

HOUSE OF REPRESENTATIVES

SEVENTY-EIGHTH GENERAL ASSEMBLY

ONE HUNDRED TWENTY-SECOND LEGISLATIVE DAY

APRIL 29, 1974

4:15 O'CLOCK P. M.

THE HONORABLE W. ROBERT BLAIR, SPEAKER,

IN THE CHAIR



GENERAL ASSEMBLY
STATE OF ILLINOIS
HOUSE OF REPRESENTATIVES

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Speaker Blair: "Would you vote your 'present' switch if you're here and no your 'yes' and 'no' switch because when they pick up ah... down in the Comptroller's Office ah... the attendance Roll Call, it will only pick up the 'present'. The Gentleman from Whiteside, Mr. Miller."

Miller: "Mr. Speaker and Members of the House, I request that the Journal show that ah.. Representative John Hirschfeld is excused for today because of illness."

Speaker Blair: "All right, the Journal will so indicate. The Gentleman from Union, Representative Choate."

Choate: "I would request that the Journal indicate that Representative Leland Kennedy will be absent this entire week because of illness."

Speaker Blair: "All right, the Journal will so indicate. The Gentleman from ah.. Cook, Mr. Sevcik."

Sevcik: "Ah... Mr. Speaker, will you have the record show that Representative Henry Klosak is absent due to illness?"

Speaker Blair: "The Journal will so indicate. All right, have all recorded themselves as 'present' who are here? All right, take.... take the Roll. The Gentleman from Whiteside, Mr. Miller."

Miller: "Mr. Speaker, I now move that ah... the First Special Session adjourn until tomorrow, April 30th ah.. right after the Regular Session adjourns."

Speaker Blair: "All right, you've heard the motion. Is there any discussion? All those in favor say 'aye' and the opposed 'no' and the First Special Session is adjourned until immediately following the Regular Session tomorrow, April 30th. The Gentleman from Cook, Mr. Shea, for what purpose do you rise?"

Shea: "Did we have a Prefunct last week?"

Speaker Blair: "The Clerk advices that we did not. Are you referring to the First or the Regular?"

Shea: "Yes, I am. I have ah... we're not in the Regular Session yet, are we?"

Speaker Blair: "No quite."

Shea: "Pardon me?"



Speaker Blair: "No quite. All right, the Regular Session of the House will be in order. The Gentleman from Cook, Mr. Shea moves that ah... that the Roll Call of the First Special Session be the Roll Call ah... be the Attendance Roll Call for the Regular Session. Is there leave? All right, hearing no objections, the Roll Call will be the same. All right, ah.. messages."

Clerk Selcke: "A Message from the Senate by Mr. Fernandes, Secretary. Mr. Speaker, I'm directed to inform the House of Representative that the Senate has passed the Bills of the following title, the passage of which I'm instructed to ask concurrence of the House of Representatives. Senate Bill 1316, 1318, 1319, 1320, 1321 passed by the Senate April 24, 1974. Edward E. Fernandes, Secretary."

Speaker Blair: "Committee Reports."

Clerk Selcke: "Mr. Washburn, from the Committee on Appropriation, to which House Bills 2264, 2274, 2286, 2298, 2357, 2415, 2426 were referred, reported the same back with Amendments thereto with the recommendation that the Amendments be adopted and those amended, do pass. Mr. Washburn, from the Committee on Appropriation, to which House Bill 2287 was referred, reported the same back with the recommendation that the Bill do pass. No further Committee Reports."

Speaker Blair: "I'm waiting for Ann to ah..."

Clerk Selcke: "House Bill 2710, Jacobs. Amends the Act codifying powers and duties of the Department of Mental Health. First Reading of the Bill. House Bill 2711, Rayson. Amends the Consumer Fraud Act. First Reading of the Bill. House Bill 2712, Duff. Creates the Council and the Diagnosis and Valuation of Criminal Defendants. First Reading of the Bill. House Bill 2715, Duff. Appropriates \$40,000. First Reading of the Bill. House Bill 2714, Shea et al. Appropriates \$190,000. First Reading of the Bill. House Bill 2715, Shea. Amends the Senior Citizens Disabled Persons Release Act. First Reading of the Bill. House Bill 2716, Shea. Appropriates \$34,000,000 to the Department of Revenue. First Reading of the Bill. House Bill 2717, McGrew et al. Appropriates \$705,000 to the



Travel Development Board. First Reading of the Bill. House Bill 2718, Rayson. Amends an Act creating the Department of Children and Family Services. First Reading of the Bill. House Bill 2719, Rayson. A new Act creating the Office of Special Prosecutor. First Reading of the Bill. House Bill 2720, Merlo. Creates an Act in relation to sale of original prints. First Reading of the Bill. House Bill 2721, ah.. Murphy. Creates the Chain of Lakes Study Commission. First Reading of the Bill."

Speaker Blair: "The Gentleman from McLean, Mr. Bradley, for what purpose do you seek recognition?"

Bradley: "Mr. Speaker, I had a question and ah.. I think that we had better have it answered, but ah.. I was concerned about the Bills being assigned ah... taken from the Committee on Assignments ah... specifically House Bill 2490. Ah... if it has been taken from the Rules Committee and assigned to a specific Committee ah... and if it hasn't been ah.... do we appeal to the Committee on Assignments and if so ah... when do we do that?"

Speaker Blair: "Well, if the Committee on Assignments ah.... referred that Bill to the Rules Committee ah.. and it would have done that if the Bill were not a Revenue or ah.... an Appropriation Bill and a Companion Bill for that Appropriation Bill. And the Rules Committee met this afternoon with respect to all requests that had come in. Ah.. and agreed that they would look over ah... all of the written materials ah... in support of the Members's requests that the Rules Committee act to send those particular Bills back to the Committee on Assignments for assignments. The Clerk's Office would be able to tell you ah... if that Bill was sent by the Committee on Assignments back to the Rules Committee. And I'll ask them to do that ah.. and inform you."

Bradley: "I have been informed by ah... that the Bill is in the Rules Committee. Than it has to be taken from ah.. the Committee on Assignment of Bills to the Rules Committee and at that time we would have to make a request for reassignment."

Speaker Blair: "Wait... wait ah.. I don't have that form here ah... but



is that a computer print out?"

Bradley: "Yes."

Speaker Blair: "The Gentleman from Grundy, Mr. Washburn. He has an announcement or ah.. he's going to ask leave ah... while we're waiting for an answer to ah.. the Gentleman from McLean, Mr. Bradley's question."

Washburn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I would ask... thank you, Mr. Speaker. I would ask leave of the House to hear House Bill 2401 ah.. the Civil Service Commission Appropriations Bill in Appropriations tomorrow. It has the agreement of the Spokesman on the other side and the Sponsor ah... Representative Brummett, but I ask leave to hear House Bill 2401 tomorrow in Appropriations."

Speaker Blair: "All right, the Gentleman has asked leave to hear House Bill 2401 ah.. and have the appropriate rule suspended so that it can be heard. Is there leave? Hearing no objection ah.. it will be posted for hearing tomorrow. All right, Agreed Resolutions."

Clerk O'Brien: "House Resolution 849, Kelly et al. House Resolution - 850, Friedland et al. House Resolution 851, Huskey et al. House Joint Resolution 97, Choate."

Speaker Blair: "The Gentleman from Whiteside, Mr. Miller with respect to the Agreed Resolutions."

Miller: "Mr. Speaker, ah.. is the Clerk going to read the Resolutions or do you want me to ah.... have they been read? All right, Resolution... House Resolution 849 by Kelly et al is a congratulatory Resolution to Mr. Robert T. Bettenhausen who will soon be awarded the service to mankind award by 19 ah... for 1974 by Timmy Parks Torotoma Club. House Resolution 850 is by Friedland et al. It congratulates Elgin Community College on its twenty-five years of growth and achievement. House Resolution 851 by Huskey - Palmer et al... ah... commends Mr. Waoro Comneat... I suppose that's announced ah.. for thirty-one years of service in the field of education in Oak Lawn and for his devotion to the educational system. House Joint Resolution 97 by Choate et al, ah... resolved that the



General Assembly recognizes the tournament sponsored each August by the County Club Hills softball league as the Official Illinois Girls Softball Tournament. Now, Mr. Speaker and Members of the House, I move that the three House Resolutions on the Agreed List be adopted and House Joint Resolution 97 be also adopted."

Speaker Blair: "All right, the question is on the adoption of the Agreed Resolutions. All those in favor say 'aye' and the opposed 'no' and the 'ayes' have it and the Agreed Resolutions are adopted. All right, the answer to Mr. Bradley's question is that ah... House Bill 2490 ah.. has been referred to the Rules Committee by the Committee on Assignments pursuant to Rule 31 (d). The Gentleman from McLean, Mr. Bradley."

Bradley: "Mr. Speaker, to clarify that ah...statement ah you said that is was taken from the Rules and put in the Committee on Assignment of Bills. Ah....did I understand you correctly?"

