

HOUSE OF REPRESENTATIVES

SEVENTY-SEVENTH GENERAL ASSEMBLY

ONE HUNDRED SIXTY-THIRD LEGISLATIVE DAY

NOVEMBER 27, 1972

1:00 O'CLOCK P.M.

THE HONORABLE W. ROBERT BLAIR, SPEAKER

IN THE CHAIR

GENERAL ASSEMBLY

STATE OF ILLINOIS

HOUSE OF REPRESENTATIVES

A Roll Call for attendance was taken and indicated that all were present with the exception of the following:

Representative Bernard E. Epton - no reason given;

Representative Donald A. Henss - no reason given;

Representative Thomas R. Houde - illness;

Representative Edward Lehman - illness;

Representative Allan L. Schoeberlein - no reason given.



Hon. W. Robert Blair: "All right, the House will be in order. Invocation will be by Doctor Johnson."

Doctor Johnson: "We pray. Hear us, Almighty God, once again according to Your gracious will. Whenever we call upon You, we asked You to attend us and strengthen us and we come before You again, Oh Lord, in this spirit asking You to be with us also during this Regular Session. We asked this in the name of our Savior, Amen."

Hon. W. Robert Blair: "Roll Call for attendance. Introduction. First Reading of House Bills."

F. Selcke: "House Bill 4697. Washington... Harold Washington et al. Amends the Fish Code. First Reading of the Bill. House Bill..."

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

Washington: "Mr. Speaker, Members of the House. I ask leave to include in the motion that I'm going to make, ah... House Bill 4694 and 4695, which are now on the Speaker's table. They are related Bills."

Hon. W. Robert Blair: "All right. Have we read all the Bills to which he refers? Have we read all the Bills to which you refer?"

Washington: "4694, 95 and 97. I asked leave, Mr. Speaker, to suspend the appropriate Rules to advance these three Bills to Second Reading, without reference to a Committee. As you recall, we passed the Code of Corrections and about four hundred some odd companion bills in June. Those Bills have been signed into law, and there were certain



typographical errors and ambiguity, but no substantive problems. These Bills will bring the Code into conformity; straighten out those ambiguities. The Code goes into effect January, 1973, and it is imperative that these Bills be passed in order that the Code be flexuated. I asked your indulgence for unanimous consent to bypass Committee in advance and send them to the Order of Second Reading. I might add, Mr. Speaker, that there is bipartisan leadership endorsement and sponsors for these Bills."

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

Hyde: "Mr. Speaker, Ladies and Gentlemen of the House. It's our understanding that these are housekeeping bills and ah.... with that understanding, we have no objection to them being advanced and we'll take a look at them on Second."

Hon. W. Robert Blair: "All right, is there any objection? Hearing none, then unanimous consent will be given to suspend provisions of Rule 38, so those Bills, ah.... having been read the first time, will be advanced to the order of Second Reading, without reference to Committee. Proceed."

F. Selcke: "House Bill 4698. Shapiro et al. Makes supplemental appropriation to the Illinois Scholarship Commission. First Reading of the Bill. House Bill 4699. McDevitt. Amends the Illinois Anti-Trust Act. First Reading...."

Hon. W. Robert Blair: "Just a moment. The gentleman from Lee, Mr. Shapiro."



Shapiro: "Ah.... Mr. Speaker, Ladies and Gentlemen of the House. I would like leave of the House to suspend the appropriate Rule to advance this Bill to second reading, without reference to committee. It is an emergency deficiency appropriation to the Scholarship Commission to pay unpaid claims for Veteran scholarships to Junior Colleges. It has been cleared by both sides of the aisle."

Hon. W. Robert Blair: "All right, ah...., hearing no objection, then unanimous consent is given to waive the provisions of Rule 38, so that Bill, having been read a first time, may be advanced to the Order of Second Reading, without reference to committee."

