

HOUSE OF REPRESENTATIVES

SEVENTY-EIGHTH GENERAL ASSEMBLY

FIFTY-FIFTH LEGISLATIVE DAY

MAY 15, 1973

9:30 O'CLOCK A.M.

THE HONORABLE W. ROBERT BLAIR, SPEAKER

IN THE CHAIR



GENERAL ASSEMBLY

STATE OF ILLINOIS

HOUSE OF REPRESENTATIVES

Robert Blair: "The House will be in Session and the invocation will be by Dr. Johnson."

Johnson: "Let us Pray. Look mercifully upon us O'Lord and all who are engaged in the business of government in this state. In our own roll as legislators, pity us whenever we become our own worst enemies. Let your power come and rest upon us whenever we become over burdened. Cast out the demons that plague us and the passions that can tear us apart. Continue to be beside us whenever we get beside ourselves. In our loneliness, be our constant companion. In the moments of emptiness continue to be the source of our satisfaction. Support us all the day long especially when life becomes troubleless and when the shadows lengthen and the evening comes and when the busy world is hushed once again and the fever of the day is momentarily over grant us safety in your care and peace in your mercy through Jesus Christ our Lord. Amen."

W. Robert Blair: "Roll Call for attendance. The gentleman from Cook, Mr. William Walsh."

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

W. Robert Blair: "The Journal will so indicate. Ah... messages from the Senate."

Fredric B. Selcke: "Message from the Senate by Mr. Fernandes, Secretary. Mr. Speaker, I'm informed to inform the House of Representatives that the Senate has adopted the following Senate Joint Resolution, the adoption of which



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

Representative Peter C. Granata - illness;

Representative Henry J. Klošak - illness.



I'm instructed to ask concurrence of the House. Senate Joint Resolution 28, adopted by the Senate May 14, 1973. Edward E. Fernandes, Secretary. Mr. Speaker, I'm directed to inform the House of Representatives that the Senate has adopted the following Senate Joint Resolution, the adoption of which I'm instructed to ask concurrence of the House, Senate Joint Resolution 38, adopted by the Senate May 14, 1973. Edward E. Fernandes, Secretary. Mr. Speaker, I'm directed to inform the House of Representatives that the Senate has passed Bills of the following title, the passage of which I'm instructed to ask concurrence of the House. Senate Bill 173, 197, 268, 267, passed the Senate May 14, 1973. Edward E. Fernandes, Secretary."

W. Robert Blair: "Committee Reports."

Fredric B. Selcke: "Mr. Duff, from Judiciary II, to which House Bill 890 was referred, reported the same back with amendments thereto with the recommendation that the amendments be adopted, those amended do pass."

W. Robert Blair: "The ah... Consent Calendar, Second Reading."

Fredric B. Selcke: "What page is that? House Bill 865.

A Bill for an Act to amend the Juvenile Court Act. Second Reading of the Bill. House Bill 1062. An Act to amend the Vehicle Code. Second Reading of the Bill. House Bill 1086. An Act to amend the Unified Code of Corrections. Second Reading of the Bill. House Bill 1087. An Act to amend the Juvenile Court Act. Second Reading of the



Bill. House Bill 1088. An Act to amend the Criminal Code of 1961 ah... Second Reading of the Bill. House Bill 1089. A Bill for an Act to amend Section 5. An Act creating the Department of Children and Family Services. Second Reading of the Bill. House Bill 1104. An Act to amend the Worksmen Compensation Act. Second Reading of the Bill. House Bill 1631. An Act to amend The Unemployment Compensation Act. Second Reading of the Bill."

W. Robert Blair: "The gentleman from Cook, Mr. William Walsh."

Walsh: "Ah... the Agreed Resolutions, Mr. Speaker?"

W. Robert Blair: "Ah... Consent Calendar ah... Second Reading."

Walsh: "Oh, I move that the Second Reading Consent Calendar be advanced."

W. Robert Blair: "Alright, ah... Third Reading. Senate Bills, First Reading."

Fredric B. Selcke: "Senate Bills, First Reading. Senate Bill 21. A Bill for an Act to amend the Vehicle Code, First Reading of the Bill. Senate Bill 56. Amends the Streetlight District Act. First Reading of the Bill. Senate Bill 58. An Act to amend Section 3 of an Act to provide for establishment of water authorities. First Reading of the Bill.. Senate Bill 59. An Act to amend an Act in relation to public water districts. First Reading of the Bill. Senate Bill 60. An Act to amend Section 5 of an Act providing for the organization operation of the mosquito abatement districts. First Reading



of the Bill. Senate Bill 61. An Act to amend the Park District Code. First Reading of the Bill. Senate Bill 62. An Act in relation to service water protection districts. First Reading of the Bill. Senate Bill 64. An Act to amend the Illinois Drainage Code. First Reading of the Bill. Senate Bill 65. An Act to amend the Hospital District Law. First Reading of the Bill. Senate Bill 66. An Act to amend the Water Service District Act. First Reading of the Bill. Senate Bill 12. An Act to amend the Code of Criminal Procedure. First Reading of the Bill. Senate Bill 15. An Act to amend the Code of Criminal Procedure, 1963. First Reading of the Bill. Senate Bill 181. An Act to create the Workmen's Compensation Study Commission. First Reading of the Bill. Senate Bill 182. An Act to provide for the ordinary and contingent expenses of the Workmen's Compensation Study Commission. First Reading of the Bill. Senate Bill 220. An Act to amend Sections 2,3,4,17,22 of the Health Safety Act. First Reading of the Bill. Senate Bill 221. An Act to amend Section 1 and 2 of an Act in relation to Safety Inspections and so forth. First Reading of the Bill. Senate Bill 232. An Act to accept retro-session of legislative jurisdiction over certain land in this state and so forth. First Reading of the Bill. Senate Bill 400. A Bill for an Act to amend the Park District Code. First Reading of the Bill. Senate Bill 550. An Act to enlarge the corporate limits of the Metropolitan



Sanitary District. First Reading of the Bill. Senate Bill 592. An Act to amend Section 1 of an Act in relation to State Tree and State Flower. First Reading of the Bill. Senate Bill 629. An Act to vacate release easement in Schuyler County, Illinois. First Reading of the Bill."

W. Robert Blair: "Agreed Resolutions."

Fredric B. Selcke: "House Resolution 302, Madigan et al.

House Resolution 303, Mann et al. House Joint Resolution 45, W.D. Walsh. Senate Joint Resolution 38, Walsh."

W. Robert Blair: "The gentleman from Cook, Mr. William Walsh."

Walsh: "Mr. Speaker and ladies and gentlemen of the House, these are the Agreed Resolutions and House Resolution 302 congratulates the great and sovereign state of Isreal on its' 25th Anniversary. House Resolution 303 congratulates the family and friends of Mr. Elliot Elley Hason on his being inducted as a Hall of Fame official by the Illinois Basketball Coaches Association. House Joint Resolution 45 requests that the Commission on Inter-Governmental Cooperation submit its annual report the General Assembly on June 15 and that the date be extended from ah... an earlier date. Senate Joint Resolution 38 asks that the Transportation Study Commission submit the legislation mandated ah... by the ah... by an earlier resolution ah... that that date be extended to May 22 from May 15 and I move the adoption of the Agreed Resolutions."



W. Robert Blair: "Any discussion? The gentleman from Lake, Mr. Duester."

Duester: "Mr. Speaker ah... ladies and gentlemen of the House, there are not many Members on the floor and I'm not sure that I heard what the resolution provides. I understand, is it Mr. Majority Leader, that this is the resolution to ah... simply extend the deadline for the submission of ah... the mass transit proposal by the Transportation Study Commission? Is that all it does or ah... would you mind rereading that?"

Walsh: "I'll be glad to read the resolved clause. Resolved by the Senate of the 78 General Assembly of the State of Illinois, the House of Representative concurring therein that Tuesday, May 22, 1973, shall henceforth be the day the Transportation Study Commission is to submit to the General Assembly legislation which sets forth a permanent public policy on mass transportation for the State of Illinois and a Region Authority for Northeastern Illinois."

Duester: "Mr. Speaker and Mr. Majority Leader, ah... as you know there are a number of individually sponsored ah... Bills on the general subject of this Chicago area mass transit problem and ah... is it the I understand that this resolution was just confined to the report of the Study Commission ah... and as you know we have a meeting of our Committee today and a number of Bills are sort of at the end of the road time wise. Is there an intention to ah... accomodate the individual sponsors in a subsequent



resolution or ah... is this it or ah... what is the effect of this?"

Walsh: "Well, the individual sponsors will have to deal with that as it comes up. This resolution simply addresses itself to the reporting day of the Transportation Study Commission ah... which reporting date was by the effect of this resolution changed from May 15 to May 22. That is the date upon which the legislation is to be submitted by the Transportation Study Commission to the General Assembly and that's all this resolution does. It doesn't address itself to any other activities of other Members of other Committees or other Sub-Committees on the subject of Regional Transportation."

Duester: "Mr. Majority Leader, do you have any plans ah... concerning the legislation? For example, ah... the Transportation Committee is meeting today and they're hearing among other Bills, 1046, 1047, 1048 of course which we've sponsored and which we are interested in and ah... the plans are to hear those Bills today ah... but I was lead to believe that ah... by I believe the distinguished Chairman of the Transportation Committee that ah... all of these Bills might be put off and I want to just clarify ah... what is the Leaderships intention ah... are you just letting the Commission go another week and letting us sink or ah....."

Walsh: "No, this has nothing to do with anything other than a previously adopted Senate Joint Resolution, which called



for a reporting date and ah.... that is a date on which legislation was to be submitted, on May 15 and changing it to May 22. I can't speak for the Leadership on what or anybody else on what their intentions are with respect to individuals Bills perhaps dealing with the same subject. I don't know."

Duester: "Well, ah... I know ah... I guess I participated in electing Leadership and I thought you were the Majority Leader and I don't know who to turn to to get a Leadership position, but I wanted to say this; as you know ah... we have been waiting and waiting and those of us who have sponsored Bills ah...out of courtesy to the Committee and courtesy to the respect to the delivery of process have been waiting for the 15th and we ah... have been told that our Bills are those which may be pending on the same subject will all be considered in one pot, so to speak and that if time is given for the Commission Bill, which we haven't seen ah... certainly time ought to be given for the Bills which we have seen ah... which we have in our hands. Now specifically ah... I want to ask you this. Will the Leadership support a similar request to defer time to the others or is the Leadership going to ah.... not express itself on that at this moment?"

Walsh: "Well, those Bills are subject of course to the deadline ah... I would think that ah... the Leadership would entertain ah... the possibility of delaying or deferring the deadline date, but I don't know anymore than I know



whether the Leadership would defer the deadline date or agree to defer the deadline date on anyone of the Bills on our calendar. I just don't know."

Duester: "I wonder the distinguished Majority Leader would withdraw this motion until the Leadership is in the position to ah... speak on the subject or make some assurance ah.... I have some other questions I want to ask, but maybe the ah... motion could be deferred for awhile."

W. Robert Blair: "The gentleman from Moultry, Mr. Stone."

Stone: "Mr. Speaker, a point of order. Is there anyway on earth that the Speaker can accept some kind of a motion here for the previous question or something so that this discussion can someday end?"

W. Robert Blair: "Well, the motion for the previous question is always in order, yes."

Stone: "Then that's my motion."

W. Robert Blair: "Alright, the gentleman has moved the previous question. All those in favor say 'aye', the opposed, 'no'. Alright ah.... that ah... that takes ah... 2/3 vote, under ah... Roberts' Rules of Order ah..I think that it's 2/3 rds. So all those in favor of the gentleman's previous question vote 'aye' and the opposed vote 'nay'. Alright, have all voted who wished? The Clerk will take the record. On this question there are the gentleman's motion prevails so the question now is on the adoption of the ah... gentlemen ah... motion concern-



ing the Agreed Resolutions. All those in favor say 'aye', opposed 'no'. Alright, ah... the question is then all those in favor of the gentlemen motion will vote 'aye' and the opposed 'no'. The gentleman from Cook, Mr. William Walsh."

Walsh: "Mr. Speaker, I'm afraid that there is some very serious misunderstanding here and that the gentleman from Lake and that the gentleman from Cook in front of me are afraid that they're not going to not get a hearing on some legislation that they have proposed. Ah... I would like to personally guarantee them that I will do everything I can to see that that does not happen, that they will get a hearing and that their Bill will be dealt with either by the Committee or by action of this floor or perhaps both. There is no reason to believe that your Bills dealing with a Regional Transportation Authority will not be heard in the same way that every other Bill on this calendar and in Committee will be heard. I just for the life of me can't imagine why there is so much agitation over this."

W. Robert Blair: "The gentleman from Cook, Mr. Lundy."

Lundy: "Mr. Speaker and ladies and gentlemen of the House, to explain my 'no' vote on this resolution, ah... I certainly don't oppose extending of the deadline of the Transportation Study Commissions report, however, I think in all fairness to those Members who have had their own proposals for Regional Transit Authority in the hopper for



11.

many many weeks and have held those for hearing until the Transportation Study Commission was able to bring out its report that we ought to extend the time and that the Leadership ought to agree to extend the time on those pending proposals. Now the pending proposals can't get a fair hearing until the Transportation Study Commission has made its report because they will be considered in relation to that report and they will be evaluated against it. It seems to me that it is terribly unfair to these Members who have held their Bills ah... waiting for the Transportation Study Commission to make its report, to ah... now say you have to go ahead and hold hearings at your perils without the Transportation Study Commission having reported. What will happen certainly is that we'll wind up with only one proposal to consider and that will be railroaded through without any real chance for consideration of alternative proposals."

W. Robert Blair: "The gentleman from Cook, Mr. Dunn."

Dunn: "I'm going to answer the Majority Leader as to why I'm upset. I'm going to direct my remarks directly to the Speaker, to the Majority Leader and to the Chairman of the Transportation Committee. Now for weeks now we have postponed Regional Transit Bills so that they could be heard together and I emphasize together with the Bill that comes from the Study Commission. We have got a commitment here and I don't think that we can go back on this commitment that our Bill will be postponed today so



they can be heard at the same time. If it requires a resolution we've got to get the commitment from the floor and from the Speaker that this resolution will pass before we pass this resolution. I hope that I did I clarify that Majority Leader?"

The gentleman from Champaign, Mr. Hirschfeld."

Hirschfeld: "Well, Mr. Speaker and ladies and gentlemen of the House, I would like to say a few things in explaining my vote. We sat through two years down here and watched this kind of activity in the 77th General Assembly where Bills were rammed through the House and Members were not given the courtesy of having their Bills heard at the same time. Now I think that Representative Duester has made a very very reasonable request. He and the others have worked very diligently, very hard, to try and come up with a satisfactory solution to the Regional Transportation problem. If they're put into the position where their Bills have to be heard today in the Transportation Committee and the Bills are not voted out, they're voted down, then they are dead for this Session and I don't think that they are making a unreasonable request of the Leadership on both sides of the aisle for the Leadership to give them a guarantee that their Bill will be heard at the same time that the Leadership Bill is heard, and then let the Members of this House and the media and the Transportation Media of the various newspapers, and the lobbyists decide which of the Bills is the best, and I



must say that I'm shocked by the action taken by my distinguished colleague from Moultry County in cutting off debate. I think that this is something that should have been heard and I might remind the distinguished gentleman from Moultry that yesterday when his Bill was up, he got every possible courtesy for a very lengthy period of time. I voted for the Bill and I think it's a discourtesy to the Sponsor, to Representative Dunn and Duester and the others, to cut off debate without letting the Members of this House be heard. I strongly suggest to the Leadership that they get together with the Sponsors of this Bill and with the Chairman of the Transportation Committee and give these gentleman a fair hearing so that we don't ah...relegate ourselves to the same poor position that we were in during the entire 77th General Assembly."

W. Robert Blair: "The Clerk will take the record. On this question there are 95 'ayes' and 29 'nays' and the gentlemen motion prevails and the Agreed Resolutions are adopted. Introductions."

Fredric B. Selcke: "House Bill 1936, B.B. Wolfe. An Act to amend Sections 1 and 3 of an Act to provide for the ordinary and contingent expenses of the Illinois State Scholarship Commission. First Reading of the Bill. House Bill 1937, Washburn, et al. Makes an appropriation for the ordinary and contingent expenses of various legislative agencies. First Reading of the Bill. House Bill 1938, Kent et al. Amends the State Employees Retirement



System, Article of Pension Code. First Reading of the Bill."