Speaker Blairs: "All Bills ah... when they are introduced ah... go to the Speaker's Table under console of the Committee on Assignment of Bills. Pursuant to the rules that they can sign, ah... Revenue Bills and Appropriation Bill and Companion Bill to the Appropriation Bills ah... all other Bills ah.. they have to refer to the Rules Committee. "Now the Clerk advises me that the Committee on Assignments ah.. of Bills has referred House Bill 2492 to the Rules Committee. And what you should do ah.. if you want that Bills heard is to get the form from the Clerk's Office ah... or they're right here at the desk too, ah.. and just fill out that form which is a request of the Rules Committee ah.. that that Bill be reassigned to the Committee on Assignments ah... for their assignment to a Committee Hearing. The Gentleman from McLean, Mr. Bradley."

Bradley: "Mr. Speaker, I think this is clarified and I won't take up any more time of the House ah.. with the situation now, but ah... if I have any other problems ah.. I'll get back to you, but thank you very much."

Speaker Blair: "You're welcome. Ah.. further introductions?"

Clerk Selcke: "House Bill 2722, Caldwell. Amends the School Code. First



Reading of the Bill. House Bill ah.. 2723, Fleck. Amends the the School Code.. First Reading of the Bill. House Bill 2724, ah... is that Timmothy Simms? Ah... Timmothy Simms, Amends the Civil Administrative Code. First Reading of the Bill. House Bill 2725, Maragos. Amends the Municipal Code. First Reading of the Bill. House Bill 2726, Capparelli., Amends the Revenue Act. First Reading of the Bill. House Bill 2727, Ike Sims. Amends the Municipal Code. First Reading of the Bill. House Bill 2728, Ike Sims. Amends the Illinois Municipal Code. Fisrt Reading of the Bill. House Bill 2729, Rigney. Amends an Act relating to State Parks. First Reading of the Bill. House Bill 2730, Rigney. Amends the Civil Administrative Code. First Reading of the Bill. House Bill 2731, Maragos. Amends the Senior Persons Disabled Persons Property Tax Relief Act. First Reading of the Bill. House Bill 2732, Palmer. Amends the Township Refuge..... Act. First Reading of the Bill. House Bill 2733, Walters. Amends an Act authorizing sale of property in the City of Alton. First Reading of the Bill. House Bill 2734, Hart. Appropriates \$8,160,000 to the Comptoller. First Reading of the Bill. House Bi ll 2735, Berman. Amends the School Code. First Reading of the Bill."

Speaker Blair: "All right, ah... Constitutional Amendments, Third Reading. Now where is ah... can I have your attention, please? We want to correct a technical problem that we have with respect to one of these H.J.R. Constitutional Amendments. Specifically on Third Reading, H.J.R. C.A. 29. Ah.. that appears on the order of Third Reading, ah... but after it was brought on from the order of Second Reading ah... someone moved and that ah.... and that Resolution did in fact get read in full a second time, but it's the Chair position that ah... in as much as it was not printed on the Supplemental Calendar ah... that in order to comply technical with the Readings that ah... that should be brought back to the order of Second Reading and the Amendment provisions are having it served on Third Reading today. I've talked with the Gentleman from Peoria, Mr. Day and he's ameanable to proceeding with that fashion. So ah... I wanted to



give you that explanation as to what we were doing. The Gentleman from Peoria, Mr. Day."

Day: "Mr. Speaker and Ladies and Gentlemen of the House, at ah... this time I would move that H.J.R.C.H. 29 be returned to the order of Second Reading."

Speaker Blair: "All right, does the Gentleman have leave? Hearing no objection, the Clerk will bring it back to the order of Second Reading. Now in order to comply ah..technically, with the Second Reading on the Calendar ah.. the Clerk will proceed to read in full the House Joint Resolution."

Clerk Selcke: "House Joint Resolution Constitutional Amendment #29, Day. Resolved by the House of Representative of the 78th General Assembly of the State of Illinois, the Senate concurring herein, that there shall be submitted to the electors at the next General Election occurring at least six months after adoption of this Joint Resolution a proposition to amend Section 2 of Article IV of the Constitution to read as follows: Article IV. Section 2. Legislative Composition. One Senator shall be elected from each Legislative District. Immediately following each decennial redistricting, the General Assembly by law, shall divide the Legislative Districts as equally as possible into three groups. Senators from one group shall be elected for terms of four years, four years and two years; Senators from the second group, for terms of four years, two years and four years; and Senator from the third group, for terms of two years, four years and four years. The Legislative Districts in each group shall be distributed substantially equally over the State. (b) Three Representatives shall be elected from each Legislative District for a term of two years. (c) To be eligible to serve as a Member of the General Assembly, a person must be a United States citizen, at least 21 years old, and for the two years preceding his election or appointment a resident of the district which he is to represent. In the General Election following a redistricting, a candidate for the General Assembly may be elected from any district which contains a part of the district in which he resided at the time of the redistricting



and reelected if a resident of the new district he represents for 18 months prior to the reelection. (d) Within thirty days after a vacancy occurs, it shall be filled by appointment as provided by law. If the vacancy is in a Senatorial Office with more than twenty-eight months remaining in the term, the appointed Senator shall serve until the next General Election, at which time a Senator shall be elected to serve for the remainder of the term. If the vacancy is in a Representative Office or in any other Senatorial Office, the appointment shall be for the remainder of the term. An appointee to fill a vacancy shall be a member of the same political party as the person he succeeds. (e) No Member of the General Assembly shall receive compensation as a public officer or employee from any other governmental entity for time during which he is in attendance as a Member of the General Assembly. No Member of the General Assembly during the term for which he was elected or appointed shall be appointed to a public office which shall have been created or the compensation for which shall have been increased by the General Assembly during that term. Schedule. This Amendment applies to the nomination and election of Representatives in 1976 and thereafter. Second Reading of the Amendment."

Speaker Blair: "Third Reading.... any Amendments? Third Reading. All right, on the Speaker's Table ah... there appears a number of Resolutions which have been recommended by the respective Committees to pass ah.. and I suggest that we move to that order of business. The Clerk will proceed now to ah.. go through. We're going to have to have a little order until we get this sound system ah.. corrected. House Resolution 394. Is he here? I saw him earlier. Getty."

Clerk Selcke: "House Resolution 394, Getty."

Speaker Blair: "The Gentleman from Cook, Mr. Getty."

Getty: "Mr. Speaker, this is a Resolution which asks the major gasoline ah.. dealers to suspend the construction of new gas stations during the pendency of our energy crisis. I might say that ah.. had we been able to act on this and had the major gasoline ah... companies desisted from depleting their resources by spreading them so thin, we might at this time ah.. not have quite as bad ah.. a crisis as



we do. I would move that the House adopt this Resolution."

Speaker Blair: "All right, are there any questions of the Gentleman's Resolution? The question is on the adoption. All those in favor of the Gentleman's motion say 'aye' and opposed 'no' and the ah.... all right, the 'ayes' have it and the Resolution is adopted."

Clerk Selcke: "House Resolution 398, ah.... what?"

Speaker Blair: "All right, the Gentleman asks leave to table House Resolution 398. Is there leave? Hearing no objection, it's tabled."

Clerk Selcke: "House Resolution 406."

Speaker Blair: "Is Mr. Londrigan here? Keep on going. Continue."

Clerk Selcke: "House Resolution 407, McClain et al."

Speaker Blair: "Is the Gentleman from Adams here? Proceed."

Clerk Selcke: "House Resolution 407."

Speaker Blair: "The Gentleman from Adams, Mr. McClain."

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

House Resolution 407 is a very simple Amendment. What it does is ah... it asks the Members of Congress and the Senate to be aware of the ah... floor water being passed ah... from Lake Michigan to The Chicago River down the Illinois River ah.. and the possible flooding of that increase water from Lake Michigan. I'd ask for a favorable vote. Thank you."

Speaker Blair: "Any further discussion? The question is on the adoption of the Resolution. All those in favor say 'aye' and the opposed 'no' and the 'ayes' have it and the Resolution..... was there some question about the call? All right, the Gentleman from Cook, Mr. Shea."

Shea: "Mr. Speaker, I didn't hear the explanation. I was trying to get it explained."

Speaker Blair: "Oh, ah.. I had asked if there was any further discussion and ah..."

Shea: "Well, I'll tell you I was kind of detoured here minute. Could Mr. McClain explain the diversion Resolution again?"

Speaker Blair: "He indicates ah... that he'll further explain ah.. his proposal."



McClain: "Ah... thank you, Mr. Speaker. Representative Shea, you and I talked about this last spring ah... regarding the flooding of the Illinois River. And what this does ah.. there's been a request by the ah... City of Chicago to increase the floor water from Lake Michigan and this would ah.. ask the Congressional delegation from the State of Illinois to be aware of the possible flooding on the Illinois River from increasing the flow. Sure. ah... Mr. Speaker, Representative Shea asked me to hold it and I will. If that's all right with you. Just so long as it will be called....."

Speaker Blair: "The concern is certainly under your control and if ah... you're asking that it be held ah... the Speaker will certainly respect your request."

McClain: "Thank you, Mr. Speaker."

Speaker Blair: "All right, ah.... 421."

Clerk Selcke: "House Resolution 421, Douglas."

