congress, one could always tell the difference. Unfortunately, his vocal chords have been somehow changed by his mindset. And I would caution my colleagues not to always believe that he...."

Speaker Ryan: "Representative Skinner, I believe you're out of order. Do you have a question of the Sponsor?"

Skinner: "No, I just would like to argue against the ...the..."

Speaker Ryan: "The Lady from Cook, Representative Geo-Karis."

Geo-Karis: "Mr. Speaker and Ladies and Gentlemen of the House, the only thing the Amendatory Veto does is postpone the Bill until July of 1978. And I submit that my prior colleague in all of his gracious eloquence. now that he's grown his hair longer. has six months to make any changes and I'd like to move that we pass this Bill with the Amendatory Veto on it."

Speaker Ryan: "Representative Cunningham, to close."

Cunningham: "Your 'aye' vote will be appreciated by the administration."

Speaker Ryan: "The question is, shall the House accept the Governor's specific recommendation for change with respect to House Bill 1732, by adoption of the Amendment? All in favor vote 'aye' all opposed vote 'nay'. Have all voted who wished? Have all voted who wished? Have all voted who wished? The Clerk will take the record. On this question there are 129 'aye', 30 'no' and none voting 'present'. The motion, having received the Constitutional Majority, prevails and the House accepts the Governor's specific recommendation for change with regard to House Bill 1732 by adoption of the Amendment. On the Calendar under Amendatory Vetoes appears a motion with respect to House Bill



1752. The motion is to accept the Governor's specific recommendations for change by adoption of the Amendment in the motion. And on that motion, the Gentleman from Marion, Representative Friedrichs."

Friedrichs: "Mr. Speaker and Members of the House, House Bill 1752 gives to the Illinois intra-state carriers the same rights and privileges insofar as the publication of joint rates are concerned that they...that's been enjoyed by the interstate carriers for many many years. It provides immunity from the anti-trust laws to motor carriers who carry..."

Speaker Ryan: "Representative Friedrich, can we ask you to take that out of the record at this moment please? This requires 107 votes and I think we'll eliminate a little hassle if you'll take that out."

Friedrich: "That's right because there's a change in the effective date."

Speaker Ryan: "Yes, you changed the effective date on that. On the Calendar under Amendatory Vetoes appears a motion with respect to House Bill 1915. The motion is to accept the Governor's specific recommendation for change by adoption of the Amendment in the motion. And on that motion the Gentleman from Cook, Representative Mann. Representative Holewinski. Representative Holewinski, do you want to handle the Bill? Take that one out of the record. On the Calendar under Amendatory Vetoes appears a motion with respect to House Bill 2022. The motion is to accept the Governor's specific recommendation for change by adoption of the Amendment in the motion. And on that motion Representative Totten."

Totten: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. The...House Bill 2022 was a Bill to increase the width of buses from 8 feet 6 inches to...to 8 feet 6 inches. The reason for that is that most of the buses...all the buses manufactured today...mass transit, need that width change in order to handle handicapped. The R.T.A. buses are all being manufactured that way and all the interstate buses. What the Governor did with his Amendatory Veto was to add language. We had exempted County



Highways and Township Roads at the request of the County and Township Officials. But the Governor amended it to say that unless the County Superintendent of Highways has determined that operation of buses wider than 96 inches will not pose a unique safety hazard on a particular county or township road or road segment after giving due consideration to the width and condition of the road or road segment and to the mass transportation needs of the area. There are areas in the state such as the bystate area where the mass transportation buses run on County and Township Roads and they would like to be able to do that. As far as I know there is no opposition to this Bill and I would therefore move to accept the Governor's specific recommendations for change with respect to House Bill 2022."

Speaker Ryan: "The Gentleman from Macon, Representative Dunn."

Dunn: "Will the Sponsor yield for a question?"

Totten: "Sure."

Speaker Ryan: "He indicates he will."