F. Selcke: "House Bill 4699. McDevitt. Amends the Illinois Anti-Trust Act. First Reading of the Bill. House Bill 4700. Shea et al. Makes an appropriation of 399,999.67 to the General Revenue Fund to pay claim to Cook County. First Reading of the Bill. House Bill...."

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

Shea: "Mr. Speaker, the amount of money in this Bill, \$399,999.67, almost \$400,000 is an agreed amount between the Attorney General and the States Attorney of Cook County to reimburse the County of Cook for medical payments the County made for indigents and the original appropriation lapsed. I discussed this with the Majority Leader and I'm wondering if we might advance this Bill to Second Reading without reference to Committee?"



With leave of the House, I'd like to have it advanced to the order of Second Reading without reference."

Hon. W. Robert Blair: "Is that that \$399...."

Shea: "Yes."

Hon. W. Robert Blair: "All right, hearing no objections, ah... leave will be granted to advance that Bill to the Order of Second Reading without reference."

F. Selcke: "House Bill 4701. Williams. Amends the Revenue Act. First Reading of the Bill. House Bill 4702. Caldwell. Amends the School Code. First Reading of the Bill. House Bill 4703. Berman. Amends the School Code. First Reading of the Bill. House Bill 4704. Hall et al. Amends the Forest Preserve District Act. First Reading of the Bill. House Bill 4705. Redmond et al. An Act to Amend Section 1 of an Act appropriating funds to the Department of Transportation. First Reading of the Bill."

Hon. W. Robert Blair: "Gentleman from DuPage, Mr. Redmond, for what purpose do you rise?"

Redmond: "Mr. Speaker, Ladies and Gentlemen of the House. I asked leave for the suspension of the Rules and move the Bill which the Clerk just read to the order of Second Reading, without reference to Committee. It has to do with the flooding in the Salt Creek area. It has the approval of both sides of the aisle, Governor Ogilvie and Governor-elect Walker. I don't know of any objection to it and I asked for the suspension of the rules."



Hon. W. Robert Blair: "All right, is there any objection? Hearing none, that Bill will be advanced to the order of Second Reading without reference to Committee."

F. Selcke: "House Bill 4706. Regner. Amends ah.... Public Act 77 -1973. First Reading of the Bill. House Bill 4707. Regner. An Act to amend Section 20 of an Act to make an appropriation for the ordinary and contingent expenses, Department of Mental Health. First Reading of the Bill. House Bill 4708. Ah... Regner. Amends Capital Development Bond Act. First Reading of the Bill. House Bill 4709. Regner. Amends an Act to amend Section 8 of an Act making an appropriation for the ordinary and contingent expenses, Department of Corrections. First Reading of the Bill."

Hon. W. Robert Blair: "For what purpose does the gentleman from Cook, Mr. Granata arise?"

Granata: "Mr. Speaker, I move to make a motion. I now move that Senate Bill 1281 that was tabled the closing of the last session, be taken from the Table and placed on the calendar on the order of Senate Bills, Third Reading."

Hon. W. Robert Blair: "All right. Is there ah... objection? All right, hearing no objection, unanimous consent is given. The motion carries and Senate Bill 1281 will be placed on the Order of Senate Bills, Third Reading. What purpose does the gentleman from McHenry, Mr. Hanahan rise?"

Hanahan: "Mr. Speaker, I bill I introduced yesterday, I would like to move to Second Reading without reference to Committee. I cleared it with the Majority Leader and the



Chairman of the ah.... Appropriations Committee. This Bill is House 4696. It's for the developmental indicators for assessments of learning for preschool children and learning disabilities. The Superintendent of Public Instruction has been working on this program for about two years. They have finally come up with the amount of money that they need, and it's not an emergency matter, but we would like to take care of it now, if possible, and I move that the appropriate rule be suspended so that this Bill could be moved to Second Reading without reference to Committee. House Bill 4696. I now move that House Bill 4696 be moved to the Order of Second Reading without reference to Committee."