W. Robert Blair: "House Bills, Third Reading. . . .
House Bill 579."

Fredric B. Selcke: "House Bill 579, An Act to amend Section 2 of the Paternity Act. Third Reading of the Bill."

W. Robert Blair: "The gentleman from Cook, Mr. Rayson. Ah... alright, ah... his 580 to is.... the next one after that is 578..... O'kay Rayson is back. Back it up to 579."

Fredric B. Selcke: "House Bill 579. An Act to amend the Paternity Act, Third Reading of the Bill."

W. Robert Blair: "The gentleman from Cook, Mr. Rayson."

Rayson: "Mr. Speaker and Members of the House, this is a Bill that changes the law very slightly ah... by saying that a father of an illegitimate has the same right to support the illegitimate as he would if the child were legitimate. The statute applies to the mother, but it doesn't apply to the father. Ah.... the Bill was amended in Committee to say that should the child be adopted, the legal obligations of the parents would terminate. I know of no opposition to this Bill and I would appreciate a favorable vote."

Miller: "Is there discussion? The gentleman from DuPage, Mr. Schneider."

Schneider: "Thank you, Mr. Speaker. Leland, tell me what happens in the case of an adoption ah... does the signature of the father.... is it necessary before a child can



be adopted. As you know the procedure now is for the woman's approval and signature is all that is required.

Would you tell me if this will include the father as well."

Rayson: "This Bill does not cover that problem. The Stanley Case has recognized the rights of the father and this only applies if there was a legitimate adoption where the obligation of the original father would terminate. So it would go into the problem you raised about the adoption procedure."

Schneider: "There is no way that it could be interpreted that way?"

Rayson: "No, because the Supreme Court has ruled that in the Stanley Case as to the rights of the father and that's what we follow in Illinois."

Miller: "Is there further discussion? If not, the question is shall House Bill 579 pass. All those in favor will vote 'aye' and the opposed 'nay'. Have all voted who wished? Take their record, Mr. Clerk. On this question there are..... Duff, 'aye'. McAuliffe, 'aye'. Bluthardt, 'aye'. Catania, 'aye'. On this question there are 128 'ayes' and no 'nays' and this Bill having received the constitutional majority is hereby declared passed."

Let Bill be House Bill 579."



Miller: "The next Bill is House Bill 580."

Fredric B. Selcke: "House Bill 580, Rayson. An Act to amend Section 11 and repeal Section 12 of the Probate Act. Third Reading of the Bill."

Miller: "The gentleman from Cook, Mr. Rayson."

Rayson: "Mr. Speaker and Members of the House, this Bill removes the long inequity in the Statute of Inheritance with regards to the rights of illegitimates to inherit. The law presently is that an illegitimate may inherit from the maternal side of his family, but he cannot inherit from the paternal side of his family. This Bill is designed to remove that inequity so an illegitimate has the same right of inheritance as an legitimate. I know of no opposition to this Bill."

Miller: "The gentleman from Cook, Mr. Shea."

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

Rayson: "Yes."

Miller: "Proceed, Sir."

Shea: "Lee, the present law is that the child born out of wedlock or an illegitimate child has an absolute right of inheritance from the mother....."

Rayson: "Yes."

Shea: "And has an absolute right of inheritance from the father if either the father has proved to be the child.... the father of the child or acknowledges him. Is that right?"



Rayson: "Ah... not quite. Under present law, if there is a paternity adjudication, he has the right to inherit in Illinois on that prove, but as to a holding out ah... the law is very fuzzy in Illinois. Some states recognize it, but Illinois is very obscure ah... they might in a court case."

Shea: "Well, I think that Illinois is perfectly clear. It says, in effect, that a child born out of wedlock inherits from his mother and until there's a prove that the alledged father is a father, there is no right of inheritance. I don't ah.... what your saying.... I don't follow what you're saying here because you're saying an illegitimate, if you want to use the word, which I think is a very poor word. I can't see any illegitimate children, just illegitimate or unmarried parents, but the question is; if you've got a child born out of wedlock and we know who the mother is, there's no doubt about it, if the alledged certain person is the father of the child he can inherit and takes under the statute of distribution and descent in the State of Illinois, if there has been paternity acknowledged on the part of the father."

Rayson: Yes, ah... if there is paternity acknowledgement or paternity adjudication, ah... yes."

: "O'kay, now how can somebody..... what you're saying in here is that even though there hasn't been a prove at an alledged father is the father of a child born of wedlock, he's got a right to inherit under the

3.

18.

laws of distribution and descent. What you're going to do is to open up just tons of litigation where people are going to.... you're actually shifting the burden of prove with regards to the Statutes of Distribution and Descent."

Rayson: "No, no."

Shea: "Would you take it out of the record and we'll talk about it for a couple of minutes?"

Rayson: "I'll be glad to."

Shea: "Alright."

Miller: "Take it out of the record for the time being. Alright, the Sponsor has requested that House Bill 678 be held for the time being. So the next Bill is House Bill 732."

Fredric B. Selcke: "House Bill 732, A Bill for an Act to amend the Civil Administrative Code. Third Reading of the Bill."

Miller: "The gentleman from Marion, Mr. Stedelin."

Stedelin: "Mr. Speaker and ladies and gentleman of the House, I was given the Budget for the Bureau of Mines and Minerals at this time and I was surprised to see that the Director of one of the most important posts in the entire state is very much under paid and also that there is no recommendation and qualifications for the Assistant Director of Mines and Minerals. Now the Director that we have now is one of the most confident Directors I've ever seen and in the last week he has been called out on three different occasions; at the face of a mine and a mine shaft sinking



and there are thousands of lives in his hands and if you've ever seen a mine explosion like I have, you know what I'm talking about and I hope you don't ask me to explain one because I can't do it without breaking down. It's one of the most terrible things you ever saw. So this Bill increased the salary from \$20,000 to \$30,000 and it put ah... qualifications for the Assistant Director of Minerals that he must have his State Mining Inspectors License. It has always been the practice ah.. a man with this particular qualification as Director who is a Mine Manager and then from the Union who has the qualifications as the Assistant and this should be a law and I would appreciate a favorable vote."

Miller: "Is there discussion? Alright, the question is shall House Bill 732 pass. All those in favor vote 'aye' and the opposed 'nay'. Have all voted who wished? Brandt, aye' on this Roll Call. Take the record. On this question there are 123 'ayes' and 4 'nays' and this Bill having received the constitutional majority is hereby declared passed. House Bill 756."

Fredric B. Selcke: "House Bill 756. A Bill for an Act to amend the Insurance Code. Third Reading of the Bill."

Miller: "The gentleman from Will, Mr. Kempiners."

Kempiners: "Thank you Mr. Speaker. This is a very simple Bill. It just states that if an Insurance Company discontinues a given line of insurance ah... when they notify their subscribers that they can no longer renew the



policy, they are required to included the names of five companies that write similar lines of insurance as a lead for these people. The Bill has been amended so that there are fewer than five companies in exsistance writing this type of insurance ah... that they must give the names of those that do exist. I would appreciate your vote."

Miller: "Is there discussion? The question is shall House Bill 756 pass. All those in favor vote 'aye' and the opposed 'nay'. Have all voted 'who wished? J.J. Wolfe, 'aye'. Tlecser, 'aye'. Take the record Mr. Clerk. Von-Boeckman, 'aye'. On this question there are 131 'ayes' and 3 'nays' and this Bill having received the constitutional majority is hereby declared passed. House Bill 767."

Fredric B. Selcke: "House Bill 767. An Act to amend Section 1 of an Act to establish Appellate Courts. Third Reading of the Bill."

Miller: "The gentleman from Madison, Mr. Calvo."

Calvo: "Mr. Speaker and ladies and gentlemen of the House, this ah... Bill merely effects the Appellate Court Districts downstate Illinois and provides that they are now using in every district four appellate court judges, three of which are elected. This Bill provides that the fourth judge will in the future be elected so in order that all the judges serving the court will be elected. I would ask for your favorable vote."

Miller: "Is there discussion? The question is shall House



Bill 767 pass. All those in favor will vote 'aye' and the opposed 'nay'. Have all voted who wished? Schraeder, 'aye'. Capuzi, 'aye'. Have all voted who wished? Take the record, Mr. Clerk? On this question there are 131 'ayes' and 4 'nays'. Mr. Duff, 'aye' on this Roll Call. This Bill having recieved the constitutional majority is hereby declared passed. House Bill 783."

Fredric B. Selcke: "An Act to amend the Game Code of 1971.
Third Reading of the Bill."

Miller: "Mr. Boyle does not appear to be on the floor. Take it out of the record for the time being. Alright, the next Bill is House Bill 805."

Fredric B. Selcke: "House Bill 805, A Bill for an Act to amend the School Code, Third Reading of the Bill."

Miller: "The gentleman from Lake, Mr. Pierce."

Pierce: "Mr. Speaker and ladies and gentlemen of the House, ah... this Bill does three things ah... the digest is not complete on it. It increases the state reimbursement for handicapped children who because of the nature are handicapped must attend a nonpublic special education school from \$2,000 to \$3,000, but it does the same things for the public school where the child has a handicapped that requires extraordinary special education services. It also increases the state reimbursement there from \$2,000 to \$3,000. It also makes sure that the local school district doesn't schuffle children off to private schools because in the past they only had to pay the first



\$600.00 and the state picked up the balance. We know require into this Bill the local school districts to pay their average costs for a nonhandicapped child before the start to collect from the state. Now in most districts this is running around a \$1000 and therefore it would take the profit out of the schools, referring children to nonpublic schools, but where they must refer them to nonpublic schools, it will make sure that the tuition is picked up and the parents won't be left ah... paying large tuition balances. The Bill is supported by the Special Education Community, that is the parents, The Illinois Association for the Mentally Retarded, The Coordinating Council for a Handicapped Children, The Illinois Association for Children with Learning Disabilities, The State Superintendent of Public Instruction, has no objection to the Bill as it stands and ah... the... Mrs. Haulstrum, in the Advisory Council to the State Superintendent and the Advisory Council of Handicapped Children also favor House Bill 805, which is in fact pretty much drafted by the ah... Council for the Education for Handicapped Children, headed by Mrs. Haulstrum. This Bill really further implements programs we have passed into law previously when the legislature has given me support and I ask that we pass House Bill 805 today."

Miller: "The gentleman from Champaign, Mr. Hirschfeld."

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



Miller: "He indicates that he will. Proceed, Sir."

Hirschfeld: "Representative, can you tell me whether or not the increase that is included in this Bill is included in the Governor's Budget?"

Pierce: "This Bill.... these reimbursements will not take effect in fiscal '74 because the reimbursements for the '73, '74 school year will be made in the fall of '74. They will be in the budget of the Superintendent of Public Instruction, rather than the budget of the Governor and they will be in the reimbursement ah... budget ah... annual budget of O.S.P.I. for fiscal '75. They will not be in the fiscal '74 budget."

Hirschfeld: "Could you tell me approximately what the cost is estimated to be?"

Pierce: "Yes, we have a cost estimate here. The cost estimate here ah... would be an additional \$3,000,000 per year."

Miller: "The gentleman from Christian, Mr. Tipsword."

Tipsword: "Would the gentleman yield for a question?"

Miller: "Yes, he indicates that he will."

Tipsword: "Representative Pierce, in this Bill ah... do you make an provision for determining what the actual cost is?"

Pierce: "The actual cost of the public school per capita cost or....."

Tipsword: "No, the actual cost for expenses for a child to be schooled under this provision."



Pierce: "Yes, ah... this isn't really a new concept. We passed a Bill last year and ah... it requires the school district ah... to keep records that are acceptable to the Superintendent of Public Instruction establishing these costs, otherwise they are ineligible to receive the aid for extraordinary special education services. Ah... the school district must maintain in the present statute adequate costs and accounting to document that the per capita cost for special education for the child exceeds the \$600 per year and the Superintendent of Public Instruction must review the case study. That's in the law now ah... that we passed in the Regular Session ah.. even numbered Session of 1972. All I'm doing now is increasing the amount of reimbursement to both the public and private schools. The cost accounting was in there previously and there hasn't been any real criticism that school districts are taking advantage ah.. of this."

Tipword: "Well, what I'm worried about is the cost that sometimes is charged to the school districts from private schools. Ah... I wonder what cost accounting there is upon that private school, or do we merely just submit the Bill that the public school district has been asked to pay?"

Pierce: "Ah... there is not real.... you are right. There is not real regulation of the private school. I might say this; a child is only attending the private school because the public school has been unable to serve the



child. In other words, the public school has the obligation and the public school must satisfy O.S.P.I. that the child is properly placed in the private school. Once he is placed in the private school ah... we have a maximum reimbursement of ah... tuition or \$2,000, whichever is less at the present and this would raise it or tuition to \$3,000, whichever is less because the cost are running up to that and in excess of that. O.S.P.I. does have some regulation over the private schools and so does the Department of Children and Family Services because most of them are licensed day care centers with the Department of Children and Family Services."

Tipsword: "The ah... I'm somewhat worried in addition ah... we passed several Bill during last Session and then we increase this one, but I find nothing in this that provides the specific money for these increases to back to the public schools or to provide the additional money to the Superintendent of Public Instruction and ah... we provided no specific funds in many of the Bills that we passed last Session. Now, I'm very much for supporting ah... the children that require the special education and we're doing everything that we possibly can, but where is the money coming from? Do we provide it or are we merely going to ah... there by ah... cost the local districts more without providing satisfactory ah... replacement of the funds?"

Pierce: "No, ah... Representative Tipsword, these reimburse-



ments are made in the fall of the year for the previous school year. So there was no appropriation in fiscal '73 for this Bill because the payments will be made in the fall of '73 in fiscal '74. The same thing on the previous. I've had this ah.. nonpublic school reimbursement in log since 1968 and the payments have always been made and been included in Dr. Bakalis's budget and before him ah... in Ray Pages's budget, but there not in the current year because they always reimburse late. The schools have all been reimbursed for the private school tuition, but like all special education reimbursements, unfortunately, they have to wait until about November of the year following the school year to get their state reimbursement. That's the way it has always been done long before my time on the Transportation reimbursement even before we had the tuition reimbursement. I don't think that you'll find any public schools in the state that have approved children in nonpublic special education schools that have not.... that have not received the reimbursement that their supposed to have received. And remember this; that child is only attending that nonpublic school because the public schools have failed to provide a classroom or a teacher for that child. I couldn't be happier and neither could the parents if every public school in this state fully implemented the mandatory Bill and provided an education for this child, but unfortunately many have not been able to as yet. Perhaps in ten years



we won't need this Bill anymore and all the children will be in the public facilities. As of now, many are in day care centers because of the multiple handicapped, others are in private facilities because of their low incidence of their handicap. There may be only three or four children with that handicap in a special education joint agreement district so that can't really provide a class with that type of handicap. I agree with you, the school should be reimbursed and they have been because I don't think that you'll find a school district in the state that has placed a child with the approval of O.S.P.I. in a private special education facility under House Bill 2671, who has not received that reimbursement although it is of course, the fall following the school year, which they know at the time."

Tipsword: "May I address myself to the Bill?"

Miller: "Proceed, Sir."

Tipsword: "I've received several complaints from the school district which I represent and notably from the Decatur School District in regards to this Bill and in regards to the reimbursements that they've been receiving. Their reimbursements have not in all instances covered all of the additional requirements that we've been placing on them for special education, for education of exceptional or retarded children or children with a developmental disability. Now I want to help these children just as much as we possibly can, but I would like to be darn



sure that we're providing the money from the state instead of forcing up the local property taxes, which we have been doing when we have not been providing an adequate amount. In addition, I received a complaint, especially from the Decatur School District, in regard to this Bill in increasing the amount of reimbursement to \$3,000 for they very much fear that ah... the schools which now provide...the private schools which now provide these services which they purchased will simply raise their Bill from \$2,000 to \$3,000 and ...and they will be getting no more for their money and they have no means of knowing what the actual cost of ah... of educating of caring for that child may be. So consequently I would feel that we need some additional information here. We need to know that the actual cost is \$3,000 or some limitation that there can be no charge over and above what is the actual cost to the private school. In addition, we should be darn sure that we're providing the money to the local school districts for these additional services so that we do not force the local school districts to drive up the local real estate taxes or in the other alternative to diminish the money that is available to the children that are attending the regular classes in the public schools."