Dunn: "My analysis indicates that the amendatory language would add, in part a proposal that would allow the County Superintendent of Highways to determine whether wider buses would create a hazard and approve them. Is it the County Superintendent who has this decision making power in every case or are there provisions for other municipal authorities in some instances?"

Totten: "John, I'm not sure. The language that was added was added by the Governor and I understand with concurrence of the county and township officials who originally wanted the exemption from County and Township Roads. So I just have to say, apparently they have worked it out this way. I don't know whether there's any other jurisdiction."

Dunn: "The reason for the question is you can obviously conceive of a situation where there may be a city that occupies a great portion of the county and it may be more appropriate to have a city official make that decision than a county official. And I... You just don't know the answer to that, huh?"



Totten: "We're talking only about County and Township Roads. The city could do it within the city and I'm sure, if we're talking about a mass transit district that we ought to be able to work it out of the counties and township and the cities involved."

Speaker Ryan: "Any further discussion? Representative Tottan, to close."

Totten: "Thank you, Mr. Speaker, I would just move the adoption of the Amendatory Veto of the Governor."

Speaker Ryan: "The question is, shall the House accept the Governor's specific recommendations for change with respect to House Bill 2022 by adoption of the Amendment? All in favor will vote 'aye', all opposed vote 'nay'. Have all voted who wished? Have all voted who wished? Record Representative Cunningham as 'aye', please. Have all voted who wished? The Clerk will take the record. On that question there are 134 'aye', no 'nay' and 5 voting 'present'. This motion, having received the Constitutional Majority, prevails and the House accepts the Governor's specific recommendations for change regarding House Bill 2022, by adoption of the Amendment. On the Calendar under Amendatory Vetoes appears a motion with respect to House Bill 2161. The motion is to accept the Governor's specific recommendations for change by adoption of the Amendment in the motion. And on that question, the Gentleman from DuPage, Representative Daniels."

Daniels: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2161 allows for the creation of more than one public building commission in counties having between 350 thousand and one million population. The Governor's Amendatory Veto after review of the same is acceptable to us and strengthens the Bill in clarifying the fact that a single municipality or county may have no more than one commission in that particular municipality of county. We move to accept the Amendatory Veto of the Governor."

Speaker Ryan: "Is there any further discussion? Is there any further discussion? The question is, shall the House accept the Governor's specific recommendations for change with respect to



House Bill 2161 by adoption of the Amendment? All in favor will vote 'aye' and all opposed will vote 'nay'. Have all voted who wished? Have all voted who wished? The Clerk will take the record. On this motion there are 133 'ayes', 3 voting 'no' and 1 voting 'present'. This motion, having received the Constitutional Majority, prevails and the House accepts the Governor's specific recommendations for change regarding House Bill 2161 by adoption of the Amendment. On the Calendar under Amendatory Vetoes appears a motion with respect to House Bill 2308. The motion is to accept the Governor's specific recommendation for change by adoption of the Amendment in the motion. And on that motion, the Gentleman from McHenry, Representative Skinner."

Skinner: "What this does is probably allow us to put a couple more subdivisions under asphalt through the special assessment process before somebody decides to...that it's unconstitutional again. And the Governor has stuck in a couple of little references saying that we can...that the applications for special assessments have to go to the Committee of the County Board and it's strictly a technical clean up Amendment which I would ask your support for."

Speaker Ryan: "Is there any further discussion? The question is, shall the House accept the Governor's specific recommendations for change with respect to House Bill 2308 by adoption of the Amendment? All in favor vote 'aye' and all opposed vote 'no'. Have all voted who wished? Have all voted who wished? Have all voted who wished? The Clerk will take the record. On this question there are 137 voting 'aye', none voting 'no', 1 voting 'present'. This motion, having received the Constitutional Majority, prevails and the House accepts the Governor's specific recommendations for change regarding House Bill 2308 by adoption of the Amendment. Representative Stanley."