Speaker Blair: "The Gentleman from Cook, Mr. Douglas."

Douglas: "Mr. Speaker and Ladies and Gentlemen of the House, this ah.. Resolution, I think, has ah... outworn it's usefulness. It's just too late to do what it was originally intended to do. Therefore I would respectfully request that it be tabled."

Speaker Blair: " All right, the Gentleman from Cook, Mr. Douglas moves to table House Resolution ah... 421. Is there objection? Hearing none, the Gentleman's Resolution is tabled."

Clerk Selcke: "House Resolution 431, Douglas."

Speaker Blair: "The Gentleman from Cook, Mr. Douglas."

Douglas: "Mr. Speaker and Members of the House, now what House Resolution 431 does ah.. it is a harmless Resolution given to me by the Illinois Public Health Association which simply asks that those agencies of government involved in the provision of dental care ah.. be coordinated into a useful component ah.. that they cooperate with each other. I can't see that there would be any objection to it and I would appreciate your support in the passage of this Resolution."

Speaker Blair: "All right, any further discussion? The question is



on the adoption. All in favor say 'aye' and the opposed 'no' and the 'ayes' have it and the Resolution is adopted."

Clerk Selcke: "House Joint Resolution ah.. 36, DiPrima."

Speaker Blair: "The Gentleman from Cook, Mr. DiPrima."

DiPrima: "Mr. Speaker and Ladies and Gentlemen of the House, ah.. House Joint Resolution 36 pertains to the educational system in the United States which is currently undergoing a crisis. A Resolution of which may well determine whether or not our country will maintain our status as a world leader and continue to be one of the most desirable places to live. This crisis has been precipitated by the closing of private schools across the nation which can no longer afford to keep their doors open. The reason that the private schools can no longer afford to remain open is because of the spiralling costs of education. Parents of children attending these schools can no longer afford the tuition and fees required. In accordance with our long well democratic belief in providing alternative choices, it is essential that we create an environment where existing private schools can remain open and closed private schools can reopen. One promising way to create such an environment is by the establishment of a tax credit plan which would provide a reduction on income tax for parents of children attending private elementary and secondary schools.... and that's to enable them to afford private schools. And at the present there is a Bill, ah... House Resolution 429 in the Congress, which would establish such a tax credit plan. So I would appreciate a favorable vote on this Legislation."

Speaker Blair: "Discussion? The question is on the adoption. All those in favor signify by saying 'aye' and the opposed 'no' and the 'ayes' have it and the Resolution is adopted."

Clerk Selcke: "Joint Resolution 56, Geo-Karis."

Speaker Blair: "The Lady from Lake, Ms. Geo-Karis."

Geo-Karis: "Ah... Mr. Speaker ah.. this Resolution ah.. was filed way back in May and there was a hearing ah.. on this Resolution honoring young Jamie ah... award. And in the meantime ah.. last January,



ah.. we filed ah..... it's a House Resolution to accomplish the same purpose which as passed. And therefore ah... I just drop this Resolution 56 at this time. I move to table this Resolution."

Speaker Blair: "All right, the Lady has asked leave to table. Is there objection? Hearing none, the Resolution is tabled. I don't ah... ya, ah..."

Clerk Selcke: "Senate Joint Resolution 32, R.L. Dunne."

Speaker Blair: "The Gentleman from.... do you want that called? No? Take it out of the record. Committee Reports."

Clerk Selcke: "Committee Reports. Mr. Collins, from the Executive, to which House Joint Resolution Constitution Amendment 33 was referred, ah... offered by Ms. Macdonald on April 24, 1974, recorded the same back with Amendments thereto with the recommendation that the Resolution ah.. do pass, as amended. Mr. Collins, from Executive, to which was referred ah.. Senate Joint Resolution 60, reported the same back with the recommendation that the House do concur with the Senate in the adoption of the Resolution."

Speaker Blair: "Introductions."

Clerk Selcke: "House Bill 2736, Brinkmeier. Amends the Fees and Salaries Act. First Reading of the Bill. House Bill 2737, McGah. Amends an Act relating to the Legislative Reference Bureau. First Reading of the Bill. House Bill 2738, Lechowicz. Amends the School Code. First Reading of the Bill. House Bill 2739, Stedelin. Amends the An Act relating to private licensing. First Reading of the Bill. House Bill 2747, Stedelin. A new Act that creates the Illinois Plumbing Contract Certification Act. First Reading of the Bill. House Bill 2741, Grotberg. Amends the School Construction Bond Act. First Reading of the Bill. House Bill 2742, Grotberg. Amends the Illinois Municipal Code. First Reading of the Bill. House Bill 2743, Gibbs. Amends the School Code. First Reading of the Bill. House Bill 2744, Gibbs. Amends the School Code. First Reading of the Bill. House Bill 2745, Shea. Appropriates \$8,081,900 to the Superintendent of Public Instruction. First Reading of the Bill. House Bill 2746, D. Houlihan. Amends the Revenue Act of '39. First



Reading of the Bill. House Bill 2747, McGrew. Amends the School Code. First Reading of the Bill. House Bill 2748, Brinkmeier. Appropriates \$1,200,000,000 to the Superintendent of Public Instruction. First Reading of the Bill. House Bill 2749, Chapman. Amends the Adult Education Act. First Reading of the Bill. House Bill 2750, Brinkmeier. Amends an Act in relation to state finance. First Reading of the Bill. House Bill 2751, Kempiners. Amends the Revenue Act. First Reading of the Bill. House Bill 2752, Hill. Amends the Boiler Safety Act. First Reading of the Bill. House Bill 2753, Berman. Amends the School Code. First Reading of the Bill. House Bill 2754, Berman. Amends an Act to provide for the ordinary and contingent expenses of the Office of Superintendent of Public Instruction. First Reading of the Bill. House Bill 2755, Waddell. Creates the Energy Conservation Study Commission. First Reading of the Bill. First Reading of the Bill. House Bill 2756, Waddell. Appropriates \$50,000 to the Energy Conservation Study Commission. First Reading of the Bill. House Bill 2757, Barnes. An Act providing for loans to health professional students. First Reading of the Bill. House Bill 2758, Kelly. Amends the Vehicle Code. First Reading of the Bill. House Bill 2759, Kelly. Amends the Township Act. First Reading of the Bill."

Speaker Blair: "All right, on the order of Constitutional Amendments, Second Reading ah.. appears ah... the Gentleman from Cook, Mr. Barnes ah... does he desire to have his read a Second Time? No, take that out of the record. H.J.R.C.S. #30. "

Clerk Selcke: "House Joint Resolution Constitutional Amendment #30, Resolved by the House of Representatives of the 78th General Assembly of the State of Illinois, the Senate concurring herein, that there shall be submitted to....."

Speaker Blair: "Wait a minute..... for what purpose does the Gentleman from Cook, Mr. Shea arise?"

Shea: "Mr. Spaker, at the beginning of this Session, I asked if there was any Perfunctory Session from last week and I was informed by yourself that there was not. Now this Resolution was heard by



Executive ah.. last week. And I did not hear it read as a Committee Report back. And I specifically ask when it was read because ah.. from the moment that I asked today, that if we had a Perfunct until just now, I did not hear a Committee Report read back on this."

Speaker Blair: "Right, there was no Perfunctory Session as I indicated. Ah... when this Committee was read was in a Recess Session.... of the Regular Session."

Shea: "When was that, Mr. Speaker?"

Speaker Blair: "Well, to my best recollection, it was around 4:30 last Wednesday."

Shea: "Well, that would be a delightful time to have it read because the Committee had not finished ah.. the debate on it by 4:30."

Speaker Blair: "All right, the Clerk advises that ah... for the record and this can be checked on the transcript ah.. that he disposed of a great number of readings ah.... First Readings of Bills and then the Committee Report came in from the Committee and ah.. he ah... read the Committee Report."

Shea: "Well, again, I'm going to object and ah.. until ah...I'd love to go up and edit the tape with the good Clerk, but ah... I'm sure that he should cure it by just reading it in ah.. at this point and then putting it on a Supplemental Calendar. But ah.. if not, I'm going to object to the procedure."

Speaker Blair: "Well, we have a good deal of the edited versions of the transcript page."

Shea: "When could I get that? About January of 1979?"

Speaker Blair: "All right, for the record ah... Mr. Shea position ah... is indicated on the transcript. The Gentleman ah... or the Clerk will proceed."

Clerk Selcke: "Resolved by the House of Representatives, 78th General Assembly of the State of Illinois, the Senate concurring herein, that there shall be submitted to the electors of this state, at the General Election next occurring at least six months after the adoption of this Resolution, a proposition to amend Section 6 of Article VII of the Constitution to read as follows: Article VII.