Miller: "The gentleman from Cook, Mr. Piotrowicz."

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

Miller: "He indicates that he will."



Piotrowicz: "Dan, do you have any idea how many children in the state are covered by this particular Act or how many take advantage of it?"

Pierce: "On ah... on House Bill 2671, there are only ah... I believe something ah... like ah...4 or 5,000 showing in the state ah... attending the nonpublic ah... schools. I ah.... I have the figure ah... it's not a large number because the school districts have been implementing ah... thier duties under the mandatory Bill and providing the education in the public schools. Decatur is one of the laggards apparently and so is actually Chicago, to be frank because of the size of the Chicago School System. They haven't fully implemented ah... I think Decatur has had money problems too, so we're only left with about 4 or 5,000 children in the private placements, as I understand it and I will get you the exact figure ah... I had it here, but I don't seem to have it in front of me now. It's not a large number."

Piotrowicz: "Let me ask you this, Dan. Are there any guidelines set down for the local school districts in making a determination of who they may award this money to?"

Pierce: "Oh, yes. O.S.P.I. has rigid guidelines. I felt that they were too rigid in the past. They've rejected many placements that are requested by the local school district. So there are guidelines, ah... in fact, they're very detailed put out by O.S.P.I. and every one of these placements is approved by O.S.P.I. so that the public



school district does not waver it's responsibility to provide an education to each child. Actually, were Decatur providing, and I see Representative Tipword's problem, were Decatur providing the education then they wouldn't have to go to the private schools, but we in the state in the past and Tipword is right, have mandated programs and have not fully funded the programs, but that's the entire special education picture, it is not this Bill. If Decatur feels the tuition is too high to the nonpublic schools, then they shouldn't place the child in that school. The money is coming from the state. This Bill is providing for state funds, not for additional local funds."

Piortrowicz: "Dan, let me just ask you than the mechanics of this. The parents would apply to the local school board for this kind of help. The local school board would then make the determination according to whatever guidelines are set down as to whether the child should receive these funds or not. Am I right so far?"

Pierce: "That's right. Either the school district itself would recommend that the child be placed privately or the parent ah... would request it."

Piortrowicz: "Fine, now what would happen if the local school board refuses ah... to approve the application of a ah... parent in regards their child?"

Pierce: "Ah... there is a appeal procedure, but if they're not successful there ah... really all they could do I



suppose all they could do is ah... go to court and say that the school district is not educating their child properly. In my opinion, there have been ah... rather than too many children going to nonpublic special education schools, there have been too few. There have too many turned down who should be there with the public schools are providing the proper education. I think this is particularly true in ah.... your community."

Piotrowicz: "This is ah.... I'm glad that you brought that point out. I've received a number of letters from constituents ah... many of whom are not in my particular legislative district, but specifically referring to your initial Bill 2671 and the difficulty they've had with the local boards in getting this kind of help. I'm in total sympathy with what you're trying to do, but I would hope that we might have some kind of legislation, to either tighten up the guidelines or do something to insure that children who are in need of this kind of education, in fact receive the kind of special education they need and the kind of special training which is costly and which many parents cannot afford. Thank you!"

Miller: "The gentleman from Kane, Mr. Waddell."

Waddell: "Mr. Speaker, I'd like to speak to the Bill."

Miller: "Proceed, Sir."

Waddell: "I think that this is an excellent piece of legislation and we in the Dundee community happen to have Summit School and for your information, this school draws from



30 different districts. In many cases you will find that you're not talking of subnormal children, your're talking about abnorman children who have an I.Q. up to and exceeds 140 I.Q. Now these are all recoverable people and they need special analization, they need special training, they are not taken away completely from their school district so as to be ah... rather freaks in their own neighborhood, but these children if properly handled and if properly scaled so that they in turn can go back and pick up those things which the average school system cannot afford to do with them. These are all recoverable people. Now to an answer as to the increase cost. The community and those people in the Dundee have paid the additional without asking for the school district then for ah...remuneration from us. In other words, this has been a charitable act it has cost them alot of money and I feel that the State of Illinois. really is the one that is responsible for it. In answer also, to the other question as to what happens when a parent wishes to have a child admitted and the school system will not, because it does not want to expend that portion of the money. The child is lost. The only alternative to that is a long process of over 18 months until they finally get the final hearing in front of Dr. Bakalis. In that time you've lost a 1 1/2 of that childs life and this is a very important thing at that time that they be brought back up to the level and then go on. I may also interject that many of these children have



gone on once their problem is solved to being valedictorian and salutatorians of their own classes in high school. Therefore they are recoverable, and I think that this is an excellent Bill."

Miller: "The gentleman from Cook, Mr. Laurino. Alright, the gentleman doesn't care to ah... proceed at this time. The gentleman from Cook, Mr. Mann."

Mann: "Dan, would you yield for a question?"

Miller: "Proceed, Mr. Mann."

Mann: "Would you explain again the benefit that the public school will receive from this particular Bill?"

Pierce: "Ah... yes, there are two benefits the public school receives. First, where it is willing ah... to provide the extraordinary service, especially in ah... special service to the child, the state will reimburse that public school system up to about \$3,000. In other words, it's actual cost of the student ah... plus a maximum of \$2,000 ah... then if the public school system says we can't ah.... this handicapped is a very incidence handicapped or multiple or so severe that we can't educate the child but there is a private day care center that can, ah... the public school district will then pay the private day care tuition and the State of Illinois will reimburse that school district up to \$3,000 or tuition, whichever is less. Everything over the cost of the public school system for a nonhandicapped child. In other words, if that public school system has a \$1,000



cost for a nonhandicapped child, it will of course pay that \$1,000 and the state will reimburse the amount over \$1,000 so it will help the public school system educate the child itself, if it wishes, or it will help them if they place the child if they place it in a private school, if they wish. In the past, the public school people have complained to me, you're giving the private schools \$2,000, give us the \$2,000 and we can do the job. So that's what we did in the General Assembly a year ago when we passed a Bill saying the public school can keep that child and the state will reimburse the extraordinary handicapped child up to a maximum of \$2,000. I have a letter from the Evanston Township Highschool and Highland Park Highschool charging Highland Park \$4,170 for educating a hearing impaired child. So you see \$3,000 is not on the line by a private school if a public school, Evanston Highschool is charging Highland Park \$4,000 for a child that Highland Park sends there because Highland Park doesn't have enough hearing impaired for it's own class."

Mann: "One more question, ah... if I may? Dan, ah.. when you speak.... Dan, when you speak about the handicapped child ah.. are you including the child that is not only retarded in terms of intelligence, but the child with emotional problems?"

Pierce: "Yes, Article 14 of the School Code, included trainable mentally handicapped, educatable mentally handicapped, emotionally maladjusted, emotionally disturbed, ah....



hearing impairments, ah... speech impaired and learning disabled. This does not include that broader class of environmentally deprived, which is ah... another category of no....."

Mann: "I missed your last comment, Dan."

Pierce: "It does include the behaviorally maladjusted and emotionally disturbed ah... who are within these special education framework. It doesn't go way beyond that and take every child who because of a poor environment may be what we call environmentally deprived, which is found in the getto and that's a complete another category. It concentrates on those ah... with a physical or mental handicap ah... within himself rather than one necessarily that's caused by ah... a poor environment."

Miller: "The gentleman from Cook, Mr. Giglio."

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

Miller: "Alright, the previous question has been moved. All those in favor say 'aye' and the opposed 'nay' and the 'ayes' have it and the gentlemen motion prevails. The gentleman from Lake, Mr. Pierce to close the debate."

Pierce: "Mr. Speaker, I'm not going to prolong to close. I sympathize with the gentleman from Christian and his school district is right that in the past we have mandated many programs here in Springfield and no implemented them ah... with financial aid. What this Bill seeks to do is to implement with more state financial aid ah... the reimbursement of handicapped children both public and



nonpublic schools. This Bill is actually trying to overcome what the gentleman from Christian has been complaining about. Now just to show you that a \$3,000 tuition, although it sounds high to us, is not way out of line. Ah...Hersey High School, which is a public high school in Cook County, charges \$4300 to neighboring high schools for hearing impaired students who attend their school. Just as I pointed out in answer to Representative Mann's question that Evanston High School charges Highland Park ah... \$4,170 for the two or three hearing impaired children that Highland Park sends down there ah... to make up the class of 14 that they have at Evanston, because there are enough in each high school district for the class. So these charges aren't out of line, they are regulated by the Superintendent of Public Instruction and believe me if a school district doesn't want to pay the private school then let them set up a system within themselves. which I hope they will do. I hope that this Bill won't be necessary in 10 years, but right now it is. The school people are for the Bill. A few people ah... districts have special problems, I know, but if we listen to their complaints, we wouldn't even have special education mandated, which Representative Clabaugh and Dawson did back in 1965. If we had listened to all the complaints of all the school districts, we wouldn't have mandated special education in the first place. This implements the mandate and I ask that we pass this House Bill, which was



approved in the ah... Elementary and Secondary Education Committee. I move the passage of House Bill 805."

Miller: "The question is shall House Bill 805 pass. All those in favor shall vote 'aye' and the opposed 'nay'. The gentleman from Cook, Mr. Laurino."

Laurino: "Mr. Speaker, in a point of a question to the Sponsor of the Bill. I wondered who long.....ah... Am I out of order?"

Miller: "Proceed, he many answer on his...."

Laurino: "Dan, how long will this take to implement? In other words, how long will the people of Chicago or the people of the State of Illinois ah... have to wait for their \$1,000 increase in reimbursement?"

Pierce: "This Bill ah... if passed and signed by the Governor would be effective July 1, and would be therefore effective with the school year ah... starting next fall. The school year of 73 and 74 with the reimbursement comming in the fall of 74. I might point out that we passed alot of good Bills down here, but ah... the Chicago Board of Education and some other school districts do not fully implement them because of special problems. You know everytime they set aside some money for special education, the teachers get a raise or something happens so alot of times we do things down here and we think that will have a real effect back in the districts and we find out to our disappointment that they don't. I wish that I could guarantee every parent that my ah... Bill here today would



take care of their child, but it still depends on the local school district implementing it ah... because once we pass the Bill we have very little to say about how the local school districts implement it, except by keeping on them, ah.... bugging them and having the parents be active in the community."

Laurino: "Alright, ah... if ah.. in other words, it will take about a year or eighteen months before this is really effective?"

Pierce: "No, it should be effective in the fall of '73."

Miller: "Alright, the gentleman from Christian, Mr. Tipsword."

Tipsword: "Mr. Speaker, I have never voted against the interest of special education or against the retarded children since I have been here and I can't bring myself to do so now. In addition, however, I'm severely disturbed as I mentioned before about the accounting features of this Bill. There is not protection that I can see that actual cost will be the cost against the public school district. I'm worried about the adverse effect upon the other children in the public school districts and especially upon the taxes in the local taxing ah... districts in the public schools, so consequently may I be recorded as voting 'present' on this Bill?"

Miller: "Record the gentleman as 'present'. The gentleman from Champaign, Mr. Hirschfeld."

Hirschfeld: "Thank you, Mr. Speaker. I apologize for speaking on this Bill, but I'm very much in favor of special educa-



tion too, but what bothers me about this bill is that is strict conjecture. We can get the money in the budget of the Office of the Superintendent Instruction in their next budget. And that's fine and we'll have the \$3000 to reimburse these various areas and I will certainly vote for that if its in the governor's budget. But if we don't get that money, as I understand it, this is going to fall back on the taxpayers in each district and my taxpayers, frankly, cannot afford another \$1000 reimbursement on top of what they are already paying in taxes and so I'm all for special education, I'm going to have to vote no on this bill. "

Miller: "The Gentleman from Ogle, Mr. Brinkmeier."

Brinkmeier: "Mr. Speaker, Members of the House, for the reason expressed by my colleague, Representative Tipsword, I also don't want to vote against special ed, I'd like to vote for this bill, but its going to cost roughly about \$400 per student and I just think it is a matter of priorities and I'd like to be recorded as voting present on this bill."

Miller: "Vote Mr. Brinkmeier present on this bill. The Gentleman from Macon, Mr. Alsup."

Alsup: "Mr. Speaker, Ladies and Gentlemen of the House, I live in Decatur where we have what we call "Progress Schools". The Decatur students are sent to this school and the public school pays a...for the tuition to this school and all surrounding territory send their kids.



And obviously, they have to spend so much more money on transportation and getting the kids into this school than they do on the normal student. And therefore, it creates a hardship and you're taking something away from the normal student, which would be 99% of them. They can't afford this. They..I've had a lot of complaints from school boards saying "Look we have to do this, but we don't get any of the expenses back." We don't feel its fair to take money away from our normal education in order to support this program without any a....relief in any way. And therefore, they are in dier scrapes. Even our Decatur School District would appreciate this type of thing, and I think this is the way to go. So I strongly support the bill."

Miller: "Have all voted who wished? Take the record....Just a minute. Mr. Jake Wolf." A....record Mr. Jake Wolf as present. A....the Gentleman from Macon, Mr. Borchers."

Borchers: "A...I too, am from Decatur and Representative Tipsword is also from my district. Each of the Gentleman, the Representative Alsup and Tipsword have both stated very well the situation in our community. Unfortunately, we have to look at the whole State as a whole and I sympathesize with what is trying to be done, but what I think what Representative Tipsword has said is absolutely right, and he has expressed the situation very well. He supports it and we unfortunately have a peculiar situation



in relation to this Progress School which is doing an excellent job. Again, that's our problem, but this is a State problem, so I would like to be recorded present and based upon Representative Tipsword position."

Miller: "Record Mr. Borchers as present. Mr. Lauer present. Mr. Hudson present. Mr. Day present. Alright have... Mr. Sangmeister present. Have all voted who wished? Take the record Mr. Clerk. Mr. Katz present. On this question there are 127 ayes, 8 nays and 10 present. And this bill having received the constitutional majority is hereby declared passed. House Bill 827."

Jack O'Brien: "House Bill 827. Epton. A Bill for an Act to amend the Illinois Insurance Code. Third Reading of the Bill."

Miller: "The Gentleman from Cook, Mr. Epton."

Epton: "Mr. Speaker, Ladies and Gentlemen, this bill attempts to correct the situation which came to pass as a result of the efforts of our former colleague, Representative Howard Carroll. Representative Carroll, now Senator Carroll, attempted to insure that the assured would get their deductible back in its entirety with all due speed. Unfortunately, as a result of this bill, some of the insurance companies saw fit to abandon subrogation and the net result was that some of the assureds did not get back what they might have recovered. This bill has been cleared with the Department of Insurance and Senator



Carroll. Hopefully he will be the sponsor in the Senate if it passes this House. And it will implement the situation. I see him on the floor of the House nodding affirmatively. The fact is...well, he changed his nod, but he means affirmatively. The fact is that this will attempt to correct the situation which has been requested by the Department of Insurance and the Recovery Man's Forum, and I solicit your favorable vote."

Miller: "Is there discussion? The Gentleman from Cook, Mr. R. L. Dunne."

Dunne: "Will the sponsor yield? Bernie, I'm sorry, but I got caught up the aisle. Will you just briefly explain to me again what you are doing here. I'd appreciate it.

Epton: "This is an attempt to correct the situation which resulted in the assureds not getting the full amount of their deductible back as a result of a bill previously passed by Senator Carroll. Some insurance companies abandoned their subrogation efforts. This will rectify that situation. Hopefully encourage them to proceed with subrogation recoveries and net payments to the assureds.

Miller: "Mr. Dunne? The Gentleman from Cook, Mr. Dunne."

Dunne: "Well, I...having heard the explanation, I'd just like to speak in favor of the bill. I think it is an excellent bill. Many innocent victims of automobile accidents have not recovered their full amount and if this bill rectifies it, I think it is an excellent bill and I urge everyone



in the House to vote for it."

Miller: "Is there discussion? Alright, does the Gentleman care to close? Mr. Epton care to close?"

Epton: "No."

Miller: "Alright, the question is shall House Bill 827 pass? All those in favor vote aye and opposed nay. Have all voted who wished? Take the record, Mr. Clerk. Record Mr. Borchers as no. On this question there are 120 ayes and 9 naysrecord Mr. Ralph Dunn as aye....and this bill having received the constitutional majority is hereby declared passed. House Bill 828."