Stanley: "Yes. I was inadvertently off the floor when the Roll Call was taken on House Bill 600 and I would like to be recorded as voting 'aye'. It will not effect the outcome of the vote."

Speaker Ryan: "Does the Gentleman have unanimous consent? I will be so



recorded. No objections. Representative Madigan, announcement."

Madigan: "Mr. Speaker, we are prepared to adjourn so that if there are any further announcements by Mr. Barnes, why we could take them right now."

Speaker Ryan: "Representative Barnes."

Barnes: "Thank you very much, Mr. Speaker. Mr. Speaker and Members of the House, with leave of the House I would like to waive the provision for posting for the hearing of two Bills tomorrow in Appropriations II, House Bill 2489 and House Bill 21. The meeting will be at 11:00, Appropriations II in C1, C1."

Speaker Ryan: "Does the Gentleman have unanimous consent to use the Attendance Roll Call? What are the Bill numbers, Representative Barnes?"

Barnes: "There are two Bills involved. One is House Bill 2489, which is 28 hundred dollars for...the Industrial Commission. The other Bill is House Bill 21, which is Representative Kempiner's and it relates to the Appellate Defender Program, I think. I'm not really sure but those are the two Bills."

Speaker Ryan: "Is there any objections to the Attendance Roll Call? Representative Katz."

Katz: "No...Excuse me, time for another announcement, Mr. Speaker?"

Speaker Ryan: "Just a minute, Representative Katz. Do you have any objections to Representative Barnes motion?"

Katz: "No, I wanted to make another announcement."

Speaker Ryan: "Hearing no objections, the Attendance Roll Call will be used and the motion carries. Now, Representative Katz, go."

Katz: "Members having Bills that they want to be declared exempt will have an opportunity to appear before the Rules Committee next Monday immediately before we meet here. What they should do by noon tomorrow is to go into the Speaker's Office and get from Nancy the form that has to be filled out, by noon tomorrow. And then the matter will be posted and scheduled for a Rules Committee meeting that will take place a half an hour before the House convenes on Monday. That's the first announcement,



Mr. Speaker. The second announcement is that the House Judiciary II Committee Meeting scheduled for tomorrow morning will take place on Tuesday morning as has been posted and as each Member has been advised. So that Members having Bills before the Judiciary II Committee should appear in Room 114 at 9:30 a.m. next Tuesday morning and not tomorrow morning."

Speaker Ryan: "Thank you, Representative Katz, your brevity is appreciated. The Gentleman from Cook, Representative Porter."

Porter: "Mr. Speaker, I would like to ask unanimous consent to be recorded as 'aye' on House Bill 480. The privilege has been extended to other Members all day."

Speaker Ryan: "The Gentleman asks unanimous consent. Hearing no objections, let the record so show. Any other announcements? Declarations? Words of wisdom? Representative Madigan."

Madigan: "Mr. Speaker, I move that we adjourn until 12:00 tomorrow."

Speaker Ryan: "The Gentleman has moved to adjourn until 12:00 tomorrow. All in favor say 'aye', all opposed say 'no'. In the opinion of the Chair, we're adjourned."



<u>Page</u>	<u>Time</u>	<u>Speaker</u>	<u>Information</u>	1.
1	1:00	Speaker Redmond	House to order	
		Reverend Krueger	Prayer	
		Speaker Redmond	Roll Call	
		Clerk Hall		
		Speaker Redmond		
2		Matijeovich		
	1:05	Speaker Redmond		
		Madison		
		Speaker Redmond	Recess Reg. Session till 1:30 1st Spec. Session to order	
		Clerk Hall	Committee Reports	
		Speaker Redmond	General Resolutions	
		Clerk Hall		
		Speaker Redmond		
		Houlihan	Move 1st Spec. Session adjourn	
3	1:20	Speaker Redmond	Adjourned 2nd Spec. Session to order	
		D. Houlihan	Same Roll Call	
		Speaker Redmond	Committee Reports	
		Clerk Hall		
		Speaker Redmond		
		D. Houlihan	Move 2nd Spec. Session adjourn	
		Speaker Redmond	Adjourned	
		Cunningham		
	1:25	Speaker Redmond	House to order	
4		Clerk Hall	1st Reading	
		Speaker Bradley		
		Matijeovich	Announcement	