Hon. W. Robert Blair: "For what purpose does the gentleman from McLean, Mr. Hall, arise?"

Hall: "Mr. Speaker, I previously introduced and the Clerk read House Bill 4704, ah.... amending the Forest Preserve Districts Act. Ah.... I would like ah... unanimous leave of the House to have this Bill moved to the Order of Second Reading, without reference to Committee. Ah.... this Bill makes a minor change in the Forest Preserve Act to permit ah... a forest preserve district to lease a portion of the Forest Preserve to a county for the purpose of building a nursing home. This is of immediate interest to at least one of our county ah... forest preserve districts and for that reason, if there's no objection, I'd like to pass this Bill in this short session. If there's





no objection, I asked unanimous leave to place this on the order of Second Reading without reference."

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

Hyde: "Mr. Speaker, Ladies and Gentlemen of the House. Several Members are introducing ah... have introduced legislation and are now seeking to bypass committee. It is the suggestion of the Speaker and myself, that if you have such legislation, rather than simply ah.... making the motion on the floor, that you discuss it with the Staff of Minority Leader Choate and with Mr. Egger of the Speaker's Staff, so that everybody has an idea of what your Bill is. We are very reluctant to bypass the Committee structure even though we have an abbreviated session, ah... really we are very reluctant to open the door to ah... just bypassing committees, and so one or two bills of a housekeeping nature certainly there are no problems, but most of these Bills have substance to them and ah... as I say ought to be discussed with Mr. Egger of the Speakers Staff and Mr. Choate's staff, so that ah... a policy determination can be made on these Bills. So if you would please do that, it would be of great assistance. Thank you."

Hon. W. Robert Blair: "Gentleman from Union, Mr. Choate."

Choate: "Mr. Speaker, I think that the Majority Leader's suggestion is an excellent suggestion, with the exception of one thing. I would caution the Members that after they discuss it with my staff, make sure that I've seen and



reviewed the staff's finding prior to asking for it to be advanced."

Hon. W. Robert Blair: "O'okay. All right. Now back to the gentleman from McLean, Mr. Hall, and he renews his motion that the Rules be suspended so that House Bill 4704, having been read a first time, may be advanced to the Order of Second Reading without reference to Committee. Ah.... Objection? Hearing none, then leave having been given, it will be advanced to the Order of Second Reading. The gentleman from Knox, Mr. McMasters."

McMasters: "Ah.... Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4285 that passed ah.... the ah.... House of Representatives last June went over to the Senate and was amended in the Senate, sent back to us the last day of June and ah.... we did not have time to take action on it. Therefore, it was tabled. At this time, I would like to move that House Bill 4285, which ah.... involves county elected officials salaries be taken from the Table."

Hon. W. Robert Blair: "All right. Ah.... is there objection? Hearing none, this Bill will ah.... be taken... unanimous consent is given to take this Bill from the Table. All right, now, gentleman from ah...."

McMasters: "Ah.... Mr. Speaker, Ladies and Gentlemen of the House, I would at this time like to move that the House nonconcur in the Senate Amendment."

Hon. W. Robert Blair: "All right, the gentleman has moved that the House nonconcur in Senate Amendment No. 1. All right,



those in favor of the gentleman's motion to nonconcur, ah.... on Senate Amendment No. 1 to House Bill 4285, say 'aye'."

Members: "Aye."

Hon. W. Robert Blair: "The opposed 'no'. The 'ayes' have it, and the House nonconcur in the Senate Amendment. All right, on the Calendar, on the Order of Amendatory Vetoed Motions, appears Motion with respect to House Bill 515, on which the Chair recognizes the gentleman from Macon, Mr. Borchers."