Section 6. Powers of Home Rule Unit. (a) A County which has a chief executive officer elected by the electors of the county and any municipality which has a population of more than 25,000 are home rule units. Other municipalities may elect by referendum to become home rule units. Except as limited by this Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax; and to incur debt. (b) A home rule unit by referendum may elect not to be a home rule unit. (c) If a home rule county ordinance conflicts with an ordinance of a municipality, the municipaly ordinance shall pervail within its jurisdiction. (d) A home rule unit does not have the power (1) to incur debt payable from ad valorem property tax receipts maturing more than 40 years from the time it is incurred or (2) to define and provide for the punishment of a felony. (e) A home rule unit shall have only the power that the General Assembly may provide by law (1) to punish by imprisonment for more than six months; (2) to license or regulate any occupation; or (3) to license for revenue or impose taxes upon or measured by income or earnings or upon occupations. (f) A home rule unit shall have the power subject to approval by referendum to adopt, alter or repeal a form of government provided by law, except that the form of government of Cook County shall be subject to the provisions of Section 3 of this Article. A home rule municipality shall have the power to provide for its officers, their manner of selection and terms of office only as approved by referendum or as otherwise authorized by law. A home rule county shall have the power to provide for its officers, their manner of selection and terms of office in the manner set forth in Section 4 of this Article. (g) The General Assembly by a law approved by the vote of three-fifths of the members elected to each house may deny or limit the power to tax and any other power or function of a home rule unit not exercised or performed by the State other than a power or function specified in subsection (1) of this section. (h) The General Assembly may provide specifically by law for the exclusive exercise by the State of any power or function specified in subsection (1) of this Section. (i)



Home rule units may exercise and perform concurrently with the State any power or function of a home rule unit to the extent that the General Assembly by law does not specifically limit the concurrent exercise or specifically declare that the State's exercise to be exclusive. (j) The General Assembly may limit by law the amount of debt which home rule counties may incur and may limit by law approved by three-fifths of the members elected to each house the amount of debt, other than debt payable from ad valorem property tax receipts, which home rule municipalities may incur. (k) The General Assembly may limit by law the amount and require referendum approval of debt to be incurred by home rule municipalities, payable from ad valorem property tax receipts, only in excess of the following percentages of the assessed value of its taxable property: (1) if its population is 500,000 or more, an aggregate of three percent; (2) if its population is more than 25,000 and less than 500,000, an aggregate of one percent; and (3) if its population is 25,000 or less, an aggregate of one-half percent. Indebtedness which is outstanding on the effective date of this Constitution or which is thereafter approved by referendum or assumed from another unit of local government shall not be included in the foregoing percentage amounts. (l) The General Assembly may not deny or limit the power of home rule units (1) to make local improvements by special assessment and to exercise this power jointly with other counties and municipalities, and other classes of units of local government having that power on the effective date of this Constitution unless that power is subsequently denied by law to any such other units of local government or (2) to levy or impose additional taxes upon areas within their boundaries in the manner provided by law for the provision of special services to those areas and for the payment of debt incurred in order to provide those special services. (m) Powers and functions of home rule units shall be construed liberally.

Second Reading of the Constitutional Amendment. Amendment #1. W. D. Walsh. Amend House Joint Resolution Constitutional Amendment 30 by adding after line 22 on page 3 the following: Schedule...."

Speaker Blair: "The Gentleman from Cook, Mr. William Walsh."

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



#1 to Constitutional Amendment 30 provides that the Amendment shall be effective on the first day of January following its adoption. And this is done because of some ambiguous language in the Constitution. The staff thought it would be a good idea and so I therefore, offer and move the adoption of Amendment #1."

Speaker Blair: "Alright, is there discussion? The Gentleman from Cook, Mr. Shea."

Shea: "Would the Gentleman explain what ambiguity there is...this seeks to take care of?"

Walsh: "A...Constitutional Amendments have been offered giving effective dates and probably more than have given effective dates have not. There is language, however, in the Constitution in Article 14 which says that a proposed Amendment shall become effective as the Amendment provides if approved by either three-fifths of those voting on it. If the Amendment which provides, there should be an effective date and therefore we offer an effective date."

Shea: "Well I thought the transition schedule covered effective dates? Without this Amendment and if this receives the requisite vote, when will it become effective?"

Walsh: "Well it would probably, I suppose, become effective immediately but since there has not been an Amendment adopted that did not have an effective date, we don't know. There have been many offered that don't have effective dates, but none of them have been approved. We wanted to possibly avoid a problem and therefore offer this Amendment."

Shea: "Well, when do you think it would be effective without this Amendment?"

Walsh: "Immediately."

Speaker Blair: "All those in favor of the adoption of the Amendment say aye, opposed no, the ayes have it and the Resolution is adopted. Are there five Members who support Mr. Shea in his request for a Roll Call? Alright, Mr. Choate, Mr. Lechowicz, Mr. Hart, Mr. Williams, Mr. Berman, it seems to be all one way. Mr. Madigan. Alright, the Gentleman has requested a Roll Call."



All those in favor of the adoption of the Gentleman's motion from Cook, Mr. William Walsh, on the adoption of Amendment #1 to House Joint Constitutional Amendment 30 vote aye and the opposed, no. The Gentleman from Cook, Mr. William Walsh, on his explanation."

Walsh: "Well now, Mr. Speaker and Ladies and Gentlemen of the House, as we explained, this is a technical Amendment. I'm not altogether sure we need it. If it does not prevail, we're going to go with the Resolution as it is written, and I think that it will probably be alright. We just tried to put this in the form that we thought was the best. I think it comes in very poor taste indeed for the Assistant Minority Leader to attempt to beat something as trivial as this and to put all of the strength, all 49 votes to their strength up there on the board against something that means absolutely nothing. Now I suggest to you, Mr. Speaker, that the courtesy ought to be extended to the sponsor to put this Resolution in the form that he wants it and that's all we're doing. Tomorrow we will vote on the issue, as obnoxious as it is, we'll see what Mr. Shea has to say about it then, but for now I think we ought to put these Resolutions in the form that the sponsor wants it and vote on it tomorrow. "

Speaker Blair: "The Lady from Cook, Mrs. Macdonald."

Macdonald: "I waive."

Speaker Blair: "Have all voted who wished? The Clerk will take the record."

Miller: "Mr. Speaker, while this Roll Call is being taken I'd like to recognize that we have a group here from Main East High School, they're juniors studying american history. I understand that Mr. Paul Carlson is the teacher that is with them and these are from the district represented by Representatives Schlickman, Juckett and Jaffe, and they're in the gallery to the rear. We welcome them here today."

Speaker Blair: "On this question there are 80 ayes, 53 nays and the Gentleman's motion prevails and Amendment #1 is adopted. Are there further Amendments?"

Clerk Selcke: "Amendment #2. Shea. Amends House Joint Resolution



Constitutional Amendment 30 on page 1, line 32, by deleting 'or regulate'."

Speaker Blair: "Alright, the Gentleman from Cook, Mr. William Walsh, raised the question as to whether or not that Amendment has been printed and placed on the Members' desks. In accordance with Rule 34(b), and the Clerk advises Mr. William Walsh that it has not. The Gentleman from Cook, Mr. Shea."

Shea: "I'll be happy to wait until it has."

Speaker Blair: "The Gentleman from Cook, Mr. William Walsh."

Walsh: "Well I'm not willing, Mr. Speaker, to hold the Resolution on Second Reading for his Amendments."

Speaker Blair: "Alright, if Amendments aren't in proper order then the Chair would be constrained to move the Resolution along to Third Reading. The Gentleman from Cook, Mr. Shea."

Shea: "Well Mr. Speaker, since this appeared on the calendar today and I've timely filed my Amendments, all I'm suggesting is the Gentleman raise the point..."

Walsh: "...they'll be down there in a few minutes, we've got other business."

Speaker Blair: "The Gentleman from Cook, Mr. William Walsh."

Walsh: "Well if we have other business Mr. Speaker, I suppose we could hold it, but it seems to me we've done a lot of work this afternoon, we ought to adjourn. Oh Virginia's got a Resolution, we'll get to hers."

Speaker Blair: "You want to take yours out of the record?"

Walsh: "The Clerk advises me that actually Amendment #2 is being distributed now."

Speaker Blair: "Alright, if the Gentleman from Cook wants to try and explain his Amendment, the Chair recognizes him for that purpose, Mr. Shea."

Shea: "Mr. Speaker, Ladies and Gentlemen of the House, the Gentleman's Amendment seeks to add one more limitation on home rule powers. And it's the power to ...it's the power to regulate professions or occupations, license and regulate, and it's my feeling that the regulation of such occupations and professions would seriously



effect the police powers of municipalities that they presently have. In other words, if they couldn't regulate the occupation of restaurant owners in certain sanitation facilities, I think it would seriously impede what possibly could be done by municipalities and I move for the adoption of the Amendment."

Speaker Blair: "The Gentleman from Cook, Mr. William Walsh."

Walsh: "Well Mr. Speaker and Ladies and Gentlemen of the House, once again, the Gentleman ...what the Gentleman is trying to do is confuse you without telling people he really unauthoribly opposed to the Resolution and not because of the content of the Resolution, because of some association he has outside of his district. Mr. Speaker, I'm advised that the courts have held time and time again that the power to regulate impowers the power to license and therefore to remove the word 'regulate' as the Gentleman seeks to do with this Amendment would have the effect of rendering this Resolution useless. Now I suggest to you, Mr. Speaker, that the word 'regulate' is used several times in Article 7 and not very many paragraphs from the proposed change. The Gentleman's attempt here to destroy the content of the Resolution and I suggest to him that he save himself for tomorrow when he'll have an opportunity to do that more effectively and that the Resolution should be left in the form that sponsor desires it and I urge you to vote no on the Gentleman's Amendment."