Jack O'Brien: "House Bill 828. Epton. A Bill for an Act to amend the Illinois Insurance Code. Third Reading of the Bill."

Miller: "The Gentleman from Cook, Mr. Epton."

Epton: "Mr. Speaker and Ladies and Gentlemen of the House, it gives me a great deal of pleasure to present this bill for your study and hopeful passage. Illinois Insurance Study Commission for six years has been working hard trying to insure that nobody in Illinois would ever suffer by virtue of the failure or the insolvency of any insurance company. As a result of this study, in 1971, this House with 127 co-sponsors successfully passed the guaranty fund to cover casualty insurance companies. Already, the wisdom indicated in that vote is evidenced by the fact that one company has already failed in Illinois and yet, the assureds for the first time in the history of



GENERAL ASSEMBLY

STATE OF ILLINOIS
HOUSE OF REPRESENTATIVES

Illinois have not suffered any financial loss. One of the reasons that we did not include life insurance companies and health and accident companies in that bill was because the life industry assured us time and again that first, there was no such things as insolvencies in the insurance in the life industry or the health and accident, and secondly, that they would, in due time, present us with a bill that would more than satisfy our needs. For four years, and each year I have called the various associations involved and asked them for a bill that they could live with. We have requested on the part of the commission that they come up with a bill with their expertise that would be palatable to them and one of the ...the legislature could accept. Unfortunately, for 4 and 1/2 years they have done nothing but drag their heels. As a result of that, the Insurance Study Commission presented bi-partisan bill and it is a great deal of pleasure that we ask your indulgence in voting for this measure. This could not come at a more opportune time. To those of you who have looked at the life insurance industry as a pillar, the fact remains that the equity life insurance scandal seriously effects 13,000 policyholders in Illinois and at this very moment the Director of Insurance cannot promise us that policyholders will be fully protected. The fact remains that with the passage of this bill, we will never again have to worry whether a fraud is involved or whether inefficiency, or whether it is just pure in-



aptitude. This is a bill that warrants your consideration, should be passed overwhelmingly by this House. The Director of Insurance urges its passage, and I ask your favorable vote."

Miller: "Alright, is there discussion? The Gentleman from Lawrence, Mr. Cunningham."

Cunningham: "Mr. Speaker and Members of the House, often things are not exactly what they seem. And this 828 is not the harmless do-gooder bill that it appears at first flash. In reality, it is an added tax on life and health insurance companies in the State of Illinois. This important industry deserves the helping hand of the General Assembly, and not a back hand lick. Besides, most of the members of this House were elected last fall after giving solemn pledges that no how under any circumstance would they vote for any new tax or for any increase in tax. Now I acknowledge freely that the State of Illinois is indebted to the gifted sponsor of this bill for having brought the guaranty fund to the casualty field last year. It has worked out beautifully, but there is a great difference between guaranty funds for casualty insurance and guaranty funds for life and health and accident insurance. The difference is that in the latter insurance industry it is impossible to pass the added cost on to the policyholder. The company has to swallow the additional cost, so that is something that we must take into account. Happily, there is a better idea as to how



this can be handled. And that better idea is to permit the company to claim any Certificate of Contribution as an assets on its books and to claim it as a tax write off against Illinois Income Tax over a five year period. Over that length of time, the write off is so slight that the harm to the State of Illinois is very small but the benefit to the insurance company is very great. This Amendment was offered in committee. Some of the members were absent or it would have been easily adopted there and as it turned out it was an even vote. Now we can handle this very easily if by defeating the bill at this time, pulling it back to second reading for adoption of the amendment and I just happen to have ten copies of that amendment that will put into effect this very reasonable provision. In so doing, you will have made a good bill a much better bill. I urge everyone to vote no so that this bill could be corrected in the manner suggested, in the manner that the insurance company would have approved it if we would have had full attendance when the particular bill was considered. Thank you."

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

Geo-Karis: "Mr. Speaker and Ladies and Gentlemen of the House, will the sponsor yield for a question? A...Mr. Sponsor, did you exclude fraternal organizations by that amendment because I can't find my amendment."

Epton: "Fraternal organizations have been excluded from this bill."



Geo-Karis: "Thank you."

Miller: "The Gentleman from Cook, Mr. Juckett."

Juckett: "Thank you Mr. Speaker, will the sponsor yield for a couple of questions? You indicated in your discussion that the equity funding, the equity insurance company, etc. was ... a you also indicated about 13,000 Illinois policyholders. Has this figure been accurately determined? It is my understanding they are not quite sure whether there were any policyholders due to the type of fraud that they had."

Epton: "To answer your question, the policy reads 13,000. As you indicated, this was a computer printout and to the best of the Department's knowledge, most of them are valid. However, at the present time, they are not insisting that that is accurate. They do indicate that there are in excess of 10,000 valid insurance policies and in all probability it might even be that the 13,000 policies in Illinois were the only legitimate ones issued."

Juckett: "Okay, now it is my understanding now, that the current life companies which are licensed to do business in the State of Illinois will be assessed their prorata share of any loss which might result as a result of the equity disaster. Is that true?"

Epton: "No, no that is not correct. That is what this bill would attempt to do."

Juckett: "Oh, there is no reimbursement at this time?"

Epton: "No sir." Representative Juckett, if there were, this



bill wouldn't be in front of us."

Miller: "Alright, the Gentleman from Cook, Mr. B. B. Wolfe."

Wolfe: "Will the sponsor yield to a question or two? Bernie, your answer to Representative Juckett, just now, let me make sure that I understood your answer. This bill assess each of the companies doing business in the State of Illinois. A certain percentage, I would say, or affixed amount."

Epton: "It is a percentage of the amount they write."

Wolfe: "Of what they write?"

Epton: "That is correct."

Wolfe: "That goes into a fund?"

Epton: "Only in the event of an insolvency. It is not assessed until you actually have an insolvency."

Wolfe: "And then they make contributions toward that insolvency?"

Epton: "Well, yes, well, the insolvencies, the companies continue on as if there had been no insolvency. The Director takes over or the liquidator and the liquidator then determines what the amount of the insolvency would have been. Let's say, it is \$3,000,000, he either assesses the companies doing business in Illinois up to the \$3,000,000 and then proceeds to pay off the claims or reinsures the policies."

Wolfe: "So that each year these companies are not assessed a small amount to go into a general guaranty fund against loss, but they are only assessed if, as, and when the loss



takes place."

Epton: "It is conceivable that this fund will never come into existence."

Wolfe: "You're so right, because a...Mr. Speaker, it is a good bill, I think we could certainly improve it in the years ahead. These insurance companies, particularly the life insurance companies, are probably the strongest industry in America financially and I did a little research one year on premiums and these companies could stop taking premiums today and pay off every policy...outstanding policy of insurance without collecting another single premium and I was hopeful that this was a chance that maybe, this was a chance for the policyholder to get some of his premium money back, but I would support the bill in its present state."

Miller: "Alright, the Gentleman from Peoria, Mr. Day."

Day: "Will the sponsor yield for a question? Representative Epton, I was somewhat intrigued by the remarks that were made by Representative Cunningham which seems to me would provide for some income tax benefits for the insurance industry and would accomplish what you seek to do by this bill. Now, as I understand it, the cost of operation of an insurance company, including the loss pay out and the expenses of doing are really all born by the policyholders and the consumers so I wonder if you would care to comment on the suggestion and the amendment that has been suggested



by Representative Cunningham."

Epton: "I'm very pleased that you asked that question because it gives me an opportunity at this time to clear up what was not intended. It was a glaring misstatement of facts. This bill is not an added tax to anybody. As a matter of fact, as was indicated earlier, a...if ...when you have a company, for example, that makes \$200,000,000,000 in profits in a given year, its rather difficult to suggest that if there is an insolvency, and that company has to, perhaps, put in \$300,000 or even \$3,000,000 into the fund, that is must necessarily pass that cost on to its policyholders. The fact remains that as one of the Representatives indicated, because they are fixed policies they couldn't pass that on. The insurance industry itself would have to absorb the cost. Now in answer to your question as to why were they not given a credit on their income tax. That would be something that not only the committee, but I think the legislature would be against. We didn't do it in the case of casualties companies, we think that this is a burden that should be born by the companies themselves. There is no reason to give a credit to a life insurance company, an accident and health company and not to give it to another...to a casualty company. So for that reason, even though the vote was tied, I submit that the number of absences probably would have overwhelmingly defeated the amendment. I think that I could say, without exaggerating, that to give such a credit would



a raid on the treasury. And I think that most of us agree that this is no time to be taking money away from the treasury. I would conclude by saying that I fully believe since equity funding will not participate and there is nothing this bill will do to correct that situation, I really believe that this bill will be more of a preventive than it will be a direct loss to any insurance company."

Day: "Well, one other question. When you..when you think that this is a cost that will be born by the insurance company, it seems to me that the company is the policyholder in the final analysis. They are the ones that are going to have to pay this additional cost in the form of additional premiums. And I understand that a number of other states have followed the program that Representative Cunningham is suggesting in the amendment. And it seems to me that if we can't save the insurance industry some federal income tax, we will indirectly be saving the policyholder some premiums."

Epton: "Well, you're not saving any federal income tax. This would be against their State income tax. Secondly, the fact is, with all due respect to the insurance industry, the fact that it passed in some other states with a credit, simply indicates how well organized and how grasping they are. I have the greatest respect for you, Representative Day, and I think when I point out to you that an insurance company that has a profit of \$200,000,000 has the nerve to come in and suggest that we should give them a credit,



or they'll pass it on to their assureds, simply indicates the shallowness of their argument. I think you are perfectly justified in saying that the insured pays for everything. He certainly does! And this is one way to try to prevent it from being passed on to the insured and let the insurance carrier themselves absorb it."

Miller: "Alright, is there further discussion? Alright, the question is, does Mr. Epton care to close? Alright, the question is shall House Bill 828 pass? All those in favor vote aye and opposed nay. The Gentleman from Cook, Mr. Maragos to explain his vote."

Maragos: "Mr. Speaker, in supporting this vote, I am assuming that the bill has already been amended to exclude the fraternal societies which I didn't ask at the time of the debate and I, therefore, give this in its present form, I am much in favor of this legislation, and ask for your support to get the 89 votes."

Miller: "The Gentleman from Lawrence, Mr. Cunningham, to explain his vote."

Cunningham: "Mr. Speaker, and Members of the House. Those of you who are voting green didn't hear what Representative Day was saying on the amendment. The sponsor acknowledges that the other states have this particular tax allow the amendment credit, which is a write off against the Illinois income tax. Now, if other states see the advantage of giving that kind of break to insurance companies, why should we discriminate against a very important industry here in



Illinois. It should be pointed out too that the Study Commission upon which sponsor relied as to the benefit of this particular act has been on record here numerous times as giving serious consideration to this particular proposal. Some members say that they are for it and some are against it, but they have never come out against the amendment that is proposed here. The amendment is in the interest of fair play. You should make it possible to pull this bill back to second, so the amendment can be added, and then you will have an excellent bill. I urge you to switch. "

Miller: "Have all voted who wished? Mr. Pierce present on this roll call. Mr. Pierce. Have all voted who wished? Mr. Clerk, take the record. On this question there are 103...Mr. Ralph Dunn aye. Mr. Skinner aye. There are 105 ayes and 16 nays. Mr. Matejevich aye. And this bill having received the constitutional majority is hereby declared passed. Ladies and Gentlemen may I have your attention just a moment. We are honored today by having another prisoner of war from this area joining us in the House of Representatives. He's in the back of the room and we'd like to have the Gentleman start forward down the aisle, if he would please. And I have up here Senator Davidson from Springfield, and he will make an introduction.

Davidson: "Ladies and Gentlemen of the Senate, it is my distinct...excuse me, Ladies and Gentlemen of the House, and I just got correct, just thrown off the podium and a



few other things, but you have to admit that I have reason to be a little excited, because the Gentleman who here is from Springfield is a person who served in the Viet Nam war, flying off a carrier, as I had the opportunity to do in World War II, I'd like to present to you Lieutenant and Mrs. John Ensich from Springfield and Pekin for those of the Pekin area, returned home just this last week. Lieutenant Ensich."

Ensich: "Thank you very much. Thank you, Senator Davidson.

As I just told the Senate, the last time I was up in this building, I was up in the galleries on a school tour. I never thought I'd be on the podium in either one of these rooms, but thank you very much for your concern for all of us and getting us back and the a...of course, I make the appeal everytime I see anyone...let's not forget the MIA'S. We had a lotta guys that we left over there. And a...gee, I see some friendly faces around here. There's ol Jack O'Brien, who I used to tip a few with once in a while. But he's strictly coke, I mean a...Jack's, Jack never used to imbibe, but thank you very much for everything. My family and I certainly appreciate this honor of meeting with you in the Senate. There are just two words in the English language to say thank you and they just don't seem enough to convey enough of what this is really in our hearts, for what you did for us in getting us back. Thank you."

Miller: "Alright, the next bill is...just a moment, the



Gentleman from Union, Mr. Choate."

Choate: "Well, Mr. Speaker, we adopted a rule yesterday, which I certainly subscribe to as far as introductions are concerned. I'm going to prevail upon this House for the first time that is awfully dear to my heart because of the esteem that I hold here husband in as a freshman member of this legislature, as a son of a former colleague and I don't think Mrs. McLean has been presented to this entire body before, but I would like to present the wife of our distinguished freshmen member from the County of Adams, Representative McLean's wife, sitting behind me in the gallery."

Miller: "Alright, Mr. Clerk, read House Bill 783."

Jack O'Brien: "House Bill 783. Boyle. A Bill for an Act to amend Section of the Game Code. Third Reading of the Bill."

Miller: "The Gentleman from Macoupin, Mr. Boyle."

Boyle: "Thank you Mr. Speaker, this bill is a bill that some of my friends have said has gone to the dogs a...what this bill does is that it allows all hunting dogs to train in the field all year around. As the law is now, ...Mr. Speaker, it seems that we have a few of them here to testify on the bill...the present law restricts training in the field from April 1st to August 15th, and this bill would allow all hunting dogs, without exception, to train the year around. It is supported by the Department of Conservation and I believe almost every sportsmen's club



and dog group in the State of Illinois. I believe that Beagle's United and Fox's Unlimited have supported this bill. I have here approximately 5000 petitions signed by hunters throughout the State and I see that many of them are here on the floor. This bill doesn't change the hunting season. I would appreciate a favorable roll call. Incidentally, it came out committee 19 yeas to no nays."

Miller: "Is there discussion? The question is shall House bill 783 pass? All those in favor shall vote aye and opposed nay. Have all voted who wished? Take the record, Mr. Clerk. Leon aye. R. L. Dunne aye. McLendon aye. On this question there are 143 yeas, 1 nay, and this bill having received the constitutional majority is hereby declared passed. Now under consideration postponed, there are two House bills. Two House bills. The first bill is House Bill 464. This bill has been read a third time and the Chair recognizes the Gentleman from Moultrie, Mr. Stone."

Stone: "Mr. Speaker, Ladies and Gentleman, this bill had a full and complete hearing yesterday. At the time it was heard, I felt that there were many people off the floor that would like to vote on the bill. We were four votes short and I asked that it be placed on postponed consideration. The bill merely ...this is a bill that removes the provision for a backdoor referendum in relation to the annexation of non-junior high territory. As I said, it was fully discussed, I do not desire to take time of the



House except to call your attention to the fact that this bill...that this is the bill that is up again for discussion now."

Miller: "The Gentleman from Adams, Mr. McClain."

McClain: "Thank you Mr. Speaker. Ladies and Gentlemen of the House, I really cannot believe that we ought to re-discuss this bill again, we discussed this bill for a full hour yesterday, took a great deal of time of the House and it was soundly defeated. I would say that some of those members were voted aye yesterday are now on the floor so I suspect that they won't have anymore than 86 votes now. I would suggest that what you are doing voting for this bill is an increase of real estate taxes state-wide. I ask you please to let the people have this back-door referendum to extract themselves from a junior college district and go back to the people. All we are asking is to follow through with the philosophy dictated by Governor Richard Ogilvie and in his wisdom stating that the people ought to decide whether they want to belong to a junior college district. I urge a no vote on this piece of legislation."

Miller: "The Gentleman from Cook, Mr. Juckett."

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

Miller: "Yes, he indicates he will. Proceed."