Borchers: "Mr. Speaker and fellow Members of the House. Though surprised at this sudden ah.... ah.... matter that just came to my attention, this is a motion in relation to the purchase of the ah.... Richard J. Oglesby Home in Macon County. Now, Oglesby is the only Governor in the history of Illinois who has ah.... was three times elected as Governor of this State. He was also a Major General in the United States Army Civil War, wounded in action and United States Senator. A very unusual, political, historical record and a true son of Illinois. Now, ah.... the ah.... this Governor's Amendatory Veto is just striking Line 20 to 25, which allowed a local legal entity to handle the 50 thousand. He struck that because it was found to be unconstitutional. So it goes back into the Conservation Department, and we earnestly would request that you allow us to go ahead on this Bill and pass a motion, and so therefore I move that the Governor's Amendatory Veto be



ah...: that we concur with the Governor's Amendatory Veto."

Hon. W. Robert Blair: "Discussion? Gentleman from McLean, Mr. Hall."

Hall: "Would the sponsor yield to a question."

Borchers: "I will."

Hon. W. Robert Blair: "He indicates he will."

Hall: "Representative Borchers, did ah... Macon County was.... Was Macon County always the home of ah... Governor Oglesby?"

Borchers: "No. I might mention that this was the original home. It's a Victorian mansion and very worthy of being preserved. After becoming Governor, I think it was the third time, ah... he moved and purchased in the area of Elkhart home in Logan County."

Hall: "Thank you. That is what I was wanting to know about."

Hon. W. Robert Blair: "Further discussion? Gentleman care to close? Mr. Borchers, do you care to close?"

Borchers: "No, Sir."

Hon. W. Robert Blair: "All right, the question is, shall the House adopt the Amendment? All those in favor, will vote 'aye', and the opposed 'no'. This requires 89 votes. Have all voted who wished? Campbell 'aye'. The Clerk will take the record. On this question, there are 135 'ayes', no 'nays' and the Amendment is adopted and the Bill passed. On House Bill 1984. Yeow, now what does this one take? All right, the gentleman from Cook, Mr. Sevcik or the gentleman from Cook, Mr. Washington, on the Motion with



respect to House Bill 1984. Amendatory Veto. Take it out of the record for now? No? The gentleman from Cook, Mr. Washington, indicates that ah... he can proceed."

Washington: "Yes, Mr. Speaker, I move to concur with the Amendatory Veto to House Bill 1984."

Hon. W. Robert Blair: "Gentleman from Cook, Mr. Sevcik have comment?"

Sevcik: "That is quite all right."

Hon. W. Robert Blair: "O'kay. All right. Is there further discussion? Question is, shall.... all right, the gentleman from Cook, Mr. Kosinski."

Kosinski: "Mr. Speaker, will Mr. Washington yield to a question?"

Hon. W. Robert Blair: "He indicates he will."

Kosinski: "Harold, I understand this now conforms to the unified code, but ah.... what in substance is the change. What was the penalty originally and what is the change to the unified code?"

Washington: "The procedure will be from Kosinski to Washington to Sevcik."

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

Sevcik: "Ah.... Representative Kosinski, House Bill 1984, the Amendatory Veto, strikes a sentence and strikes the words 'upon conviction be sentenced' and also 'to pay the cost of the prosecution, there is a fine of fifty dollars.'"

Kosinski: "You mean there is now a fine of fifty dollars?"



Sevcik: "Yes, this proposed change will re-establish the advocacy of a maximum fifty dollar fine against any person by the provision of this Act."

Kosinski: "Yet this was originally true in the original Bill, was it not?"

Sevcik: "Yes, this proposed change will re-establish the application of a maximum fifty dollar fine."

Kosinski: "Which is contained in the Unified Code of Corrections?"

Sevcik: "Right."

Kosinski: "Thank you."

Sevcik: "You're welcome."

Hon. W. Robert Blair: "Any further discussion? Question is, shall the House adopt the amendment. This has an effective date of January 1, 1973, so it will require a 3/5ths vote. All right, all those in favor, will vote 'aye', the opposed 'no'. It requires 107 votes. Have all voted who wished? Clerk will take the record. Phil Collins 'aye'. 154 'ayes', no 'nays', and ah.... the Amendment is adopted and the Bill is passed with the 3/5ths vote so it can become effective immediately. 3090. Gentleman from Cook, Mr. Sevcik."