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

Ewell: "Mr. Speaker, Ladies...er...would the sponsor yield to a question?"

Speaker Blair: "Alright, the Gentleman from Cook, Mr. Shea, indicates that he will."

Ewell: "Mr. Shea, before I vote on this, I wonder if you could explain the true purpose and intent of this Resolution...of a...this Amendment because I don't want to make a mistake and I should like to be informed and advised as to this matter."

Shea: "Are you talking about my Amendment?"

Ewell: "Yes, your Amendment."



Shea: "...because I feel if you have a Constitutional Amendment that prohibits home rule municipalities from regulating businesses and occupations, you would be prohibited from what is now certain police powers of municipalities such as regulating the occupation of restaurant owners where they say that you've got to wear hair nets and that you need certain rubber gloves when you handle food, etc. that if you remove from the municipality the right to regulate certain occupations or regulate any profession or occupation you could end up with no regulation at all except by the State and municipalities from regulating things and to put all that power in the State."

Ewell: "Mr. Shea, would this in effect deprive the people of the local municipalities and local government of the right and a voice to say, you know, as to what can and cannot be regulated?"

Shea: "If this Amendment didn't go on, I would say that it would deprive the local units of government that right."

Ewell: "Well could you just tell me what of those local, you know, in other words, so that I might understand and the group might understand, would you mind listing just a few of these bodies that would be deprived?"

Shea: "You mean what municipalities?"

Ewell: "No, not the municipalities, but like municipalities have the right to regulate certain professions, occupations, so that we might note the impact and import of this, would you just mind going through those that would be exempted if we do not put in this Amendment?"

Shea: "Every occupation would be, you couldn't regulate barbers, garbage men, restaurants, hospitals, florists, druggists, none of them could be regulated under this Amendment."

Ewell: "And those would be detrimental to home rule power?"

Shea: "I think that any community that couldn't regulate those would be just about giving away all its health and welfare powers.... health and police powers."

Ewell: "Well are there any possible or conceivable arguments against



this Amendment that makes logical or good sense?"

Shea: "I know of none except the sponsor of the original Amendment, I think after the testimony in Committee the other day, realized that perhaps this Constitutional Amendment goes too far."

Ewell: "Well, is it possible if I could have some idea from...a... Mr. Walsh, since it's his original Amendment and he opposes it as to why this Amendment is bad? It sounds to me like a perfectly good, reasonable, prudent effort to keep for the people of the municipalities, their right to regulate, just like we want to keep the R.T.A. within the R.T.A. districts, we would surely want to keep the right of the people to regulate occupation within their district and I wondered if Mr. Walsh could illuminate for at least...because I want to be a fair and reasonable man as to any reasonable reason that I ought to oppose this Amendment."

Speaker Blair: "Mr. Walsh."

Walsh: "Mr. Ewell, the power of home rule municipalities to protect the public health, safety, morals and welfare by regulation of places of business in position of health and safety standards and other appropriate forms of regulation allowed by statutes, will not be impaired by this Constitutional Amendment. The sponsor of the Amendment suggest that they will, he is wrong. Just as the non-home rule unit may do these things now because they have statutory authority from us to do them, so will the home rule unit be able to do them when and if this Constitutional Amendment is adopted. Now I call your attention to the Amendment and it's Amendment to Article 7, Section 6, paragraph (e). That says that a home rule unit shall have only the power that the General Assembly may provide by law. The General Assembly currently provides by law that these things, health, safety, business, etc. can be regulated and it spells out what may be regulated. This is the section that is being amended and that is our explanation for being in opposition to this. What the Gentleman is really suggesting is that this Amendment, our Constitutional Amendment,



gives home rule municipalities less authority than non-home rule municipalities. That's ridiculous and it really doesn't deserve the concern that we are giving it."

Ewell: "Well, I'm a little confused at this point because I notice in Amendment #1, which you stressed to this Body as being a meaningless Amendment, and really meant nothing, I wonder if this also is just another meaningless Amendment which we ought to adopt because it really wouldn't effect anything?"

Speaker Blair: "The Gentleman from Cook, Mr. William Walsh, for what purpose do you rise?"

Walsh: "On Amendment #1, there is an honest difference of opinion as to what the effect will be. There is no difference of opinion on this Amendment. The Gentleman seeks to destroy the Amendment. He does not want it to be brought to a vote, when and if it is brought to a vote, in the form it's in he wants to destroy it before hand. Amendment #1 possibly had no significance, maybe it did. I think it is safer having adopted it than it would be not having adopted it. But the Gentleman... the Gentleman seeks to destroy the meaning of the Amendment."

Ewell: "Well Mr. Speaker, I'm sort of confused at this point because on one side, I have a Gentleman telling me that this Amendment is really necessary, that it will effect home rules, that without it, we will be unable to regulate the police departments, the fire departments, even the barbers or any of the other occupations of a city or municipality. Now I'm strongly inclined to believe that cities ought to have the right, since the cities are closer to the people, than any other unit of government, I feel that the city their duly elected officials ought to have the right to regulate these bodies, these agencies and these groups, and I think it's sort of an attack upon home rule power, which to me, is not a very good thing. Because I've been here and I've listened very attentively to Members of the other side of the aisle and this side of the aisle talk about home rule and how good home rule is. And I'm



of the opinion that home rule is good for the Members of your side of the aisle, it ought to be good for the Members of our side of the aisle and in the words of the old spiritual ' if it's good enough for Sister Haddie, it's good enough for me'. And I believe that until, since we have so many differences of opinion, I don't know we have a chaplain and cutter to give us an opinion on these like they do on bonds, but I think we are treading in very deep water and we are tampering with the right of the people and under these circumstances and unless we can get some clear explanations and perhaps as to discussions of ...if someone else could bring out the point what these things... what this entire issue is really all about, perhaps I could become more enlightened and cast an intelligent vote. But I resent having to sit here on the floor and make votes on critical issues that run to the heart of government and not only of the State and of the city without adequate information. And at some point along the line, I wish that someone would give me some reasonable explanation as to these things because it just doesn't behoove me and it seems to be in very bad taste for us to sit here as an intelligent deliberative Body and just vote helter-skelter and really not know what we're doing. Perhaps if I had one of those able young assistants that you have over there, if he could come over and explain this to me, perhaps I could see the wisdom of your position and I would be only too glad to support it, but in the absence of any affirmative indication from the Body that this type of motion is necessary at this time, I think I ought to perhaps hold my vote in limbo unless someone somewhere can tell me something else about this and what is really going on here, because I am a little confused and... (tape trouble)"

Speaker Blair: "You're the first one that went red. Alright. Is there any further discussion? The Gentleman from Cook, Mr. Bluthardt."

Bluthardt: "Mr. Speaker and Members of the House, I wish to speak



in favor of the Amendment. We've heard the Majority Leader say that this Amendment to the Constitution, if adopted, it's not going to effect those rules, those laws that presently exist that grant to non-home rule communities powers to license and to regulate. It seems to me that it would effect them. I find no provision in the proposed Amendment that has a savings clause, any clause in there that would validate the many many statutes that now exist that grant to all municipalities the power to license and regulate the various asundries businesses and occupations. It seems to me that if we were to adopt this Resolution or if the people were...if the people of the State of Illinois were to adopt by referendum, that it's effect would be to remove all powers to license and regulate businesses and occupations by municipalities anywhere in the State of Illinois. That would mean that the Gentlemen of this General Assembly would have to come back after the adoption of the Resolution and would have to adopt all these Bills, all these statutes of new laws to give back to the municipalities those powers to license those businesses and occupations that you think they ought to license. I think this is the wrong way to go about regulating businesses and occupations. The answer is not to remove this power from the home rule community, the answer is to remove only those that we feel ought to be...a... exclusively the powers in the State of Illinois rather than the municipality. We tried to do it with 3636 last session, I supported that Bill, I thought it was too inclusive, the Supreme Court also thought it was too inclusive and through it out as being unconstitutional. But we now have pending before us some 27 Bills, I believe it is 27, sponsored mainly by Brian Duff, who sponsored House Bill 3636, I am sponsoring four or five of those because I believe firmly that we ought not to allow municipalities to license business and occupations such as doctors, dentists, nurses, perhaps even real estate brokers. I sponsor and support those Bills, but that's the proper way of going about it, not by a Constitutional



Amendment. We ought to adopt this Amendment to make it less objective, objectable, because it will at least allow municipalities, if adopted, to regulate if not to license business. I urge your support of this Amendment."

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

Schlickman: "Mr. Speaker, will the sponsor of Amendment #2 yield for a couple of questions?"

Speaker Blair: "Yes, he indicates he will."

Schlickman: "Representative, as I understand this Amendment, as it was offered, municipalities will be able to engage in that licensing or regulation that is presently prescribed by statute, or would be prescribed in the future. Is that correct?"