Juckett: "Now what is the present procedure for the annexation



of territory to a junior college district? Will the junior college district initiate the a...a..move to annex the territory, and then to the people if they do not like being annexed to a territory, will they have the right to vote on whether they will be annexed to that territory?"

Stone: "As I understand it at the present time, the ...the Senate Bill 1188, which was passed last year, mandated that by August 1, 1974, that all territory in the State of Illinois be annexed to some junior college district, and the way it presently works, as I understand it is, that the territory is given the choice of which junior college district they would like to to...to a...join, that petition is then presented to the Board of Higher Education, through the State Junior College Board, and then to the Board of Higher Education, and they then are a...annexed to that territory and with the backdoor referendum, they can , if they follow the provisionsof Senate Bill 1188, they can then ask to be disconnected from the territory."

Juckett: "Now, who makes the determination as to what junior college the area is going into?"

Stone: "Well, it is my understanding that it is the people of the highschool district, together with the State Junior College Board and the Board of Higher Education of the State of Illinois."

Juckett: "So in other words, if this bill were to pass, the people in the area would have absolutely no determination



as to what junior college district they would go into. This would be done by the junior college board in the high school district and the people, if they wanted to go into a different junior college would have absolutely no say so."

Stone: "No, that is not correct, because the people of the high school district would decide where they wanted to go and they would present their petition to the proper board to then, as I understand it, have always granted their petition."

Juckett: "Well, now what people in what high school district? Are we talking about a high school board or are we talking about a grammer board, or are we talking about people that live in the district?"

Stone: "The Bill, as it was passed, provided that the petition is to be filed with the State Board."

Juckett: "And who would initiate that petition?"

Stone: "The Board of Education having jurisdicition over the high school which served the territory that is not a part of the Class 1 junior college district which, at the present time, you see, there limited as to what districts they could join because of the fact that the area has to be contiguous. Normally, they have to go to one or another two districts. Occasionally, it would be three. But the present law provides that the petition is filed by the Board of Education having jurisdiction over high



school which serves the territory."

Juckett: "Well, Mr. Speaker and ladies and gentlemen of the House, as the Sponsor has further described the ah... attributes of this Bill ah... I think that this is a horrible Bill. This removes the right of all people for self determination and I think that probably the only reason the original Bill got through is because it did contain the provision of the back door referendum and now we're taking step number two and we eliminate that back door referendum. I think this is really ridiculous. We're telling the people in an area, that they don't have enough brains or enough ability to make any kind of a decision for themselves and I think that this is bad. Who are we sitting in Springfield to tell people in an area somewhere else in the State of Illinois that they should or should not go into a particular school district or not? This is bad. I just can't believe that the gentleman from Moultry would have this kind of an idea. It doesn't seem like his normal good legislation and I think that we oughta ah... it was buried yesterday and I don't think that we need any post-mortems. Let's leave them buried and let's kill the Bill once and for all."

Miller: "The gentleman from McLean, Mr. Bradley."

Bradley: "Thank you Mr. Speaker and Mr. Speaker and ladies and ladies and gentlemen of the House. I don't like to take up the time of this House a great deal, but this Bill is an important piece of legislation to all of us and as was



said by the Sponsor, we debated it long and hard, but there were alot of people that were not here yesterday, but this Bill takes away the choice of the people as to whether they want to be in, the junior college district or not or whether they want to create a junior college system. I have no quams at all with anybody who is in a junior college district or who wants to be in a junior college district or who wants to create one, but this Bill would prevent the people from taking action to opt out of forming a junior college district. It's a mandate for new taxes in every area of the state that does not have a junior college district. It will increase taxes and the answer to the question that has not been answered; What happens if you have a tax freeze for the next year or two? There are some areas, I think and questions in peoples minds that should be cleared up about this Bill. There have been very many misleading statements, erroneous statements. For one thing, when the junior college district of the junior college Bill was first initiated and passed in this Session, it was not conceived that every area in the State of Illinois would be in a junior college district. Only those people who wanted to create because of need in their particular area could have ... could create a junior college in their area and I have no quam with that, but let us who do not need one, who have other facilities, let us take a look ourselves and let the people decide what they want to do. This is a mandate.



This doesn't give you any option. In the Bill as originally introduced, a Senate Bill, did not provide this option, but the Governor of this state uses a mandatory veto because he knew in his wisdom that the people are the ones who really operate the government and their voices must be heard. This takes away their voice and this says to them, whether you like it or not, you're going to be in a junior college district. Now as erroneously stated yesterday by the Majority Leader of this House, I ah... very very many statements that he made were strictly untrue and he indicated that it was provided in the constitution that we should have free education. Well, it's not free in the higher education sector at any level. It is free in the elementary and secondary education, but there is nothing in the constitution that says that we shall provide a free higher education. It's also been indicated thorough statistics that the number of students going to our junior colleges has dropped off and receded in this particular semester. The need is simply not there. It's also been noted and agrued that we are free-loading when we don't have a junior college system. We are not free-loading, we're paying the same as everybody else in the State of Illinois is paying in the appropriation that goes to the junior college districts and last year that appropriation was some \$62,000,000. We also pay a tuition to go to any junior college and there is not junior college district in this state that could provide all of the



curriculum that all of the junior college districts do provide, which I'm saying is; if a dental hygiene course is held in Peoria, it's not held.... it's not given in Champaign. So one of our students might want to go take the dental hygiene course in Peoria, he might want to go take the airplane mechanics course in Champaign and we would not be able... even if we created a junior college district, be able to provide all of this curriculum. We're paying \$17.50 for every hour taught in our junior colleges from the State of Illinois. It's a bad bad Bill when you take away the..... take way government from the people, so that their voices cannot be heard. There is something in this thing that smells to me a little bit like misery loves company. Now every junior college in this state was created by a referendum by the people in that area and I say good for them. They wanted it, they created it, but let us who do not want it, who do not need it, let us opt out and at least give us the opportunity to have a back door referendum. I think this is bad enough and was stuck on by the Governor, thank goodness, after we defeated a Bill time and time and time again just last year, before they finally got this.... the Senate Bill passed. Ladies and gentlemen, for those of us who want to continue to have a voice in government by the people we represent, defeat this Bill."

Miller: "The gentleman from Lake, Mr. Murphy."

Murphy: "Mr. Speaker, we heard from the 15% yesterday and the



and the 85% yesterday and I don't think that we should continue to hear from them all again today so I move the previous question."

Miller: "Alright, the previous question has been moved. All those in favor say 'aye', opposed 'nay', the 'ayes' have it and the gentleman's motion prevails. Now we will return to the gentleman from Moultry to close the debate."

Stone: "Mr. Speaker and ladies and gentlemen, this Bill was discussed very very fully yesterday, all I ask is your favorable vote."

Miller: "Alright, the question is shall House Bill 464 pass. All those in favor please vote 'aye', and opposed 'nay'. The Chair will now recognize the gentleman from Ogle, Mr. Brinkmeier to explain his vote."

Brinkmeier: "Mr. Speaker and Members of the House, I can hardly agree with what Representative Bradley said that it will increase taxes, but I would point out to you that it's going to increase taxes in those areas that are not presently in a junior college district. Now when he talks about \$16.50, that they are paying \$16.50 per hour, you and I know, everyone here knows, that that doesn't begin to pay the total cost of educating these young people. I think in the interest of fair play they should recognize that the rest of us are picking up the tab for that difference. Those of us who are presently in a junior college district. I'd like to be a history teacher for just one moment and ask you to recall the controversy



that prevailed when we had non high school districts in the State of Illinois? Eventually we realized that in the fairness of everyone that all the territory in the state should be in a high school district. I submit to you ladies and gentlemen, in the interest of fair play that we should do this today. Every single acre of this state should be in a junior college district in the fairness to the rest of us and I would urge an 'aye' vote."

Miller: "The gentleman from Kankakee, Mr. Beaupre."

Beaupre: "Mr. Speaker and ladies and gentlemen of the House, I rise to explain my vote. As you know, I spoke for this issue yesterday and I will continue to do so and I do so not in an effort to make any sort of emotional appeal to you, but as a Member of the Higher Education Committee, who spent a great deal of time considering this matter and I think it can straighten some of the oratory that's gone on here and some of the misconceptions about this Bill. First of all, it does not remove local prerogative as to what junior college district a particular area will be in. I would suggest to you that under the present law, that there are some three alternatives that a local area may ah...take in order to get into a particular junior college district. First of all, they may petition at this point ah... until the deadline ah... in the present law to go into any particular junior college district. Secondly, should they fail not to do so, they may lobby with the junior college board much as people to



us down here and suggest what area they want to be included in by the junior college board. It does not take away local prerogative as to what district is there to go in. Thirdly, I would point out to you that we are dealing with an area of higher education that is vitally concerned in the area of technical and vocational training, yet..... and this is one area that involves increase costs. The highest cost of educating a student is in the area of vocational and technical training. Yet the Attorney Generals Office has rendered an opinion, which says that the junior colleges may only charge local high school districts for student education in the amount of per capita costs of educating a student within the district. That means that any... any school district that sends a student from outside, from outside of the junior college district is not going to be charged the fair share, is not going to be charged the cost of educating that student, but is going to be charged something less and if we are going to have an equitable tax structure for financing junior colleges we must pass this Bill."

Miller: "The lady from Lake, Mrs. Geo-Karis."

Geo-Karis: "Mr. Speaker and ladies and gentlemen of the House, just three points I'd like to make in explaining my vote. I believe that a thorough survey should be made of the possibility of providing the same or similar services to existing junior and senior colleges and colleges and universities of the private sector. This Bill eliminates



the right of referendum in non junior college districts and number three, this year alone there are institutional requests of \$73,000,000 for additional construction of 21 of the public junior colleges and while the State Board of Higher Education is only recommending \$35,000,000 of this amount be granted, it still gives a good indication of the annual expenditure, which will be increased with the inclusion of additional areas. I am in firm support of the former Governor Olgivie's position of the Amendatory Veto, which said that this Bill had to have the referendum clause in it. This Bill removes it and I urge everyone to vote against it and I vote 'no'."

Miller: "The gentleman Henry, Mr. McGrew."

McGrew: "Thank you very much, Mr. Speaker. I would beg and implore everyone on the floor of this House to reconsider what you're doing to the people of the State of Illinois. Come down to the 47th District. We've got people there that have seriously tried to establish junior college districts. Because of the lack of population, it's a sparsely populated area, they could not come up with the population requirement of the previous Bill. Now you're going to tell them that they are going to have a junior college anyway. They don't have the population, so we're going to put them in an existing district. We're going to have people paying for a school supposedly a local school and they are going to driving 100 miles to it. How ridiculous can we get? There is



absolutely no way that these people should suffer through taxation through inaccessibility to come up and join a junior college in which they cannot in reality be a part of. I beg you once again reconsider what you are doing to the people of the State of Illinois. I am very happy to vote no."

Miller: "The Gentleman from Cook, Mr. McCourt."

McCourt: "Mr. Speaker, in explaining my vote, I'm rather agast to see the number of green lights up on the board. It seems to me, just a week ago, many of us here were concerned when a bill for a special taxing district that it was taking away local control, it was giving too much power to elected officials. The whole spirit of the Constitution adopted by the people just a few years ago recommends that home rule is the theme today and here, what we're doing, we're taking away the right of people to decide their local affairs. This is not a bill that is pro or con for junior colleges. This is a bill that is taking away the power of the people. And I urge you to vote no on this bill for the principle that you are espousing."

Miller: "The Gentleman from Vermilion, Mr. Campbell....does not desire to talk." The Gentleman from Cook, Mr. Duff."

Duff: "Ladies and Gentlemen of the House, I have to agree very much with some of the previous speakers with what they have said. You know, in our district, we've already got



about four colleges. We've got Northwestern University; we've got Kendall Junior College, The National College of Education, a....couple of seminaries. We have a large number of...or capacity for the people for the schools and they have already voted this down emphatically. We find ourselves with a similar situation to many others all over the State who really should have a right to vote. I mean its a simple, elemental right to decide whether or not whether you want to be included...a...whether you like it or not. I really would hope that the members of this House would reconsider what they are doing to those areas of the State who have specifically said, and we've heard they are all over the State. We've heard from downstate Representatives; Cook County suburban representatives; its of no particular strong interest to the City of Chicago, which is funded differently. I would hope that you might consider our plea, if you will, to have our districts be given a fair shake on this matter. Its a bill which is easy to vote for, I suppose, if you don't care, but if you don't care, please consider those of us in this House who care very much and would really like our constituencies to be considered even though, in this instance, they may happen to be part of a minority. Just leave with them the right to decide for themselves."

Miller: "The Gentleman from Bureau, Mr. Barry."

Barry: "Mr. Speaker, Ladies and Gentlemen of the House, I may



be accused of being simplistic when I say what I'm about to say, but its my recollection that the authorized tax rate for junior college is 17% or .17. Now what we're doing here with these green lights, as I want to say very simplistically, is saying to people who have chosen not to be part of a district, even though they pay tuition for their children that go to a local junior college, that we, the legislators, say that you pay a rate of 17 cents on your real estate tax whether you like it or not. Now I don't think we want to do that and I think the least we can do as many of the previous speakers have said is give them opportunity to say yes or no without just throwing it at them."

Miller: "The Gentleman from DuPage, Mr. Hudson."

Hudson: "Mr. Speaker and Ladies and Gentlemen of the House, I stood in opposition to this concept last year, as a member of the Higher Education Committee. I think the bill, as I recall, had a great deal of difficulty in Committee, at least on the House side, it came over to us eventually from the Senate. I feel the same way about it now that I did then. And I might have you know that as far as my district is concerned, we have a junior college in our district. We are a junior college district already. I know, I have a wire from the Administrator, Chief Administrator of the college and he favors this bill, and I suppose if I were to do the political, the politic thing, I would vote a green light. I don't know what political



implication this might have as far as I am concerned in voting a red light on this bill. I feel to square my action with my conscience, I must vote against the bill. I think we are doing precisely what has been said so many times on the floor of the House by our members, we are taking away from the people in this case, their right to express themselves and their wish in this regard. So I am casting a vote against this and would urge others to do so."

Miller: "The Lady from Adams, Mrs. Kent, is recognized."

Kent: "Thank you Mr. Speaker. As one who comes from a city that is without a junior college, it is not because we do not want to have our children attend college and be educated. It is because we feel there is absolutely no need to cut back those colleges that are already in existence and have been serving our community and area for such a long time. When this bill was passed before, it was because there were those who were standing in line to get into colleges. Now this is no longer true, and it is absolutely stupid for us to build a new college when we already have three in existence in our community at this time. How much better it is to pay for those students who need to go to school, but to have our own colleges keep going and promote them instead of building a new one. I urge you to vote no on this bill."

Miller: "A...the Gentleman from Cook, Mr. William Walsh."

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



this bill doesn't build any more colleges. It doesn't do that at all. All it does is provide that every place shall be in a junior college district, and that's no more unreasonable than every place be in a high school or elementary school district. Now we've heard this bill compared with the bills to create special taxing districts. There's no relationship whatever and I'd like to point out, for example, to those people from Evanston and from the North Shore Area that the Evanston Township High School levies a tax without a referendum, without anyone knowing anything about it, they levy a tax of 7.36 cents for junior college purposes. Now there is nobody in Evanston who has an opportunity to sit on a junior college board to determine what course that board shall take. This, indeed, Mr. Speaker, is taxation without representation. And, too, to a lesser or greater extent, every place in this State that is not in a junior college district, is now levying tax for junior college purposes. Especially those in the populated areas, they are levying a greater tax than those that are perhaps, not quite as rich as Evanston. But I submit to you, Mr. Speaker, that this simply does what was intended by the people who created the Junior College Act in 1965. And that is provide that every place shall be in a junior college district and shall have the benefit of vocational and other education close to home. I implore you to vote yes on this bill."

Miller: "A...the Gentleman from Lake, Mr. Pierce."