<u>Page</u>	<u>Time</u>	<u>Speaker</u>	<u>Information</u>	2.
		Speaker Bradley		
		Clerk Hall	Introduction and 1st Rdg.	
5		Speaker Bradley	H.B. 31, motion	
		Cunningham		
		Speaker Bradley	Motion prevails, House accepts Gov. recommendation H.B. 212, motion	
		Totten		
		Speaker Bradley		
6		Mann	Yield?	
7, 8		Totten	Discussion	
		Speaker Bradley		
		Johnson		
		Speaker Bradley		
9		Geo-Karis		
		Speaker Bradley		
		Totten	To close	
		Speaker Bradley		
10	1:45	Mann		
		Speaker Bradley		
		Mann	Point of personal privilege	
		Speaker Bradley		
		Matijevich		
		Speaker Bradley	House accepts Gov. recommendation	
11		Lechowicz	Point of information	
		Speaker Bradley	H.B. 286, motion	
		Stearney		
		Speaker Bradley		



<u>Page</u>	<u>Time</u>	<u>Speaker</u>	<u>Information</u>	3.
12		Stearney		
13		Darrow	Yield?	
		Stearney	Discussion	
		Speaker Bradley		
14		Getty	Urge Present vote	
		Speaker Bradley		
		Ebbesen		
		Speaker Bradley		
15		Stearney	To close	
		Speaker Bradley		
16		Lechowicz	Point of order	
		Speaker Bradley		
		Abramson	Discussion	
		Speaker Bradley		
17		Stearney		
	2:00	Speaker Bradley		
		Schlickman	Parliamentary inquiry	
		Speaker Bradley	Discussion	
18		Geo-Karis		
		Speaker Bradley		
		Stearney	Poll absentees	
		Speaker Bradley		
		Clerk Hall		
		Speaker Bradley		
		Griesheimer	Change to aye	
		Speaker Bradley		
		Waddell	Change to aye	



4.

<u>Page</u>	<u>Time</u>	<u>Speaker</u>	<u>Information</u>
19		Speaker Bradley Laurino	Change to present
		Speaker Bradley Geo-Karis	Parliamentary inquiry
20		Speaker Bradley Matijevich	
		Speaker Bradley Tipsword	Question
		Speaker Bradley	
21		Tipsword	
		Speaker Bradley Matijevich	
		Speaker Bradley	
	2:10	Pierce	
22		Speaker Bradley Mudd	
		Speaker Bradley	
	2:15	Speaker Bradley Stearney	Postponed Consideration
		Speaker Bradley	
23		Tipsword	Discussion
		Speaker Bradley	H.B. 314, motion
24		Stearney	
		Speaker Bradley	
		Tipsword	Discussion
		Speaker Bradley	
		Schlickman	Discussion



<u>Page</u>	<u>Time</u>	<u>Speaker</u>	<u>Information</u>	5.
		Speaker Bradley		
25		Stearney	H.B. 314, Motion	
		Speaker Bradley		
26		Greiman	Yield?	
		Stearney	Discussion	
		Speaker Bradley		
		Stearney	To close	
		Speaker Bradley		
		Katz		
27		Speaker Bradley		
	2:30	Bluthardt	Point of inquiry about Breslin	
		Speaker Bradley	House accepts Gov. recommendation	
		Bluthardt		
28		Speaker Bradley		
		Madigan	Inquiry of the Chair	
		Speaker Bradley		
29		Bluthardt	Point of order, appeals ruling of the Chair	
		Speaker Bradley		
		Darrow	overruling of Chair not in order	
		Speaker Bradley		
		Matijevich		
		Speaker Bradley		
30		Collins		
		Speaker Bradley		
		Flinn	Question	
		Speaker Bradley		