Shea: "Until the General Assembly gave the right to municipalities to regulate occupations, it would not have the right to regulate any occupation of..if this Amendment were adopted. And I might just read from the statutes, Gene, that the corporate authorities of each municipality may license, tax, and regulate auctioneers, private detectives, money changes, bankers, brokers, barbers, and the keepers or owners of lumber yards, lumber store houses, livery stables, public scales, ice cream parlors, coffee houses, florists, detective agencies, barber shops, and it goes on for almost another paragraph."

Schlickman: "Well that's the Municipal Code that you are reading from."

Shea: "Right."

Schlickman: "But there are other acts which do provide licensing and regulatory functions to municipalities and the point that I'm trying to make is that with the adoption of this Amendment and its subsequent ratification or approval, the existing authority would prevail and I'm just wondering as my first major question, what licensing and regulatory facilities or municipalities do you want or would you like to see that isn't presently exist in the statutes now?"

Shea: "Let...let me just say this, it is my opinion that the General



Assembly would just have to reenact every licensing and every regulatory powers for home rule units if this became law in its present form."

Schlickman: "My second major question. If your Amendment #2 to House Joint Resolution 30 is adopted today, at Third Reading, will you support and secure the votes necessary to have House Joint Resolution 30 adopted by this House?"

Shea: "Gene, I've only got one vote and I'll decide what to do with that on Third Reading."

Schlickman: "I'll take your vote any day to mine. Thank you."

Speaker Blair: "Alright, the Gentleman from Cook, Mr. Shea, to close."

Shea: "Mr. Speaker, Ladies and Gentlemen of the House, I'd ask for the adoption of Amendment #2."

Speaker Blair: "Alright, the Gentleman from Cook, Mr. William Walsh, requests a Roll Call. All those in favor say aye, opposed no, the nays have it.....the Gentleman requests a Roll Call. Okay. All those in favor will say aye and the opposed will vote no. We're voting on the adoption of Amendment #2 to House Joint Constitutional Amendment #30. Have all voted who wished? The Clerk will take the record. On this question there are 74 nays, 51 yeas, 51 not voting and the Gentleman's motion fails. Are there further Amendments?"

Clerk Selcke: "Amendment #3. Shea. Amend House Joint Resolution Constitutional Amendment 30 on page 1, line 32, by deleting 'occupation'..."

Speaker Blair: "The Gentleman from Cook, Mr. Shea."

Shea: "Mr. Speaker, I'd move for the adoption of the Amendment, it merely strikes the word 'occupation' and puts in the word 'profession'."

Speaker Blair: "The Gentleman from Cook, Mr. William Walsh."

Walsh: "Well Mr. Speaker, it is painfully clear what the Gentleman is attempting to do, he's attempting to filibuster and he wants us all to get tired and go home. He apparently feels very strongly about this measure, this is an absolute nonsensical Amendment, which deletes a word that is used over and over



in this Article in the Constitution and inserts one that has not been used. I suggest to you that you vote no, Mr. Speaker, and I hope that the Gentleman will have some respect for the time and the patience of the Membership and this...discontinue this and fight this thing up or down tomorrow."

Speaker Blair: "The Gentleman from Cook, Mr. Shea, to close. Alright, then the question is...the Gentleman from Cook, Mr. Shea."

Shea: "I vote for the adoption of the Amendment."

Speaker Blair: "Alright, the question then is on the adoption of Amendment #3 to House Joint Constitutional Amendment 30. All those in favor will vote...will say aye, opposed...will vote aye and the opposed, no. Have all voted who ...the Gentleman from Cook, Mr. Rayson....the Amendment is not on your desk? Alright, have all voted who wished? The Clerk will take the record. On this question there are 67 nays, 38 yeas, 1 present, 70 not voting, the Gentleman's Amendment...a...motion to adopt Amendment #3 fails. Are there further Amendments?"

Clerk Selcke: "Amendment #4. Shea. Amend House Joint Resolution Constitutional Amendment 30 on page 1, line 32 by deleting any occupation and inserting in lieu thereof, real estate brokers."

Speaker Blair: "The Gentleman from Cook, Mr. Shea."

Shea: "Well Mr. Speaker, I'd ask for the adoption of this Amendment, evidently, this is the clear intent of what the sponsor of the Amendment is trying to do is prohibit regulations of license or real estate brokers by the State and I thought I'd just put that in there for him."

Speaker Blair: "The Gentleman from Cook, Mr. William Walsh."

Walsh: "It seems to have come to the Gentleman's attention that I'm a real estate broker and he is trying to help me avoid any possible conflict of interest. May I say, Mr. Speaker, that I take this as an affront, I have never used this Body and I never would use this Body to advance myself or the occupation in which I'm engaged. I think the Gentleman ought to know that and I think this comes, just as some of the others do, in very poor taste, and I ask you to vote no on this Amendment."



Speaker Blair: "Any further discussion now? Alright, the Gentleman from Cook, Mr. Shea."

Shea: "Well I want to assure the Gentleman that there was no personal affrontery in that Bill, I happen to be a real estate broker too. But this is one of the major concerns of the people that appeared down here last week and I thought maybe if we took care of this one occupation, we wouldn't have any problems with the others."

Speaker Blair: "The Gentleman from Peoria, Mr. Schraeder."

Schraeder: "Mr. Speaker, I just to want to raise the question of having the Amendment upon are desks. I didn't raise issue before when I didn't have them, but if we are going to continue to have Amendments I object unless they are on our desks."

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

Skinner: "Mr. Speaker, I rise for a point of personal privilege, last time we were in session, it took me about twenty four hours for my ears to stop ringing and if the Minority Leader is of the ...the Assistant Minority Leader is going to keep holding his microphone about six inches away from his mouth, I'm afraid my ears may never stop ringing. It's...it's...it's not just the Assistant Minority Leader, many Members who are holding them much too close to the mouth. Well I refuse to arise to debate. Thank you very much."

Speaker Blair: "The Gentleman's point is well taken, I know we are having a trying experience with respect to these mikes and hold them down about six inches or so from your mouth, I think it picks up the sound in a better fashion. I do want you to know that Mr. Choate and I and the Clerk are moving with respect to seeing if this system can't be drastically improved as quickly as possible. The Gentleman from Kane, Mr. Grotberg."

Grotberg: "Thank you Mr. Speaker, Ladies and Gentlemen, I had hoped to use the old cliché that Mr. Shea, like the butcher that backed into the meat saw, was a little behind in his work on these Amendments, but I now have six, I never did see two, three, and four. Thank you, Jerry."



Have all voted who...is there any further debate? The Gentleman care to close? The Gentleman from Peoria, Mr. Schroeder, reiterates his objections, is that Amendment on his desk? Alright, I've been advised by the Clerk that that Amendment is on your desk."

Schroeder: "Come down and find it then, it's not on the desk. I may be on the Republican side, but it's not on the desk. I object."

Speaker Blair: "Alright, I just asked if that were on your desk, Jack told me that he had distributed it now. Jack is bringing one right back to you. The Gentleman from Peoria, Mr. Schroeder."

Schroeder: "I don't want any special favor, I just want the Amendments and I wish that the Members would get them."

Speaker Blair: "Well Jack sees that your side of the aisle gets the Amendment, I specifically asked him before I replied to you as to whether or-not you had one and he told me that he had put it on your desk, now I don't doubt his veracity and I doubt that you do either. Alright, now the Lady from Lake, Mrs. Geo-Karis."

Geo-Karis: "Mr. Speaker, I don't want my colleagues on your side to feel hurt or left out because I haven't gotten them either, so we're all in the same boat."

Speaker Blair: "Alright, can we get Mrs. Geo-Karis one? Mr Union...Mr. Choate, the Gentleman from Union."

Choate: "Does that...does Jack put them on that side?"

Speaker Blair: "Alright, the Clerk is taking care of their respective sides, hopefully, and the Gentleman...does the Gentleman, Mr. Duff, care to speak on this?"

Duff: "Well Mr. Speaker, I'm really just curious to know where we stand right now and I...as Members of this House who were in here last term, at least, know that I have some interest in this subject. I do not have copies of these Amendments on my desk either and I would like to get one if I could."

Speaker Blair: "Alright, let's see that Mr. Duff has one. Alright are there any further questions with respect to the Amendments being on the Members's desks, we want to be sure that they are there before we take a vote. Alright, does the Gentleman from Cook, Mr. Shea, want to close, or you ask for a vote, alright



I think we were down to where a Roll Call had been requested, so all those in favor of the Gentleman's Amendment will vote aye, and the opposed will vote no. Have all voted who wished? Have all voted who wished? The Clerk will take the record. Borchers and Barry, no. Alright on this question there are 77 nays, 44 ayes, 1 present, 56 not voting and the Gentleman's motion to adopt Amendment #...Clabaugh, no. 78 nays, 44 ayes, 1 present, 52 not voting, and the Gentleman's motion to adopt fails. Are there further Amendments?"