Pierce: "Mr. Speaker, it may be necessary some day to force every part of our State into a junior college district whether they want to be there or not. But certainly, that time is not now. We've already authorized high school districts to levy, for both 1973 and 1974, without limitation, a tax to pay tuition for students attending junior colleges outside their district. The 1974 levy will be received in 1975 on the tax bills. So there's no reason why this matter can't wait at least another two years before we force these districts into junior college districts without the right of referendum. I'm surprised, I'm surprised at those of you who convinced us to vote for the junior college bill when it was passed, and I supported it, with the understanding that each district would be created by referendum or by voluntary annexation, are now forcing down our throats without referendum, State dictation of what district we'll be in. Junior colleges are pushing this bill. The President of my junior college called me today. I want the junior colleges to know that some of us that have been their friends are...will be a little cautious now that we know that they are forcing us into districts against our will. I favored the creation of a district in my area, but the votes turned it down twice. I still favor the creation of a district. Let us go back and create our district, or next to a neighboring district, without someone in Springfield telling us what



district we should be in and then denying us the right to a back door referendum. I ask you to hold off voting for this bill. You can come back in two years, no harm will be done, but I'm voting no."

Miller: "The Gentleman from Logan, Mr. Lauer."

Lauer: "Mr. Speaker, Ladies and Gentlemen of the House, as much as I respect the opinions of the distinguished Majority Leader, I must take exception to his words because this is one time, Mr. Majority Leader, that you are attempting to give us a bum steer. It is a situation, though, that every man is permitted one mistake, and just as a constituent of mine said that when I supported the Cardinals, he would take this as my mistake, I'll take your support for this bad bill as your mistake. Ladies and Gentlemen of the House, we have heard this debated many times, but I think that the overriding principle that is involved is whether or not people have a right of self determination. It seems to me that this is the basic principle upon which this country was founded and it seems to me the overriding principle that should take precedence here today. I urge your no vote."

Miller: "Have all voted who wished? Take the record, Mr. Clerk. At the present time...just a moment...there are 93 ayes, and 51 nays. Now the Gentleman from Adams, Mr. McClain, is recognized."

McClain: "Mr. Speaker, we'd like a verification if we could."

Miller: "You have that right, and the Gentleman from Moultrie,



Mr. Stone."

Stone: "Yes, Mr. Speaker, according to our custom, I would like a poll of the absentees also."

Miller: "Alright, that is a reasonable request. Will all members please be in their seats. All members please be in their seats. And the Clerk will call the roll of the absentees. Let's have it as quiet as possible now, while the Clerk calls the roll of the absentees."

Jack O'Brien: "Beatty. Caldwell. Capparelli. Carter. Collins. Epton. Granada. Hanahan. Hill. Hirschfeld. Juckett. Keller. Klosak. Kucharski. Madigan. Maher. McAuliffe. McAvoy. Merlo. Molloy. Philip. Porter."

Miller: "A...Mr. Porter."

Porter: "Mr. Speaker, please record me as no."

Miller: "Record Mr. Porter as no. Just a moment...Mr.

Juckett. Record the Gentleman as no."

Jack O'Brien: "Redmond. Schoeberlein. Sevcik. Ike Simms. Terzich. Totten. Tuerk. Waddell. Wall. Washington."

Miller: "For what purpose does the Gentleman from Logan, Mr. Lauer, arise?"

Lauer: "Mr. Speaker, I'd like to affirm the positive vote."

Miller: "A...that's been requested by Mr. McClain. Alright, again, I say all members please be in their seats and the Clerk will verify and call the names of those voting in the affirmative."

Jack O'Brien: "Anderson. Arnell. Arrigo. Barnes. Beaupre.



Bluthardt. Borchers. Brandt. Brinkmeier. Campbell.
 Capuzi. Catania. Chapman. Choate. Clabaugh. Cox.
 Craig. Davis. Day. DiPrima. Douglas. R. L. Dunne.
 Dyer. Ebbesen. Ewell. Farley. Fary. Flinn. Friedland.
 Garmisa. Getty. Giglio. G. L. Hoffman, R. K. Hoffman.
 R. H. Holloway. B. L. Houlihan. J. M. Houlihan. Huskey.
 Jacobs. Jaffe. Emil Jones. Keller...rather Kelly, not
 Keller. Kempiners. Kempiners. Kosinski. Kozubowski.
 Krause. LaFleur. Laurino. Lechowicz. Leinenweber.
 Lemke. Leon. Macdonald. Mann. Maragos. Martin.
 Matijevich. McCormick. McGah. McLendon. McPartlin.
 K. W. Miller. T. H. Miller. Mugalian. Murphy. Nardulli.
 Palmer. Pappas. Patrick. Polk. Rayson. Rigney. Ryan.
 Sangmeister. Schneider. Schraeder. She. W. T. Simms.
 Skinner. Soderstrom. Stedelin. Stone. Taylor. Telcser.
 Thompson. VonBoeckman. R. A. Walsh. D. W. Walsh.
 Washburn. Williams. B. B. Wolfe. Yourell. Mr. Speaker."

Miller: "Alright, are there questions of the affirmative roll?"

The Chair recognizes the Gentleman from Adams, Mr. McClain."

McClain: "Thank you Mr. Speaker, a...Anderson? Mr. Anderson?"

Miller: "He's in his seat."

McClain: "A..Mr. Arnell?"

Miller: "Mr. Arnell. I don't see the Gentleman in his seat,
 so take him off the record Mr. Speaker....or Mr. Clerk."

McClain: "Mr. Barnes?"

Miller: "I don't see him in his seat, is Mr. Barnes on the floor?"

How is he recorded?"



Jack O'Brien: "The Gentleman is recorded as voting yea."

Miller: "Take him off the record."

McClain: "Mr. Berman?"

Miller: "Mr. Berman? How is he recorded?"

Jack O'Brien: "The Gentleman is recorded as voting no."

Miller: "He's over here. Okay he voted no."

McClain: "Mr. Bluthardt?"

Miller: "Mr. Bluthardt? How's the Gentleman recorded?"

Jack O'Brien: "The Gentleman is recorded as voting yea."

Miller: "He's not in his seat. Is Mr. Bluthardt on the floor?
Take him off the record."

McClain: "Representative Catania?"

Miller: "She's in her seat."

McClain: "Mr. Cunningham?"

Miller: "Put Mr. Bluthardt back on the...a...as an aye vote,
Mr. Clerk, he's back on the floor. Mr. Cunningham? He's
not in his seat. Don't see him on the floor. Take him
off the record."

Jack O'Brien: "The Gentleman is recorded as voting nay."

Miller: "Good."

McClain: "Mr. DiPrima?"

Miller: "We don't have to take him off of this record. Mr.
DiPrima? Not in his seat. Is Mr. DiPrima on the floor?
How's he recorded Mr. Clerk?"

Jack O'Brien: "The Gentleman is recorded as voting yea."

Miller: "Take him off the record. For what purpose does Mr.
Terzich arise?"



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

Miller: "How is Mr. Terzich recorded?"

Jack O'Brien: "The Gentleman is recorded as not voting."

Terzich: "Vote me aye."

Miller: "Vote the Gentleman aye. Proceed, Mr. McClain."

McClain: "Mr. Douglas?"

Miller: "He's near the back of the room."

McClain: "Mr. R. L. Dunne?"

Miller: "Mr. R. L. Dunne? He's not in his seat. How's he recorded, Mr. Clerk?"

Jack O'Brien: "The Gentleman is recorded as voting yea."

Miller: "I don't see him on the floor. Take him off the record. Oh, there he is in the back of the room. Put Mr. R. L. Dunne on the record as an aye voter."

McClain: "A...Mr. Friedland?"

Miller: "Mr. Friedland is in his seat."

McClain: "Ron Hoffman?"

Miller: "Ron Hoffman? I don't see him in his seat. Is the Gentleman on the floor? How is he recorded?"

Jack O'Brien: "The Gentleman is recorded as voting yea."

Miller: "Take Mr. Ron Hoffman off the record."

McClain: "Mr. Getty?"

Miller: "I don't see Mr. Getty in his seat. Is the Gentleman on the floor? How's he recorded?"

Jack O'Brien: "The Gentleman is recorded as voting yea."

Miller: "Take him off the record."

McClain: "Mr. R. H. Holloway?"



Miller: "Yes, he's waving his hands."

McClain: "Mr. J. M. Houlihan?"

Miller: "Mr. J. M. Houlihan? I don't see the Gentleman. Is he on the floor? Oh yes, he's in his seat."

McClain: "A..Mr. Jacobs?"

Miller: "Mr. Jacobs? I don't see him in his seat. Mr. Jacobs on the floor? How's he recorded?"

Jack O'Brien: "The Gentleman is recorded as voting yea."

Miller: "Take him off the record."

McClain: "A...Mr. Keller?"

Miller: "Mr. Keller?"

McClain: "Keller. Chuck Keller."

Miller: "Is he...how is he recorded?"

Jack O'Brien: "The Gentleman is recorded as not voting."

Miller: "He's not voting."

McClain: "Mr. Kosinski?"

Miller: "Mr. Kosinski is not in his seat. Is the Gentleman on the floor? How is he recorded, Mr. Clerk?"

Jack O'Brien: "The Gentleman is recorded as voting yea."

Miller: "Take him off the record."

McClain: "Mr. Katz?"

Miller: "Mr. Katz is not in his seat. How is he recorded?"

Jack O'Brien: "The Gentleman is recorded as voting nay."

McClain: "Mr. Krause?"

Miller: "Mr. Krause is not in his seat. How is the Gentleman recorded?"

Jack O'Brien: "The Gentleman is recorded as voting yea."



Miller: "I don't see the Gentleman on the floor. Take Mr. Krause off the record."

McClain: "Did we ask Mr. Kosinski?"

Miller: "You requested his name."

McClain: "Mr. Laurino?"

Miller: "Mr. Laurino is in his seat."

McClain: "Mr. McCormick."

Miller: "Mr. McCormick is in...he's in his seat."

McClain: "Mr. Tom Miller?"

Miller: "Tom Miller? Mr. Tom Miller on the floor? How is he recorded?"

Jack O'Brien: "The Gentleman is recorded as voting yea."

Miller: "Take him off the record."

McClain: "Mr. Murphy?"

Miller: "Mr. Murphy is not in his seat. Don't see the Gentleman on the floor. How is he recorded?"

Jack O'Brien: "The Gentleman is recorded as voting yea."

Miller: "Here he is, he's on the floor."

McClain: "Mr. Gibbs?"

Miller: "Mr. Gibbs? Mr. Gibbs is not in his seat, is he on the floor? How is he recorded Mr. Clerk?"

Jack O'Brien: "The Gentleman is recorded as voting nay."

McClain: "Mr. Simms? W. T. Simms?"

Miller: "Mr. Simms is by his desk."

McClain: "Mr. Ike Sims?"

Miller: "Mr. Ike Sims? How is the Gentleman recorded?"

Jack O'Brien: "The Gentleman is recorded as not voting."



McClain: "Mr. R. A. Walsh?"

Miller: "Mr. Richard Walsh. Yes, he's in the back of the room."

McClain: "Mr. Rigney?"

Miller: "Mr. Rigney? The Gentleman is not in his seat. How is he recorded?"

Jack O'Brien: "The Gentleman is recorded as voting yea."

Miller: "I don't see the Gentleman on the floor, so take Mr. Rigney off the record."

McClain: "Mr. Ryan?"

Miller: "Mr. Ryan."

McClain: "Mr. VonBoeckman?"

Miller: "Mr. VonBoeckman? Right down in front."

McClain: "Oh, thank you. Have anybody else? Do we have Mr. Yourell?"

Miller: "Mr. Yourell, I don't see him in his seat. Oh, he's over on the opposite side of the aisle."

McClain: "Mr. Brummet?"

Miller: "Mr. Brummet? Mr. Brummet? I don't see the Gentleman in his seat. Is he...how is he recorded, Mr. Clerk?"

Jack O'Brien: "The Gentleman is recorded as voting nay."

McClain: "Excuse me a minute, sir. I think that's it sir."

Miller: "Alright, for what purpose does Mr. Caldwell arise?"

Caldwell: "How am I recorded, Mr. Speaker?"

Miller: "How is the Gentleman recorded?"

Jack O'Brien: "The Gentleman is recorded as not voting."

Caldwell: "Vote me aye."

Miller: "Vote the Gentleman aye."



Miller: "The Gentleman, Mr. Mahar, for what purpose do you rise?"

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

Miller: "How is the Gentleman recorded?"

Jack O'Brien: "The Gentleman is recorded as not voting."

Mahar: "Vote me aye."

Miller: "Vote the Gentleman aye. Mr. Harold Washington. How's the Gentleman recorded?"

Jack O'Brien: "The Gentleman is recorded as not voting."

Washington: "Vote me aye please."

Miller: "Vote Mr. Washington aye. For what purpose does Mr. J. Houlihan arise?"

Houlihan: "Mr. Speaker, what is the vote at this time?"

Miller: "As soon as we get it from the record, I'll announce it. For what purpose does Mr. Redmond arise?"

Redmond: "How am I recorded Mr. Speaker?"

Jack O'Brien: "The Gentleman is recorded as not voting."

Redmond: "May I be recorded as aye."

Miller: "Record Mr. Redmond aye. Can I have a present count here, Mr. Clerk, as soon as you can. At the moment there are 88 ayes. Mr. I. Sims. How is the Gentleman recorded?"

Sims: "Not voting, aye."

Jack O'Brien: "The Gentleman is recorded as not voting."

Miller: "Vote the Gentleman aye. A...Mr. Larry DiPrima. How is the Gentleman recorded?"

DiPrima: "How am I recorded?"

Jack O'Brien: "The Gentleman is taken off the roll call."

Miller: "You are not recorded Mr. DiPrima. How do you care to



vote. I didn't understand. Vote Mr. DiPrima aye. The Gentleman from Champaign, Mr. Hirschfeld."

Hirschfeld: "How am I recorded?"

Miller: "How is the Gentleman recorded?"

Jack O'Brien: "The Gentleman is recorded as not voting."

Hirschfeld: "Vote me aye please."

Miller: "Vote the Gentleman aye." Mr. Jack Hill. How is the Gentleman recorded?"

Jack O'Brien: "The Gentleman is recorded as not voting."

Miller: "Vote Mr. Hill aye. May I have the count, Mr. Clerk?"

On this question there are 92 ayes, 53 nays, and one present. And this bill having received the constitutional majority is hereby declared passed. House Bill 627. This bill has already been read a third time. Its on consideration postponed. The Chair recognizes the Gentleman from Cook, Mr. B. B. Wolfe."

Wolfe: "Thank you Mr. Speaker and Ladies and Gentlemen of the House, House Bill 627 would change the basic tort law of the State of Illinois from one of the defense of contributory negligence to the defense of comparative negligence. The Illinois State Supreme Court and the United States Circuit Court of Appeals said that the present rules of law in Illinois is one of the harshest known to man with reference to tort law. It came from the old English common law. That country has long since disgarded that theory. Originally in the State of Illinois before 1894, this was the concept that was prevelent in the State



of Illinois and that was changed by the statutory law which permitted the defense of contributory negligence. I would like to just read briefly from the opinion of the Court of Appeals in which that court said that in the best interests of the people of the State of Illinois, it would be incumbent upon the State Legislature to make this type of a change and not the function of the Supreme Court. Perhaps some of you who have been critical of the Supreme Court in the areas of judicial legislation would support the theory of the court that this area, the General Assembly, is responsible for the kind of a change that I am suggesting in House Bill 627. The so-called practical considerations advanced by the opponents who oppose this bill and particularly, the insurance block, were considered by the court when they made that objection before the court. The court there said that the evidence assembled of life under a comparative negligence form state fails. I'm going to repeat, fails to confirm the fears expressed by the defendant and those who are objecting before the board. And in closing, the United States Court of Appeals supported the opinion in the Illinois State Supreme Court and went on to say that it is hoped that the Illinois Legislature may soon heed Justice Ward's admonition and consider anew whether the best interests of its citizens are served by permitting such unfortunate results as are here present in this case. It is beyond our power to do anything but follow the existing law of Illinois as

**GENERAL ASSEMBLY**STATE OF ILLINOIS
HOUSE OF REPRESENTATIVES

was done by the trial judge. I would ask this body, as they did in the last session by a vote of 140 to 2, a ...pass this very important law for the people of the State of Illinois. Thank you."

Miller: "Is there discussion? The question is shall House Bill 627 pass? All those in favor vote aye and opposed nay. Have all voted who wished? "The Gentleman from Cook, Mr. B. B. Wolfe. I'm sorry, Mr. Rayson."

Rayson: "Mr. Speaker, and Members of the House, to explain my vote and hope to get some more green lights, this is a very worthy bill. You know, we have a harsh doctrine in Illinois. If a person is just slightly careless in any degree, he's totally barred of recovery on a door claim. It is a very harsh law. The insurance companies like it this way. Other State's such as Wisconsin have comparative negligence. They say if you are slightly negligent and the other person that caused the accident is reasonably negligent, he could receive partial recovery. This is equity, members of this House. And I'd appreciate getting enough green lights to pass this good bill."