<u>Page</u>	<u>Time</u>	<u>Speaker</u>	<u>Information</u>	6.
		Robinson		
		Speaker Bradley	Bluthardt motion out of order	
		Collins	Appeals ruling	
		Speaker Bradley		
		Ewell	Move to table Collins appeal	
31		Speaker Bradley		
32		Telcser		
	2:45	Speaker Bradley		
		Telcser		
		Speaker Bradley		
33		Matijevich	Point of order	
		Speaker Bradley		
		Griesheimer		
34		Lauer		
		Speaker Bradley		
		Madison		
		Speaker Bradley		
35		Bluthardt	Moves to appeal ruling	
		Speaker Bradley		
		Matijevich		
		Speaker Bradley		
		Collins		
		Speaker Bradley		
		Lechowicz		
		Speaker Bradley		
36		Collins	appeals, etc.	



<u>Page</u>	<u>Time</u>	<u>Speaker</u>	<u>Information</u>	7.
		Speaker Bradley Lechowicz		
37		Speaker Bradley Madison		
	2:55	Speaker Bradley		
38		Bluthardt	Explains vote	
		Speaker Bradley Friedrich		
		Speaker Bradley Brummer		
		Speaker Bradley Conti	Inquiry	
39		Speaker Bradley	Motion to appeal fails H.B. 480, motion	
40		Deuster		
		Speaker Bradley Ryan	Introduces Lt. Governor	
41		Speaker Bradley Willer	House accepts Gov. recommendation Change vote	
		Speaker Bradley Yourell	H.B. 602, motion	
		Speaker Bradley		
42		Skinner		
		Speaker Bradley Yourell		
		Speaker Bradley	House accepts Gov recommendation	
43		Waddell		



<u>Page</u>	<u>Time</u>	<u>Speaker</u>	<u>Information</u>	8.
	3:12	Speaker Bradley	H.B. 571	
		Tipsword		
		Speaker Bradley		
		Mann	Announcement	
44		Speaker Bradley		
45		Brady	H.B. 571, move to override	
46		Speaker Bradley		
		Schlickman	Yield?	
47		Brady	Discussion	
		Speaker Bradley		
		Skinner	Question	
		Brady	Discussion	
		Speaker Bradley		
48		Geo-Karis	Point of information	
		Speaker Bradley		
		Brady	To close	
		Speaker Bradley	H.B. 571, overridden	
		Matijeovich	Work late!	
49		Speaker Bradley		
		Yourell	H.B. 603, motion to accept	
		Speaker Bradley		
		Anderson	Yield	
		Yourell	Discussion	
50	3:30	Speaker Bradley	House accepts Gov. recommendation	
		Terzich	H.B. 657, motion	
		Speaker Bradley		



<u>Page</u>	<u>Time</u>	<u>Speaker</u>	<u>Information</u>	9.
51		Schlickman	Parliamentary inquiry	
		Speaker Bradley	House accepts Gov. recommendation	
		Terzich	H.B. 658, motion	
		Speaker Bradley	House accepts Gov. recommendation	
		Terzich	H.B. 659, motion	
52		Speaker Bradley	House accepts Gov. recommendation	
		McCourt	H.B. 737, motion	
		Speaker Bradley	House accepts Gov. recommendation	
53		Levin	H.B. 748, motion	
		Speaker Bradley	House accepts Gov. recommendation	
54		Jaffe	H.B. 760, motion	
		Speaker Bradley		
		D. Houlihan	Question	
55, 56		Jaffe	Discussion	
		Speaker Bradley		
57		Stearney	Yield:	
58		Jaffe	Discussion	
		Speaker Bradley		
		Geo-Karis		
59	3:50	Cunningham		
		Speaker Bradley		
		Jaffe	To Close	
		Speaker Bradley	House accepts Gov. recommendation	
60		Walsh	H.B. 687, Motion to override	
		Speaker Bradley		
		Brady	Support	