Clerk Selcke: "Amendment #5. Shea. Amend House Joint Resolution Constitution Amendment 30 on page 2, line 18-24, by deleting 'law' both times it appears and inserting in lieu thereof in both places ' a law approved by the vote of three-fifths of the members elected to each house'."

Speaker Blair: "The Gentleman from Cook, Mr. Shea."

Shea: "Do you know if this Amendment has been distributed?"

Speaker Blair: "I'm advised by the Clerk that it has been."

Shea: "Mr. Speaker and Ladies and Gentlemen of the House, this Amendment would ...change the Constitution that requires that it takes a three-fifths vote of the General Assembly passed by both houses in order to become a specific limitation on the powers of home rule unit, that it would require a three-fifths vote of this House, even on those matters that were concurrent with the State and I would ask for the adoption of the Amendment."

Speaker Blair: "The Gentleman from Cook, Mr. Walsh."

Walsh: "Well Mr. Speaker and Ladies and Gentlemen of the House, I seriously doubt that this Amendment is germane to the matter, it amends an entirely different paragraph and does something entirely different, namely, it just about removes the pre-emption of the General Assembly and since I don't want it and the Gentleman seems to, I suggest to him that he introduce his own Constitutional Amendment and do it, but in the meantime let's vote no on this."



Speaker Blair: "Was the Gentleman asking for a ruling? Alright, we'll look at it. Alright, the Chair is prepared to rule that the Gentleman's point of order is well taken that the Amendment a...a...a...is not germane to the purpose of the main proposal which is HJR Constitutional Amendment 30 that the main thrust of the proposal addresses itself to ...wait a minute, wait a minute...that this is home rule licensing powers, it is not the pre-emption section and for that reason the Chair would rule that this Amendment is not germane. The Gentleman from Cook, Mr. Shea."

Shea: "I'm sorry, Mr. Speaker, I couldn't understand what you said. I understand he said no, Phil, but I want to know why."

Speaker Blair: "Alright, what the ruling of the Chair was with respect to Amendment #5 is that the Gentleman's point of order about the germaneness of question is proper and the Chair rules that the Amendment is not germane because the subject of the Resolution is home rule licensing power, not pre-emption. The Gentleman from Cook, M r. Shea."

Shea: "Mr. Speaker, the purpose of his Amendment is to take away from home rule powers the right to license or regulate businesses and occupations. The purpose of my second Amendment or the Amendment that I've offered now is to say that in those powers that it is concurrent where the State and a municipality have concurrence jurisdiction that it would require an extraordinary vote so that if his Amendment is adopted, it would take 107 votes to give that power to municipalities. If in order, in other areas, it now only takes a simple majority of this General Assembly to take away those powers that are not covered by this Resolution, therefore, I just want to change it to three-fifths like another section is. I think it goes right to the heart of what we are talking about."

Speaker Blair: "Well the Parliamentarian has given this question a great deal of thought and she advises the Chair as I have ruled that the subject of the Resolution is home rule licensing



not pre-emption and therefore the Amendment is not germane."

Shea: "I object, but it's nice having the gavel."

Speaker Blair: "Are there further Amendments? For what purpose does the Gentleman from Cook, Mr. Duff, arise?"

Duff: "Mr. Speaker, for the record, because this is such a very complicated and important subject, and because in the recent judicial decision relative to the problem of licenser which came before the Illinois Supreme Court, it was apparent that in some future time, it may reflect some of the attitudes currently being suggested by the respected Assistant Minority Leader, I would simply like to point out for future debate, which we might anticipate relative to this subject, that the Assistant Minority Leader has just on two separate occasions, said that the sub paragraph (h) requires a simple majority and I would like to that to be noted on the verbatim transcript."

Clerk Selcke: "Amendment #6. Shea. Amend House Joint Resolution Constitutional Amendment 30 on page 1 by deleting lines 13 through 15 and inserting in lieu thereof by the electors of the county and any municipality are home rule units."

Speaker Blair: "The Gentleman from Cook, Mr. William Walsh."

Walsh: "Well Mr. Speaker, I really think the question of germaneness is again and I would ask for a ruling."

Speaker Blair: "Well the Gentleman's point again is well taken because the thrust of the Amendment is home rule licensing powers and this would extent it to apply to it being a municipaliity in the State and those are two different subjects. Are there further Amendments? Third Reading. Alright, now there's a supplemental calendar. Pardon? Yeh, I put it there. On the supplemental calendar, Constitutional Amendments Second Reading, SJR 60, is Mr. Bradley on the floor? Okay. Mr. Bradley, do you want this read a second time? Do you want this supplemental calendar SJR 60 read a second time? Go ahead and read it a second time."

Clerk Selcke: "Senate Joint Resolution 60. Resolved by the Senate of the 78th General Assembly, the State of Illinois, the House of Representatives concurring herein, that there shall be submitted



to the electors of this State at the next general election occurring at least six months after the adoption of this Resolution a proposition to amend Section 5 of Article 4 of the Constitution to read as follows: Article IV. Section 5, Section (a) The General Assembly shall convene each odd number year on the second Wednesday of January and each even number year on the first Wednesday after the first Monday of April. The regular session of an even numbered year, no Bills, except revenue and appropriation Bills may be introduced or considered by the General Assembly. The General Assembly shall be a continuous Body during the term for which Members of the House of Representatives are elected.

(b) The Governor may convene the General Assembly or the Senate alone under a special session by a proclamation stating the purposes of the session and only business encompassed by such purpose, together with any impeachment to confirmation of appointments shall be transacted. Special sessions of the General Assembly may also be convened by joint proclamation of the presiding officers of both houses featured as provided by law. (c) Sessions of each house of the General Assembly and meetings of Committees, joint Committees, and other study commissions shall be opened to the public. Sessions and Committee meetings of the House shall be closed to the public if two-thirds of the Members elected to that house determine that the public interest so requires and meetings of the joint Committees and legislative Commissions may be so closed if two-thirds of the Members elected to each house so determine. Second Reading of the Resolution."

Speaker Blair: "Any Amendments? Third Reading. SJRCA 33."

Clerk Selcke: "House Joint Resolution Constitutional Amendment 33. Resolved by the House of Representatives of the 78th General Assembly, the Senate concurring herein, that there shall be submitted to the electors of the general election next occurring at least six months after the adoption of this Resolution, the proposition to amend Section 3 of Article 14 of the Constitution



of the State of Illinois by an addition of a new paragraph (b) to read as follows: Article 14, Section 3, Constitutional Initiative for Legislative Article. Amendment to Article 4 of this Constitution may be proposed by a petition signed by a number of electors each who are number to at least 8 per cent of the total votes casts for candidates for governor in each preceding gubernatorial election. Amendments shall be limited to special and procedural subjects contained in Article 4. The petition shall contain the text of the proposed amendment and the date of the general election in which the proposed amendments be submitted. There have been signed by the petitioning electors not more than twenty four months preceding that general election and shall be filed with the Secretary of State at least six months before that general election. The procedure for the determining the validity and petitionency of a petition shall be as provided by law. If the petition is filed and sufficient the proposed amendment shall be submitted to the electors of that general election and shall become effective if approved by either three-fifths of those voting on the amendment or a majority of those voting in the election. However, any such amendment providing for a special change in the General Assembly will not become effective until the year after the year of the next federal biennial census, notwithstanding any provisions in any schedule provided for in the petition. Schedule. This amendment takes effect upon its approval by the electors. Second Reading of the Constitutional Amendment."

Speaker Blair: "Any Amendments from the floor? Committee Amendments?"

Clerk Selcke: "Committee Amendment #1. Amendment #1. Amend House Joint Resolution Constitutional Amendment #33 on page 2 by deleting line 4 and inserting in lieu thereof the following: electors eligible to any amendment proposed pursuant to Section 3 of Article 14, which is submitted at the same general election as this amendment or any subsequent general election."

Speaker Blair: "The Lady from Cook, Mrs. Macdonald."



Macdonald: "Thank you Mr. Speaker, Ladies and Gentlemen of the House, do you want to take the Amendment first? Representative Lauer, I believe, offered the Amendment in Committee and he would like to speak to it."

Speaker Blair: "Alright, the Gentleman from Logan, Mr. Lauer, with respect to the Amendment."

Lauer: "Mr. Speaker, I offered the Amendment in the Executive Committee at the request of Representative Macdonald so I think she should speak to the Amendment."

Speaker Blair: "Alright then, Mrs. Macdonald."

Macdonald: "Thank you Mr. Speaker. The Amendment merely says at the end of this Resolution that this particular submission to the people will take precedence over any other Constitutional Amendment which will be adopted at the same time."

Speaker Blair: "Any further discussion? The question is on the adoption of the Amendment. All those in favor say aye. Opposed, nay, the ayes have it and the Amendment is adopted. Are there further Amendments? Third Reading. Alright it doesn't appear that there is anything further on the calendar to address ourselves to although there are a number of Bills on the Clerk's Table for introduction on First Reading. First Reading, Introduction and First Reading."