Miller: "The Gentleman from Lawrence, Mr. Cunningham."

Cunningham: "Mr. Speaker, and Members of the House, those of you who are failing in this opportunity to strike a decisive lick for the maimed and injured in automobile collisions are doing a greivous harm. I urge you to vote green immediately. Two years ago this past with a resounding vote. Some pointed out then that it was B. B.



Wolfe's finest hour. We need to honor the foresight that B. B. brings to this type of legislation. It is a crime the number of people who are denied the right of recovery in automobile cases because a slippery insurance company can assert the worn-out doctrine of contributory negligence. I urge you to, in the name of mercy and justice, to vote green while you have a chance. You'll be doing the right thing."

Miller: "The Gentleman from Cook, Mr. Mugalian."

Mugalian: "Mr. Speaker, in explaining my vote, it is my understanding that the Supreme Court of Illinois favors this doctrine, but it said that it cannot legislate and has invited the legislature to make this long over-due reform. This is the bill that will give us this reform. I'm voting aye and I hope I'm joined by other green lights. Thank you."

Miller: "Have all voted who wished? "The Gentleman from Macon, Mr. Borchers."

Borchers: "Mr. Speaker and fellow members of the House, I'm voting no because I'm a little doubtful about some person crossing my lawn and maybe falling over my lawnmower and his contributory negligence would not clear me at all. I'd have to pay, so I'm a little doubtful about this in its present form."

Miller: "The Gentleman from Cook, Mr. B. B. Wolfe."

Wolfe: "Well, Borchers, may I put you at ease by saying that the law of trespassor is still prevalent and that party



would have not claim against you in a court of law. If the party did, the doctrine says that if that party is more negligent than you are, there is no recovery whatsoever. Our legislative council said that some believe that comparative negligence may reduce the congestion of the courts by a strengthening a negligent plaintiff's position discouraging a defendent from attempting a winer take all suit. And, instead, encouraging both parties to seek a pre-trial settlement. This doctrine is a fair equitable doctrine. Its a people's doctrine. It is one that will preserve the tort law and yet, will not deny a maimed plaintiff from securing some recompense that plaintiff is not, at least 51% more at fault. And this is a doctrine that is followed by many of the States, including our sister-State, Wisconsin. Its been in effect there for many many years, it has worked out favorably. It has not hiked insurance rates, it has maintained a complete fair and equitable balance between the litigating parties. And I would appreciate a few more green lights and let the Senate kill this bill. Let this House go forward as it did in the last session and show the people of the State of Illinois that we are considerate of their best interests as the court said."

Miller: "The Gentleman from Lake, Mr. Griesheimer."

Griesheimer: "Mr. Speaker, and Ladies and Gentlemen of the House, in explaining my vote, as I stood back here during the debate on this particular bill, I've heard not less than



six representatives who are non-lawyers, say what in the world is this bill all about. And certainly, I would hate to see this very fine bill defeated merely because of a lack of knowledge on a laymen's part, what this bill does. I'm no expert on Illinois Court law, but it doesn't take an expert, if you are an attorney, to explain that our present law of negligence, provides that if you are involved in any type of negligence action with another person. It could be an auto accident, or any other kind of action, even though he might be 99.9% at fault, if you are 1/10 of 1% at fault, it wipes out your claim entirely. This is certainly to your own personal detriment. Certainly the insurance companies have used this for years. If they can get anything on you, they completely wipe out your claim. The bill sponsored by Representative Wolfe, following the practice that has been used up in Wisconsin for years and years, and all this does is that is proportions your negligence against the other fellow's negligence, so that if you are both 50% at fault, there's nothing to be recovered by either one of you. But if the other guy is 98% at fault, then you're 2% at fault, then you can recover 96% by proportioning off the amount that is involved. This is a laboring man's bill. This gives the average Joe Doaks on the street, a much better opportunity to use the courts to protect himself. Its a bill that has been utilized in Wisconsin and many people up there are most in favor of it because



5/15/73

it gives the average person an opportunity to recover, where in Illinois, we just arbitrarily say if you are the slightest at fault, it cuts off your rights. So I would encourage everybody, especially the non-lawyers, to consider this a laboring man's bill. It gives him an opportunity to use the courts and certainly to cast your vote for this bill."

Kenny Miller: "The Gentleman from Franklin, Mr. Hart."

Hart: "Thank you Mr. Speaker and Ladies and Gentlemen of the House, I urge a green vote for this bill. Actually, I think the juries have been doing this for a year in that they go into a jury room after hearing all of the evidence and compare the conduct of the plaintiff and compare the conduct of the defendent, and come out with a decision probably based on what really is comparative negligence at this time. I think this will make a more honest system out of our court claims procedures and I would urge the support of the House."

Miller: "Have all voted who wished? Take the record, Mr. Clerk. On this question there are 109 ayes and 12 nays ...a...record Mr. Barnes as aye. This bill having received the constitutional majority is hereby declared passed. While we are on House Bills, before we go to Senate Bills on consideration postponed, the Chair, with leave would return to the House Bill's Third Reading. House Bill 678."

Fred Selcke: "House Bill 678. A Bill for an Act to revise the



law in relation to the effective date of laws. Third Reading of the Bill."

Miller: "The Gentleman from Peoria, Mr. Day."

Day: "Thank you Mr. Speaker. Ladies and Gentlemen of the House, House Bill 678 is intended to fill in some of the gaps that now exist in the Effective Date Law which we passed some two years ago. It doesn't change the present law, but it does specify as to when the effective date will be for laws that were involved with the veto process. And the bill provides that if the General Assembly passes a bill over the veto of the Governor, or restores an item reduced or vetoed by the Governor, an appropriation bill, or accepts the Governor's specific recommendations to change in relation to a bill, such action is intended to be a reformation of the intention of the General Assembly express by its passage of the bill. So what the bill does is to say that bills are passed by the General Assembly when the last legislative action takes place prior to the time the bill was first presented to the Governor for his signature. I would appreciate your support on this bill."

Miller: "Is there discussion? The Gentleman from Cook, Mr. Shea."

Shea: "Bob, I understand you looked at an amendment of ours. I understand there are still some problems with it and you have no hesitancy if we can work it out to put in on over in the Senate?"

Day: "Would be happy to, yes."



Shea: "Thank you." I think this is a good bill, Bob."

Miller: "Is there further discussion? The question is shall
...does Mr. Day care to close the debate? Alright,
the question is shall House Bill 678 pass? All those
in favor vote aye and the opposed nay. Have all voted
who wished? Take the record Mr. Clerk. Lemke aye.
Harold Washington aye. On this question....Mr.
Ebbesen aye. Mr. R. L. Dunne aye. Neff aye. Merle
Anderson aye. Katz aye. 136 ayes and no nays and this
bill having received the constitutional majority is here-
by declared passed. House Bill 580. On Third Reading. "

Fred Selcke: "House Bill 580. A Bill for an Act to amend the
Probate Act. Third Reading of the Bill."

Miller: "The Gentleman from Cook, Mr. Rayson."

Rayson: "Mr. Speaker and Members of the House, this is the
last day for House Bill 580. I've worked out with the
Assistant Minority Leader an amendment, which we are
waiting for momentarily, and I hope it arrives before we
adjourn today, Mr. Speaker. If we don't, I would ask
recognition for an appropriate motion, but until then, we
are waiting for the amendment."

Miller: "Does the Gentleman request to take it out of the
record?"

Rayson: "Take it out of the record, I hope the amendment comes
before we adjourn."

Miller: "Alright. I think all House Bills now, have been
called except the bill just referred to, the time for



which is expiring. Under consideration postponed is Senate Bill 140. This bill has been read a third time and the Gentleman from Cook, Mr. McPartlin is recognized."

McPartlin: "A...Mr. Speaker and Members of the House, I'd like to have Senate Bill 141 read and moved to Second Reading for the purpose of an amendment. Senate Bill 141 has been read for a third time. Does the Gentleman have leave to return it to the order of Second Reading for purposes of an amendment? Hearing no objection, the bill is now on Second Reading."

Fred Selcke: "Senate Bill 141. Amendment No. 1. Walsh, W. D. Walsh. Amend Senate Bill 141, page 1, lines 118-225 and so forth."

Miller: "The Gentleman from Cook, Mr. William Walsh."

Walsh: "Mr. Speaker and Ladies and Gentlemen of the House, By agreement with Representative McPartlin, and because I am convinced that if we did not agree to this, that these bills would pass today, unamended, I move to table Amendment No. 1 to Senate Bill 140."

Miller: "Alright, the motion is to table Amendment No. 1. Does the Gentleman have leave to table Amendment No. 1. Hearing no objection, Amendment No. 1 is tabled."

Fred Selcke: "Amendment No. 2. Schlickman. Amendment Senate Bill 141 on page 2 by inserting between the lines 1 and 2, the following and so forth."

Miller: "The Gentleman from Cook, Mr. Schlickman."

Schlickman: "Mr. Speaker and Members of the House, by way of



background and to refresh your recollection. House Bill 141 is one of two bills in a package. Senate Bill 140 and Senate Bill 141. These two bills are intended to implement one Section in Article 7, local government article, of the new Constitution. The delegates to the convention set forth in the proposed Constitution with the citizens of the State of Illinois adopted, a provision that home rule and non-home rule units could establish special service district in a manner provided by law. Senate Bill 141 and its companion, Senate Bill 140, implement only one, only one part of the Constitution, that dealing with home rule units. The bill completely eliminates any reference to non home rule units. Furthermore, Mr. Speaker, and members of the House, Senate Bill 141 and 140 are absolute sure shams upon the people of the State of Illinois. The constitution provides that special service districts may be set up in a manner provided by law. But these bills establish no manner whatsoever. These bills simply constitute language that is nonsubstitutive in nature and which is a overt attempt to evade both the Illinois Supreme...the Illinois Constitution as well as the Illinois Supreme Court decision. Now by Amendment No. 2, which I am offering, we make up for the gross...the total inadequacy of this bill by providing that before a special service district could be established, it must be subject to a referendum of the people who will be effected. For that reason, Mr. Speaker, and Members of the House, because the



GENERAL ASSEMBLY

STATE OF ILLINOIS
HOUSE OF REPRESENTATIVES

bill contains no safeguards, no protection as far as the property owners, the taxpayers who would be effected. We have provided in this amendment that there be a referendum and I solicit your support."

Miller: "Alright, the Gentleman from Cook, Mr. William Walsh."

Walsh: "Well, Mr. Speaker, it is with a great deal of reluctance that I part company with my former ally on the two bills because of the aforesaid agreement as distinguished from the bill that I have with Representative McPartlin to get his amendment on the bill and to consider the bill, as amended, with his amendment, I would urge everyone to vote no on Amendment No. 2."

Miller: "Alright, the Gentleman from Kane, Mr. Hill."

Hill: "I wonder if the sponsor would yield to a question. How is this referendum set up? Is it by percentage of those in the area, or how do you get to the referendum stage?"

Schlickman: "An ordinance is first adopted by the home rule unit of government. But before the ordinance can be effective, the electors within the prescribed geographic area, shall have the opportunity of voting in an election as to whether or not they agree to...they accept a...the creation of the special service district and be subject to whatever taxes are levied upon them by the unit of local government, the home rule unit."

Hill: "In other words, the local body would set up the election,



the people in that district would not have to get a petition up, or anything? It would be paramount that they set the election up when they pass the ordinance, is that what you're saying?"

Schlickman: "Part of the ordinance, Representative, would include the referendum."

Miller: "The Gentleman from Cook, Mr. McPartlin."

McPartlin: "A...Mr. Speaker, and members of the House, Amendment No. 2 does take away the authority of the home rule unit, so therefore I would ask the defeat of Amendment No. 2 to Senate Bill 141."

Miller: "Is there further discussion? Alright, the Gentleman from Cook, Mr. Schlickman."

Schlickman: "Mr. Speaker and Members of the House, in closing the debate on this matter, I shall like to point out to you that the Constitution delegates did never intend, did not intend, that home rule units or non-home rule units have any absolute authority or right within this area of special service district. The Constitution says the special service districts may be established in a manner provided by law. Now, Senate Bill 141 provides no manner. It is a shell, it is a sham, what this bill does in the absence of any prescriptions in the bill relative to manner, it gives to the elector the opportunity of determining for themselves as to whether or not they want to be subjects of a special service district, they want to be provided with whatever special service the



governing body of the municipality determines is good for them, and they also will determine as to whether or not they are going to be taxed. I say to you, Mr. Speaker and Members of the House, in absence of any other manner, we should accept and adopt this Amendment for the protection of the property owners who could be discriminatorily effected by arbitrary action of a governing board, and I do solicit your support of this amendment. I'd like to say, Mr. Speaker, and Members of the House, also, that the Amendment No. 4, which is going to be offered later, and which the Majority Leader accepts as a substitute for this Amendment, is just as much as a sham as the bill itself. Amendment No. 4, if I can make reference to it, says that the home rule unit shall provide for public notice...or excuse me....provide for notice in public hearing. But it does nothing, it says absolutely nothing as to how and when the notice should be given and how and when the meeting shall be conducted. It is nonsubstitutive in nature. It is simply more words to evade, to avoid, a Illinois Supreme Court decision, and more specifically, the expressed language of the Illinois State Constitution."

Miller: "Is there further discussion? Alright, the question is shall Amendment No. 2 be adopted? All those in favor say aye, opposed nay. Alright, the Chair's uncertain, let's have a roll call. All those in favor of Amendment No. 2 vote aye, opposed nay. Alright, the Gentleman from



Cook, Mr. Walsh, to explain his vote. Mr. Speaker, while I have great enthusiasm for the sponsor of the Amendment, and even contributing something in drawing up the Amendment, it was done several days ago and I'd like to point out that the Amendment really isn't a very good Amendment because it could, in the situation of Oak Park, really Oak Park has been used in connection with these bills many times. It could provide there that a very few people, I think something in the neighborhood of 40 could stop a multimillion dollar project that they want to create as a special taxing body. So a direct referendum all by itself is not really a very good idea for this type idea...for this."

Miller: "Alright, have all voted who wished? Alright, the Gentleman from Cook, Mr. Schlickman, to explain his vote."

Schlickman: "Mr. Speaker, and Members of the House, in response to the statement of the Majority Leader who just spoke and commented on the inadequacy of this Amendment, I should call to your attention, this was drawn by his own staff. And why it was so good last week and not so good this week, I have absolutely no idea. I think it is a good Amendment. I was with the Majority Leader last week. I'm sorry that for some reason, he has decided to separate in his own words, a deal. Thank you."

Miller: "The Gentleman from Kane, Mr. Hill."

Hill: "Mr. Speaker and Ladies and Gentlemen of the House, this Amendment certainly provides protection for those people



that have to pay the property taxes wherever these districts are going to be formed. It is a shame that the constitutional convention and our delegates seen fit to pass something like the home rule. Because along with something like this the downstate communities are being pulled into a situation because of Chicago and the home rule clause. It seems to me that us from downstate certainly should exert ourselves and have the right of the people upheld. And this is an Amendment that would do exactly that. I realize the dye is cast and regardless of what anyone on this floor would say at this particular time, this Amendment doesn't have a chance of passing. But it seems to me that we should start thinking about the people in our district, because if we don't, none of us are going to return again. Thank you."

Miller: "Have all voted who wished? Take the record, Mr. Clerk. On this questions, there are 89 nays and 49 ayes, and the Amendment is lost." Are there further Amendments?"

Fred Selcke: "Amendment No. 3. Walsh. Amendment Senate Bill 141 on page 2 by inserting between lines 1 and 2 the following and so forth."

Miller: "The Gentleman from Cook, Mr. William Walsh."

Walsh: "Well, Mr. Speaker, because of the aforesaid agreement, I move to table Amendment No. 3."

Miller: "Does the Gentleman have leave to table Amendment No. 3? Hearing no objections, Amendment No. 3 is tabled. Are there further Amendments?"



Fred Selcke: "Amendment No. 4. McPartlin. Amend Senate Bill 141, page 1, by deleting lines 23 through 25 and inserting in lieu thereof the following and so forth."

Miller: "The Gentleman from Cook, Mr. McPartlin."