<u>Page</u>	<u>Time</u>	<u>Speaker</u>	<u>Information</u>	10.
		Speaker Bradley		
		Lucco	Support	
61		Speaker Bradley		
		Schneider	Support	
		Speaker Bradley	House accepts Gov. recommendation	
62		J. Davis	H.B. 931, motion	
		Speaker Bradley		
63		Getty	H.B. 1010, move to override	
		Speaker Madigan		
64		Telcser		
		Speaker Madigan		
		Willer		
		Speaker Madigan		
65		Getty	To close	
		Speaker Madigan	Overridden	
66, 67		Kelly	H.B. 17, move to override	
		Speaker Madigan		
	4:10	Brummer		
		Speaker Madigan		
68		Greiman	Yield	
69		Kelly	Discussion	
		Speaker Madigan		
70		Williams		
		Speaker Madigan		
		Willer	Question	
		Kelly	Discussion	



<u>Page</u>	<u>Time</u>	<u>Speaker</u>	<u>Information</u>	11.
		Speaker Madigan		
71		Kelly	To close	
		Speaker Madigan		
		Kelly	Explain vote	
72		Speaker Madigan	H.B. 17	
		Kelly	Postponed Consideration	
		Speaker Madigan		
		Luft	H.B. 186	
		Speaker Madigan		
73	4:29	Telcser		
		Speaker Madigan		
		Lechowicz	Point of order	
		Speaker Madigan		
74		Telcser		
		Luft		
		Speaker Madigan		
		Geo-Karis	Question	
75		Luft	Response	
		Geo-Karis	Address the question, against	
		Speaker Madigan	o	
76		Totten	Support	
		Speaker Madigan		
77	4:35	Tipsword		
78		Speaker Madigan		
79		Lauer		
		Speaker Madigan		



<u>Page</u>	<u>Time</u>	<u>Speaker</u>	<u>Information</u>	11.
		Capparelli	Moves previous question	
		Speaker Madigan	Previous question is moved	
80		Luft	To close	
		Speaker Madigan		
81		Schlickman	Explains no vote	
		Speaker Madigan		
		Mautino	Votes green	
		Speaker Madigan		
82	4:47	Lechowicz	Explains vote	
		Speaker Madigan		
83		Matijevich	Explains aye vote	
		Speaker Madigan		
84		J. Dunn		
		Speaker Madigan		
		Mudd		
		Speaker Madigan		
85		Luft	Explains vote	
		Speaker Madigan		
		Ryan	Wants verification	
		Speaker Madigan		
		Clerk Hall	Reads names of verification	
		Speaker Madigan	Record Madison aye	
		Ryan	Question	
		Speaker Madigan	H.B. 186, Postponed Consideration Total Veto Motion H.B. 312	
86		Tipsword	Explains H.B. 312	
87		Speaker Madigan		



<u>Page</u>	<u>Time</u>	<u>Speaker</u>	<u>Information</u>	12.
		Ewing		
		Speaker Madigan		
		Lauer	Question	
88		Tipsword	Response	
		Lauer	Addresses the Bill	
		Speaker Madigan		
		McMaster	Cosponsor of H.B. 312	
89(a)		Speaker Madigan		
		Tipsword	To close	
	5:07	Speaker Madigan		
		Byers	Explains vote	
89(b)		Speaker Madigan		
		Stuffle	Explains aye vote	
		Speaker Madigan		
		Lechowicz	Explains aye vote	
90		Speaker Madigan	H.B. 312 passes; H.B. 333	
91, 92	5:10	Leinenweber	Explains H.B. 333	
93		Speaker Madigan		
		Kelly	Supports	
		Speaker Madigan		
		Gaines		
94		Speaker Madigan		
95		Mugalian		
96		Speaker Madigan		
	5:27	Mann		
97		Speaker Madigan		