Clerk Selcke: "House Bill 2760. Berman. A Bill to create the funds for the common school fund. First Reading of the Bill. House Bill 2671. Craig, et al. Create the Auctioneers' Licensing Act. First Reading of the Bill. House Bill 2762. Katz, et al. Appropriates the Department of Transportation. First Reading of the Bill. House Bill 2763. Katz. Appropriates \$50,000 to the Department of Conservation. First Reading of the Bill. House Bill 2764. Katz. Enacts the Illinois Landmark Preservation Act. First Reading of the Bill. House Bill 2765. Peters, et al. Creates the Fireworks Regulation Act. First Reading of the Bill. House Bill 2766. Choate. Appropriates \$20,000 to the Superintendent of Public Instruction. First Reading of the Bill. House Bill 2767. Choate. Amends the School Code. First



Reading of the Bill. House Bill 2768. Kozubowski. Amends an Act concerning taxes. First Reading of the Bill. House Bill 2769. Juckett. Amends the School Code. First Reading of the Bill. House Bill 2770. Bluthardt. Amends an Act relating to the leveling of taxes. First Reading of the Bill. House Bill 2771. Rayson. Amends the Fair Employment Practices Act. First Reading of the Bill. The following Resolutions have been tabled. House Resolution 536. House Resolution 579. House Resolution 585. House Resolution 664. House Resolution 697. House Resolution 768. House Resolution...a...House-Joint Resolution 75."

Speaker Blair: "Agreed Resolutions."

Clerk Selcke: "House Resolution 852. Maragos, et al."

Speaker Blair: "Mr. Walsh."

Walsh: "Mr. Speaker and Ladies and Gentlemen of the House, House Resolution 852 is an Agreed Resolution. It has a little more substance than most of them though. First of all, it asks that this House express its grave concern for the unfortunate dangerous happenings of the leak of silicone tetrochloride the other from the Bulk Terminal Plant on the Southside of Chicago. Secondly, it asks that we direct the Legislative Investigative Committee to investigate the need for additional legislation and regulation and supervision and establishment of standards to prevent another occurrence of this nature. And Mr. Speaker, if there is no objection, I move the adoption of House Resolution 852."

Speaker Blair: "Alright, this is an Agreed Resolution, all those in favor say aye, opposed no, the ayes have it and the Resolution is adopted. Further Introductions."

Clerk Selcke: "House Bill 2772. Blair, et al. Downstate Public Transportation Act. First Reading of the Bill. House Bill 2773. Blair, et al. Amends the (tape trouble)."

Speaker Blair: "The Gentleman from Cook, Mr. Maragos."

Maragos: "Mr. Speaker and Members of the House, I arise as a...on a point of personal privilege on the issue that on which House Bill, I mean House Resolution 852 concerns about. First of all,



I want to thank the leadership on both sides of the aisle for realizing the significance of the danger that transpired this past weekend in the 30th District in the southside of Chicago. And whether many of you know it or not, this could have become a more vital and a more dangerous situation if the elements did not help us to the extent that the wind did shift and the people who were evacuated were not fully warned..were...were. ...fully warned in time so as not to cause any further damage. This Resolution shall show, even today, as I'm speaking, that it is my understanding that the office of the Attorney General and the State's Attorney of Cook County are making Grand Jury investigations and calling for further inquiry into the question of why this unfortunate incident had to take place. It is ironical that as Chairman of the Illinois Commission on Atomic Energy, I have been duly concerned with the problem, Representative Hudson, et al, have been duly concerned about the effects of radio activity and the transportation of radio active material in the State of Illinois, and yet here comes a problem which should have been solved and which should have been looked into a long time ago, that of storing dangerous chemicals. As I say, there were no more people hurt and no more people and no more people hospitalized in the inhalation of the tetrochloric acid, which was formed by the fumes becoming mixed with the air. So I ask, and I thank again, the House and the Leadership for allowing this to become an Agreed Resolution, but I do hope in due course that after the Illinois Investigative Commission Citizen's Inquiry, we will be able at that time to be able to bring about legislation which will prevent another occurrence of this nature. Thank you Mr. Speaker and Members of the House."

Speaker Blair: "Alright, there are two Death Resolutions."

Clerk Selcke: "House Resolution 853. Toby Barry. In respect to the memory of Mrs. Elizabeth Ann Horrick. House Resolution 854. Schlickman. In respect to the memory of Mr. James E. Mallay."

Speaker Blair: "Alright, the Gentleman from Cook, Mr. William Walsh, moves the adoption of these two Death Resolutions. All those in



favor say aye, opposed no, the ayes have it and the Resolutions are adopted. The Gentleman from Cook, Mr. William Walsh."

Walsh: "Mr. Speaker and Ladies and Gentlemen of the House, I move that Senate Joint Resolution 51 be tabled. This is an adjournment Resolution from some time ago that was unnecessary because the House Resolution was adopted in its place. I move that Senate Joint Resolution 51 be tabled."

Speaker Blair: "Alright, is there objection to the Gentleman's motion be tabled? Hearing none, it will be tabled."

Walsh: "And now, Mr. Speaker, I move that the House stand in recess until the hour of 8 o'clock this evening, we will recess so that Bills can come up from the Legislative Reference Bureau and be read a first time and introduced because today is the last day for introductions. And after the adjournment at 8 o'clock, we will reconvene tomorrow at 2, 2:00 P.M. The Committee as a Whole will be at 9:00 o'clock tomorrow morning and we should have that wound up by 2:00, we will go into session, in the regular session at 2:00 o'clock. The special session will convene immediately after the adjournment of the regular session. So I move that the House stand in recess."

Speaker Blair: "The Gentleman from Cook, Mr. Schlickman, with regard to the Gentleman's motion."

Schlickman: "Will the Majority Leader yield for a question? Do I understand that the 8:00 P.M. session will be perfunctory and restricted to the introduction of Bills only?"

Walsh: "Yes, it is contemplated that we will adjourn at 8:00 P.M., we won't reconvene. We are going to stand in recess now, Bills that are coming up from the Reference Bureau will be introduced and that's all the business that will take place."

Schlickman: "You know of no motions that will be offered at that time?"

Walsh: "No I don't."

Schlickman: "Thank you, Bill."

Speaker Blair: "The purpose for the recess rather than the adjournment, as the Majority Leader has explained, is simply because a number



of Members have asked that they have an opportunity to have their Bills introduced and read a first time and we would not want to preclude them of that so when we come back, those Bills may be introduced and read a first time. All those in favor of the Gentleman's motion, say aye. Opposed, no....a..wait a minute, Mr. Epton?"

Epton: "Mr. Speaker, I had my light on forty seven and one half minutes ago, obviously, it's not working, I can't believe you would intentionally ignore me. No, I can believe you would intentionally ignore me. Be it as it may, what I had to say was of second rate importance, it had to do with the investigation of motions suggested by Mr. Maragos. And since it is of such tremendous importance, would you leave, rather than delay this House any longer, may I come back here at 10:30 this evening and deliver my speech?"

Speaker Blair: "11 o'clock?"

Epton: "And I would like to have Mr. Collins in attendance because the leak in this Bulk Terminal in his district and was intended to eliminate half of his voters. This is a company that I own that Mr. Maragos is investigating, Mr. Speaker, I would like to defend it. I'll do it at 11 o'clock tonight, thank you."

Speaker Blair: "Alright, now that that matter has been clarified, Appropriations Committee...alright, on the Gentleman's motion, all those in favor say aye, opposed no, and now we've recessed until 8:00 and we are adjourning at 8:00, nothing will happen other than introductions and First Reading at 8:00. We are adjourning until 2:00 P.M. The Committee as a Whole at 9:00 A.M. It's not the intention of the Chair that the House be in session on Wednesday. It's not the intention of the Chair that the House be in session on Wednesday, so tomorrow will be the last day of this week."

Clerk Selcke: "The House Bill be in order. First Reading of the Bills."



House Bill 2774. Ralph Dunn. Authorize the Protection of Conservation in Counties. First Reading of the Bill. House Bill 2775. Porter. Amends the Illinois Municipal Code. First Reading of the Bill. House Bill 2776. Amends the School Code. First Reading of the Bill. House Bill 2777. Creates the Illinois Horse Racing Act. First Reading of the Bill. House Bill 2778. Beatty. Amends the Illinois Local Library Act. First Reading of the Bill. House Bill 2779. McPartlin. Payment to school associations. First Reading of the Bill. House Bill 2780. Pierce. Amends an Act concerning Public Utilities. First Reading of the Bill. 2781. Douglas. Amends an Act relating to mobile homes. First Reading of the Bill. House Bill 2782. Craig. Amends the Illinois...amends the Agricultural Fair Act. First Reading of the Bill. House Bill 2783. Krause.Members formed by the Governor, exofficio Members of the Illinois delegates of the St. Louis Area Council Government. First Reading of the Bill. House Bill 2784. Krause. Provides for interstate contract with Missouri. First Reading of the Bill. House Bill 2785. Douglas, et al. An Act to change the name of the Department of Mental Health. First Reading of the Bill. Mr. Barry moves that the House stand adjourned until 2:00 P.M, tomorrow, Tuesday."



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		Day	Move HJR CA 29 return 2nd reading
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9		Getty	Explains HR 394
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11		Speaker Blair	question - adopted
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