Sevcik: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 3090 ah.... was returned to this House with a provision that was stricken from this Bill. The imprisonment for one year was stricken by the Governor, so I asked that we concur in the Amendatory Veto."



Hon. W. Robert Blair: "Discussion? All right, the question is shall the House adopt the Amendment with respect to House Bill 3090. This ah.... has an effective date of January 1, will require a three-fifths vote. All those in favor, vote 'aye', and the opposed 'no'. Have all voted who wished? The Clerk will take the record. On this question, there are 153 'ayes' and no 'nays' and the House... ah.... the Amendment is adopted and the Bill is passed with the three-fifths vote. All right, with respect to House Bill 4469, the gentleman from Champaign, Mr. Clabaugh, is handling that for Mr. Hoffman."

Clabaugh: "Mr. Speaker, I ah... move that we accept the specific recommendations of the Governor ah... Amendatory Veto on House Bill 4469. Ah... this was a School Problems Commission recommendation...."

Honorable W. Robert Blair: "Mr. Clabaugh, ah.... the Minority Leader just asked if we would hold ah... on this for just a moment. If you'll just hold for just a minute. All right, Mr. Clabaugh, the Minority Leader has asked if we would hold that ah... today. Is that all right? Is that all right? All right, introduction of Bills."

F. Selcke: "House Bill 4710. Gibbs. Appropriation for paying certain claims against the State of Illinois as awarded by the Court of Claims. First Reading of the Bill."

Honorable W. Robert Blair: "Agreed Resolutions."

F. Selcke: "House Resolution 822. Randolph et al. House Resolution 823. Frank Wolf et al. House Resolution 824."



Choate et al. House Resolution 825. Katz et al. House Resolution 826. Ron Hoffman. House Resolution 827. William Walsh et al."

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

Hyde: "Mr. Speaker, Ladies and Gentlemen of the House. The Agreed Resolutions, Resolution 822 commends the Chicago Bears, and ah.... there ah... great owner, George Hallis, their incomparable head coach, Abe Giberan, and the players and coaches of this growing dynamo. Ah.... House Resolution 823 ah... is a Death Resolution ah.... memorializing the death of the City of Chicago Treasurer, William Maloda. House Resolution 824 commends the Herron High School Football team. House Resolution 825 memorializes the death of Judge Herbert C. Passion of the Circuit Court of Cook County. House Resolution 826 sets up a special committee of eight members of the House of Representatives to make a thorough study of the operations of lawyers specializing in divorce cases. Ah.... House Resolution 827 ah... is a resolution that ah... I think the Clerk ought to read if Mr. Selcke.... Mr. Selcke, would you read 827?"

F. Selcke: "House Resolution 827. William Walsh et al.

'Whereas our most esteemed and most highly respected colleague, the Honorable Audrey Simmons, is bringing to a close his illustrious career as a Legislator with this final session of the 77th General Assembly; and whereas Representative Simmons has served his constituency well through eight terms of this House of Representatives, he





has performed his legislative duties and committee assignments faithfully, he has sponsored many worthy Bills and he has rendered invaluable assistance to the House by examining for technical corrections the numerous amendments to Bills submitted each Session; and whereas he is a capable legislator and an outstanding public servant, he has served both as Mayor and Trustee of Skokie, Illinois and Clerk of the Niles Township, his remarkable dedication to the highest ideals to Public Service make him worthy of the deep respect to which he is regarded by colleagues in the General Assembly and his numerous friends and associates, and whereas it is neither with the sadness of farewell or the sorrow of goodbye that we bid him adieu, but it is in the spirit until we meet again, that we say so long for now to our departing colleague from the fourth representative district; and now, therefore, be it resolved by the House of Representatives, 77th General Assembly, of the State of Illinois, that on the eve of his departure from this House, we most highly commend our worthy colleague, the Honorable Audrey Simmons, for the long and valerous service he has rendered here on behalf of the People of the State of Illinois, that we wish him well and all his future endeavors, that we express the hope that we may see him here on some future day in a legislative capacity and be it further resolved that a suitable copy of this Preamble and Resolution be presented to our esteemed colleague, the Honorable Audrey Simmons,