<u>Page</u>	<u>Time</u>	<u>Speaker</u>	<u>Information</u>	13.
		Conti	Point of order	
		Mann	Continues	
		Speaker Madigan		
98		Dyer		
99		Speaker Madigan		
		Ewell		
100		Speaker Madigan		
		Telcser		
		Speaker Madigan		
101	5:40	D. Davis	Support	
102		Speaker Madigan		
		Kosinski	Moves previous question	
		Speaker Madigan	previous question moved	
103		Bradley		
104		Speaker Madigan	H.B. 333	
	5:50	Willer	Explain aye vote	
105		Speaker Madigan		
		Johnson		
		Speaker Madigan		
		Deuster		
106		Speaker Madigan	H.B. 333 passed; H.B. 1200	
107, 108, 109, 110 111		Totten	Explains H.B. 1200	
		Speaker Madigan		
112		Tipsword	Question	
		Totten	Response	
		Speaker Madigan	Announcement to work till 9:30	



<u>Page</u>	<u>Time</u>	<u>Speaker</u>	<u>Information</u>	14.
		Geo-Karis		
113		Speaker Madigan		
	6:15	Chapman		
114		Speaker Madigan		
115		Friedrich		
116		Speaker Madigan		
		Lechowicz	Moves previous question	
		Speaker Madigan	Previous question moved	
		Totten	To close	
		Speaker Madigan	H.B. 1200	
117	6:25	Ebbesen	Explains vote	
		Speaker Madigan		
		DiPrima	Explains vote	
		Speaker Madigan		
		Cunningham	Explains vote	
118		Speaker Madigan		
		Ewell	Explains vote	
		Speaker Madigan		
		William	Explains aye vote	
119		Speaker Madigan	H.B. 1200 passed; H.B. 508	
120		Wolf	Votes aye on H.B. 333 and explains H.B. 508	
		Speaker Madigan		
		Wolf		
		Speaker Madigan		
		Kosinski	Cosponsor	
		Speaker Madigan		



<u>Page</u>	<u>Time</u>	<u>Speaker</u>	<u>Information</u>	15.
	6:33	Leinenweber	Question	
121		Wolf	Response	
		Speaker Madigan	H.B. 508 passed; H.B. 563-TOOR	
122		Kozubowski	Announcement	
		Speaker Madigan		
		Matijevich	Announcement, leave to suspend posting rule	
123		Speaker Madigan	Discussion	
		Pierce	Announcement	
		Speaker Madigan		
		Macdonald	Change vote on H.B. 602	
		Speaker Madigan	Leave granted	
		Bowman	Aye on H.B. 508	
		Speaker Madigan	Leave granted	
		Mann	Announcement	
		Speaker Madigan		
	6:40	Garmisa	Announcement	
		Speaker Madigan		
124		Laurino	Rules suspended for posting	
		Speaker Madigan	Announcement ; H.B. 563	
125		Chapman	Explains H.B. 563	
		Speaker Madigan		
126		Keats		
		Speaker Madigan		
		Greiman		
127		Speaker Madigan		



<u>Page</u>	<u>Time</u>	<u>Speaker</u>	<u>Information</u>	16.
		Davis		
		Speaker Madigan		
128		Clerk Hall	Ryan in the Chair	
		Speaker Ryan		
129		Campbell		
		Speaker Ryan		
		Skinner	Question	
130		Chapman	Response	
		Skinner	Addresses the Bill	
		Speaker Ryan		
		Mulcahey	Moves previous question	
		Speaker Ryan	Previous question is moved	
	6:56	Chapman	To close	
		Speaker Ryan	H.B. 563	
131		Marovitz	Explains aye vote	
		Speaker Ryan		
		McMaster	Explains support	
		Speaker Ryan	H.B. 563 passed; Messages from Senate	
132		Clerk Hall	Reads Messages from Senate	
		Speaker Ryan		
		Peters		
		Speaker Ryan		
		Geo-Karis		
	7:00	Speaker Ryan	H.B. 585	
133		Hart	Explains H.B. 585	
134		Speaker Ryan		