**GENERAL ASSEMBLY**

STATE OF ILLINOIS

HOUSE OF REPRESENTATIVES

on the occasion of his retirement from legislative service with our sincere best wishes for continued success, long life and good health."

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

Hyde: "Ah.... Mr. Speaker, ah.... I would like to withdraw from the Agreed Resolutions list, House Resolution 826, concerning the ah... special committee on divorce lawyers, and ah... there will be a further discussion with the Speaker on this. Ah.... now, Mr. Speaker, ah... Art Simmons is up in the balcony with his Wife, Betty, and I think there isn't a Member of this House that doesn't recognize him as one of the most outstanding valuable ornaments that this Legislature has ever had since it ever began, and ah... there's nobody that will ever fill the shoes, much less the seat of Art Simmons. He will be missed and he is irreplaceable, and I frankly would like everybody to give him a standing ovation. Art Simmons. I now move, Mr. Speaker, the adoption of the Agreed Resolutions."

Hon. W. Robert Blair: "All right, all those in favor of the adoption of the Agreed Resolutions, say 'aye'."

Members: "Aye."

Hon. W. Robert Blair: "Opposed 'no'. The 'ayes' have it, and the Agreed Resolutions are adopted. Ah... For what purpose does the gentleman from Cook, Mr. Palmer, arise?"

Palmer: "Mr. Speaker, to announce that there will be a meeting on the Committee to Study the Office of States Attorney



in Illinois in Room M-4, immediately after adjournment."

Hon. W. Robert Blair: "The gentleman from Peoria, Mr. Lauterbach, desire to be heard?"

Lauterbach: "Mr. Speaker, Members of the House, I would like to move to take House Bill 4299, from the Table and it be placed on the Calendar on the Order of House Bills on Second Reading. This is a Safety Glazing Bill and has been cleared with both sides of the aisle."

Hon. W. Robert Blair: "All right, ah... is there objection? Hearing none, then unanimous consent has been given to take that Bill from the Table and place it on the Order of House Bills, Second Reading. Further Resolutions? All right. Gentleman from Union.... We're getting ready to adjourn, yes."

Choate: "Well, Mr. Speaker, I would asked the Democratic Members to please pay attention. Inasmuch as the House is about ready to adjourn and inasmuch as you heard the adjournment resolution earlier today that the House would convene at 11:00 AM in the morning, the caucus or the conference that I had asked our Members to attend at 2:30 this afternoon, I would asked them to attend at 10:30 in the morning, rather than this afternoon. The Democratic Conference will be held in Room M-5, 10:30 in the morning."

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

Hyde: "Mr. Speaker, Ladies and Gentlemen of the House. You will recall that we have adjourned the Special Session until 11:00 O'Clock tomorrow morning. There will be a 10:30 AM



Conference of Republican Members tomorrow morning in Room 212. There will be no meeting this afternoon, but the conference tomorrow morning in Room 212 at 10:30, and it will be quite important, so I urge all members to be in attendance. And I now move, Mr. Speaker, that the General Session ah.... be adjourned until tomorrow morning at 11:15."

Hon. W. Robert Blair: "All those in favor of the gentleman's motion to adjourn, say 'aye'."

Members: "Aye."

Hon. W. Robert Blair: "Opposed 'no'. The 'ayes' have it. Stand adjourned in the Regular Session until 11:15. Special will be at 11:00. Republican conference at 10:30 in 212. Democratic conference in M-5 at 10:30."