<u>Page</u>	<u>Time</u>	<u>Speaker</u>	<u>Information</u>	17.
		Tipsword	Point of inquiry	
		Speaker Ryan		
		Hart	To close	
		Speaker Ryan	H.B. 585	
	7:10	Hart	Explains vote	
135		Speaker Ryan	H.B. 585 passes; H.B. 595	
		Griesheimer	Parliamentary inquiry	
136		Speaker Ryan	Hold motion	
		Leinenweber	Point of order, H.B. 585	
		Speaker Ryan		
		Clerk Hall	Madigan in the Chair	
		Speaker Madigan	Responds to Leinenweber	
137		Leinenweber	Dissent from ruling	
		Speaker Madigan		
		Clerk Hall	Ryan returns to Chair	
		Leinenweber	Comments	
		Speaker Ryan	Amendatory veto, H.B. 1097	
138		McMaster	Accept Amendment to 1097	
		Speaker Ryan	H.B. 1097 passed H.B. 1186 accept amendment	
139		Jaffe	Explains H.B. 1186, concurs	
		Speaker Ryan		
	7:30	Leinenweber	Question	
		Jaffe	Discussion	
		Speaker Ryan		
		Jaffe	To close	
140		Speaker Ryan	H.B. 1186 passed; H.B. 1201	



<u>Page</u>	<u>Time</u>	<u>Speaker</u>	<u>Information</u>	18.
		Kempiners	Explains H.B. 1201	
		Speaker Ryan		
		Kempiners	To close	
		Speaker Ryan	H.B. 1201 passed; H.B. 1415	
141		Birchler	Explains H.B. 1415	
		Speaker Ryan		
		Stuffle	Supports	
		Speaker Ryan		
		Birchler	To close	
	7:40	Speaker Ryan	H.B. 1415 passed; Committee Reports	
142		Clerk Hall	Reads Committee Reports	
		Speaker Ryan	Introduction and 1st Reading	
		Clerk Hall	Reads Intorduction and 1st Rdg.	
		Speaker Ryan	Amendatory Veto; H.B. 1706-TOOR H.B. 1732	
143	7:45	Cunningham	Explains H.B. 1732	
		Speaker Ryan		
		Skinner	Question	
		Cunningham	Response	
144		Speaker Ryan		
		Geo-Karis	Further explanation and comment	
		Cunningham	Question	
		Speaker Ryan		
		Cuningham	To close	
		Speaker Ryan	H.B. 1732 passed; H.B. 1752	
145		Friedrich	Explains H.B. 1752	
		Speaker Ryan	Take out of record?	



<u>Page</u>	<u>Time</u>	<u>Speaker</u>	<u>Information</u>	19.
		Friedrich	Agrees	
		Speaker Ryan	H.B. 1915-T00R; H.B. 2022	
		Totten	Explains H.B. 2022, accept	
146		Speaker Ryan		
		J. Dunn	Question	
		Totten		
147		Speaker Ryan		
		Totten	To close	
	7:55	Speaker Ryan	H.B. 2022 passes; H.B. 2161	
		Daniels	Explains H.B. 2161, accept	
		Speaker Ryan	H.B. 2161 passes; H.B. 2308	
148		Skinner	Explains H.B. 2161, accept	
		Speaker Ryan	H.B. 2161 passed	
		Stanley	Vote aye on Bill	
		Speaker Ryan	Agrees	
149		Madigan	Prepared to adjourn	
		Speaker Ryan		
	8:00	E. Barnes	Announcements - suspension of posting rule	
		Speaker Ryan	Motion carries	
		Katz	Announcement, two of them	
150		Speaker Ryan		
		Porter	Vote aye on H.B. 480	
		Speaker Ryan	Unanimous consent	
		Madigan	Moves adjourn till 12 o'clock	
	8:05	Speaker Ryan	House adjourned	