McPartlin: "Mr. Speaker and Members of the House, this is the Amendment that was agreed with the Majority Leader and it has a noted provision added. No special service area may be traded unless there has done a public hearing. I move for the adoption of Committee Amendment No. 4 to Senate Bill 141."

Miller: "Alright, is there discussion? The Gentleman from Cook, Mr. Schlickman."

Schlickman: "Will the sponsor of the Amendment yield for a couple of questions?"

Miller: "Proceed, Mr. Schlickman."

Schlickman: "Representative, in what manner is the notice to be given pursuant to your Amendment?"

McPartlin: "Well, again, it leaves it up under Section 3, it leaves it up to the local municipality."

Schlickman: "In other words, contrary to all other notices that are required in the Municipal Code, you provide no time, you provide no specific manner in which the notice is to be given to the affected property owners. Is that correct?"

McPartlin: "No, this leaves is up to..definitely, the municipality."

Schlickman: "I'm saying, unlike other Sections of the



Municipal Code, you do not prescribe the manner in which the notice is to be given and the time by which it is to be given. Is that correct?"

McPartlin: "No I do not."

Schlickman: "You do not. And Mr. Representative, do you specifically prescribe in your Amendment as to when the public hearing is to be held?"

McPartlin: "No, it does not. It, again, is left up to the local municipality."

Schlickman: "Which is contrary to all other Sections of the Municipal Code that deal with the requirement of...of hearing on any ordinance that is to be adopted. Mr. Speaker, Members of the House, this Amendment is just as bad as the original bill because it does absolutely nothing. It is a sham, a farce, it contributes nothing and simply will allow the affected property owners to be discriminatorily effected by arbitrary action of a home rule governing body. It adds nothing to the bill, we might as well defeat it and on Third Reading, defeat the bill itself and I would suggest...urgently suggest that Mr. McPartlin's Amendment not be adopted."

Miller: "The Gentleman from Cook, Mr. Palmer."

Palmer: "Will the sponsor yield to a question?"

Miller: "He will, proceed sir."

Palmer: "Representative McPartlin, does the Constitution define a special service district?"

McPartlin: "Well, the only thing that Constitution...no,



actually, the Supreme Court ruled that it did not. It was left up to the State Legislature to do this. Now, the only thing that I can read you here is in Article 7, Section 6, Paragraph L, that to levy additional taxes upon areas within boundaries in a manner provided by law for the provision of special services."

Palmer: "Does the statute provide, the present statutes of the State of Illinois, provide definition for special service districts?"

McPartlin: "No, it does not. That is exactly what I am doing with these two bills."

Palmer: "Well, what is a special service district? Does it include, say a mosquito abatement district, does it include that?"

McPartlin: "Well, it would be a special project within the municipality for what purpose they want to use it for. Like in this instance, for a shopping mall."

Palmer: "It could be that, but it could also be anything that where a service might be performed for the people."

McPartlin: "Well, under the home rule provision, this is what we are doing. We are leaving it up to the local municipalities to do what they think is right in their area."

Palmer: "Then it is up to the municipality to determine what is a special service district?"

McPartlin: "Definitely."

Palmer: "For the home rule unit of government? And it could



include all of these things?" .

McPartlin: "I image it could."

Palmer: "The absence of a time set for a hearing in your bill indicates that insofar as municipalites under the Illinois Municipal Code, would the time requirement set forth in that part of the Illinois Municipal Code, which provides for a notice, say for referendums, say would that be applicable?"

McPartlin: "I would feel that it would be, yes."

Palmer: "What recourse would the people have who object overwhelmingly to a special service district in that the corporate authorities, if its a municipality, decide to go the other way. What recourse would they have?"

McPartlin: "Well, I believe that 50% of the individuals involved could petition and defeat the purpose."

Palmer: "But its not set forth in the bill?"

McPartlin: "No, it is not in here, but I think under a local ordinance, it would be."

Palmer: "Well, it might not have to be though. There is no provision here?"

McPartlin: "Not with this bill, no."

Palmer: "So then you could give five days notice of a hearing and be on a special service district, and expect the people to be in the sixth day and perform an action at that time. Is that correct under your bill? Do you feel that that is sufficient time to advise the people?"

McPartlin: "Well, I don't think it would be five days as far



as they go by the standards that they got before and I'm sure it would be a 30 day notice or whatever they had in the local ordinances."

Palmer: "Well, let me ask you this. Do you feel that corporate authorities, whether they be munipicle or county, and we have the County of Cook, which is the only glued in home rule municipality in the State, do you feel that this would be, this promotes the idea of good government to have them make a unilateral decision with guidelines set up by law, except their own law?"

McPartlin: "Well, definitely, I think the people in the area already gave a vote of confidence by electin up to their positions and I feel that it is up to them."

Miller: "Mr. Palmer."

Palmer: "Mr. Speaker, and Ladies and Gentlemen of the House, I think we see here one of the problems of the 1970 constitutional convection that or the adoption of t're Constitution by the people, I wonder if they knew that something like this would come about, whether or not they would have voted for the document itself. And I think we see here the chickens coming home to roost. The traditional concept of government in this country has always been a government which has been governed or at least a servant of the people. This concept is negated by the very, not only by the home rule provision of the Constitution in my judgement, but also the bills that fall from this particular provision of the Constitu-



tion. I personally do not feel that it is good government. Because government cannot be removed from the people to the extent that this bill proposes. There should be guidelines. What's fair for one should be fair for all. There should be some uniformity. People should have their say about it, they do have their say here, but there is no way to get at the elected officials that do this until the next election. At least, they don't have their right at the time which has been the statutory scheme of Illinois law from the very beginning. I realize that perhaps we've waived on this by back door referendums, perhaps by no referendum at all. But I don't think it makes for good government and I believe that the people, if this bill goes through and apparently it is going to go through, that some day that the legislature will have to get at the thing again, try to do the very thing that the sponsor and others are attempting to do today. It is a bad day for Illinois if this bill passes. And I will vote no and I will encourage everyone else to do so."

Miller: "Is there further discussion on the Amendment? Does Mr. McPartlin care to close."

McPartlin: "Well, as agreed, we do have a provision of notice added, and I would move for the adoption of Committee Amendment No. 4 to Senate Bill 141."

Miller: "The question is shall Amendment No. 4 be adopted? All those in favor say aye, opposed nay. Sounds like the ayes have it. Alright, we'll have a roll call. All those



in favor of the adoption of Amendment No. 4 will vote aye and opposed nay. Have all voted who wished? Have all voted who wished? Take the record Mr. Clerk. J. J. Wolf aye. Mr. Houlihan..."

Houlihan: "Record me as voting present."

Miller: "Record Mr. J. Houlihan as voting present, Mr. Clerk.

On this question there are 90 ayes and 30 nays and this Amendment No. 4 is adopted. Are there further Amendments? The bill is advanced to the order of Third Reading. Now Mr. McParlin we call Senate Bill 140."

McParlin: "Mr. Speaker, I ask leave of the House to hear Senate Bill 140 and 141 together. They are companion bills."

Miller: "Does the Gentleman have leave to hear these two bills together? Hearing no objection, Mr. Clerk,...alright Senate Bill 141 has also been read a third time. Alright, the Chair recognizes the Gentleman from Cook, Mr. McPartlin with respect to these two bills."

McPartlin: "A...Mr. Speaker and Members of the House, Senate Bill 140 provides a manner in imposing taxes for special services within the home rule units of government. This legislation would permit the Village of Oak Park to install a shopping....instead of shopping district, a shopping mall. No individual taxpayer would be effected by this bill. The merchants in the special service district would be liable for the taxes. Senate Bill 141 authorizes the County Clerk to determine the rate and produce the sum



needed. I would ask for your favorable support on these two bills."

Miller: Is there discussion? The Gentleman from Cook, Mr. William Walsh."

Walsh: "Well, Mr. Speaker and Ladies and Gentlemen of the House, the agreements all over and I agreed absolutely with what Representative Palmer said about Amendment No. 4. The only thing that can be said for Amendment No. 4 is that it is better than nothing and maybe we can...but not much better than nothing, but better than nothing. Now I suggest to you, Mr. Speaker, that this bill now has the same problems that it had when we discussed it previously and when it was defeated last week. That is it sets a special service taxing district with virtually no protection to the people who are to be taxed. We had some Amendments to it that were good, I thought, Representative Bluthardt has a bill which provides for protection for the poor beleaguered taxpayer. Why don't we defeat these bills here and now today, go with Representative Bluthardt's bill. Oak Park will get their mall and everyone will be happy, especially the taxpayer will be protected. So I urge you to defeat these two bills."

Miller: "The Gentleman from Cook, Mr. Mugalian."

Mugalian: "Will the sponsor yield to a question?"

Miller: "Proceed sir."

Mugalian: "Well, Mr. Representative, with this bill in its present form permit a home rule unit to take an area



within than unit, say of a three square blocks, to impose a special assessment for streets, sewers, and lights, and so forth."

McPartlin: "A...if you can show a public need for it and it is up to the city fathers, yes."

Mugalian: "Your answer is that this is permitted. Now, another question. In the event that the special assessment cost assessed against the home for the improvements like streets, sidewalks and lights were \$2000, would there be anything in this bill that would prevent the city from requiring that bill to be paid in one payment?"

McPartlin: "Well, yes, I think under present law, under ordinances, special assessments can be paid over a five year period."

Mugalian: "Well, that isn't what this bill says, is it?"

McPartlin: "Well, it is still left up to the elected officials within the local municipalities."

Mugalian: "So that the City of Chicago or the Village of Palatine could make the special assessment against home owners having a value,..home of a value of say \$25,000 and the assessment could be \$2000, the general tax bill could be \$500 and yet, you could be required under this bill to pay the whole \$2000 at one time."

McPartlin: "Well, I don't think that is ever going to happen. I had an alley put in the back of my house on a special assessment and I had five years to pay it off, so I would think it would work the same way."



Mugalian: "Well Mr. Speaker, may I now speak to the bill?"

Miller: "Proceed sir."

Mugalian: "Well ladies and gentlemen I think this may be one of the most important bills ever to come up in this session of the legislature. Its perhaps, not an issue that everyone understands too well and doesn't have the guts... connotations that perhaps, the abortion control, or gun control, might have. But this bill is terribly significant. A special assessment may be imposed under this bill without any of the safeguards that are now presently in the law. With the present law, the special assessment against home....against properties, requires not only a notice of a public hearing, but permits the taxpayer to go into court in an attempt to show that the benefits he is receiving are not as much as the special assessment that he is being asked to pay. Under this bill, and the illustration that I gave and the question to the sponsor, is a real one. Under this bill, a small part of a municipality can be created as special district, then they can put in street, sidewalks, street lights, sewers, sanitary and storm sewers, and then they can levy a tax against that property, and that tax can be anywhere from \$2000 upward. And under this bill, that entire assessment can be due and payable at one time. We are completely revolutionizing not only the ...the a...levying of special assessments, but also creating special service areas, so that before they are through, a city council or village



can completely hammer a property owner and the property owner has no redress. If your answer to that would be he can go to the polls at the next election and throw out those responsible for it, the answer to that is that the municipality may take such a small part of the entire municipality that the voting strength and the area effected would be minaschool and therefore, they would be helpless. Now let me say this is not a question of whether we are for or against home rule. I generally accept the principles of home rule. But the Constitution required this legislature to set up standards and guidelines for the implementation of home rule. I wish more people would listen to this. I can't hear myself talk. I am committed to implementing this part of the Constitution, and I think it is necessary, but it can't be done in a patchwork way. I think we have an obligation to study this to send it to committee. I'll be very happy to work on that committee if I am asked to serve to set up a general, but comprehensive guideline to special serve the areas, which would not only include special services like mosquito abatement or public health, or additional fire or police protection, but also, the imposition of special assessments for local improvements to property. I think this bill should be resoundly defeated."

Miller: "Is there further discussion? Alright, the Gentleman from Cook, Mr. James Houlihan."

Houlihan: "Mr. Speaker, will the sponsor yield for a question?"



Miller: "Proceed."

Houlihan: "Bob, it was mentioned on the floor that your particular problem which is generating all this commotion in Oak Park and all of its interests could be solved by Representative Bluthardt's bill. Is that an accurate statement?"

McPartlin: "I think that his bill actually applies to non-home rule units. I have a copy of 1359 in front of me. And Oak Park, under the present time, is a home rule unit."

Houlihan: "So it is your opinion that his bill does not solve your particular problem?"

McPartlin: "Positively not. It does not."

Houlihan: "Let me ask you another question. Under this provision, wouldn't it be possible for the City of Chicago to establish a special taxing district for transportation and that special district could fund, for example, the continued operation of the C.T.A. by local taxes. Would that be accurate?"

McPartlin: "I...I think, I may be wrong in this, but I think they can actually do this now under special assessment that they would no longer need this bill. And we did have a bill up here, I think it was the session before last, on special districts within the city."

Houlihan: "You mean Bill Redmond's bill?"

McPartlin: "I believe it was...I believe it was Bill Redmond's."

Houlihan: "But would they be able to do it under this bill?"

McPartlin: "I don't believe so, no. Like I say they can already



do it under special assessment."

Houlihan: "Thank you."

Miller: "The Lady from St. Clair, Representative Stiehl, is recognized."

Stiehl: "Mr. Speaker, I rise in opposition to this bill. If we grant the authority to pile special taxes on top of special tax on top of special tax without a referendum, our entire system will be in danger of toppling. Until such time as bills of this nature come before us with referendum provisions so that the people will have some voice in the destiny of their tax dollar, I must vote no on these bills."

Miller: "The Gentleman from Cook, Mr. Bluthardt."

Bluthardt: "Mr. Speaker, Members of the House. I heard reference to House Bill 1359 which was another special district bill."

Miller: "Just a moment, we can't hear you sir, will you move over the next mike? We want to hear you, that's for sure. I don't know what you are going to say, but we'd like to hear it."

Bluthardt: "Can you hear me now, Speaker? Mr. Speaker and Members of the House, reference has been made to House Bill 1359 which is a bill that proposes to set up special tax districts. Now it differs from Senate Bill 140 and 141 in that it provides three public hearings. One at the time of the creation or proposed creation of a district that requires written notice to those effected, it sets



forth the period of time in which that hearing shall be held. The number of days that must be given...that a.. that a ...notice must be given. It provides after that for public hearing at the time of the spreading of the tax. Further, for a public hearing at the time of the issuance of the bond and the establishment of the maturity of those bonds. It also ...there will be amendments offered so that 1359 will apply to both home rule and non-home rule units. An amendment is to be offered by Representative Schlickman, which I will not oppose, that will provide that if, after hearing, a petition is filed by the affected property owners and electors of the district opposing the creation of that district and that petition is filed by a majority, more than 50% of those affected, that the district shall be abandoned. I think it is fair and it is reasonable. It will provide a machinery for the creation of districts where it is actually wanted by the people who are to pay the tax bill. It provides a way out if they feel that the taxes, the amount of that bill is too great. I think it is a much superior bill to the one that is being offered here. I think this one is fraught with dangers. It will permit the creation of all kinds of special districts, the levying of taxes without any regard or any sayso, it will be taxation without proper representation. I think it ought to be defeated. I might add that I am also from the district that is proposing this Oak Park district and I oppose the bill."



Miller: "Is there further discussion? The Gentleman from Cook, Mr. Schlickman."

Schlickman: "Mr. Speaker before briefly directing my attention to this bill. I do have a parliamentary inquiry. I have a parliamentary?"

Miller: "State your point."

Schlickman: "Mr. Speaker, since this bill purportedly regulates the activities, the governmental activities of home rule units, how many votes are required to pass it?"

Miller: "The Gentleman from Cook, Mr. McPartlin."

McPartlin: "Mr. Speaker, I had similar bills in the House and the Speaker did rule on 369 and 370, that it required 89 votes."

Miller: "Its the Chair's understanding that these bills do not limit or deny the right of the home rule unit and with that in mind, it would take 89 votes. The Gentleman from Cook, Mr. Schlickman."

Schlickman: "Thank you for that ruling, Mr. Speaker. Addressing myself, briefly, to the bill. The distinguished sponsor of it stated that it was for the benefit of the downtown area of the Village of Oak Park. That would be fine if that's all the bill did. But the bill isn't limited to the Village of Oak Park. Its not limited to the downtown area of Oak Park. The bill is applicable to all, to every one of the home rule units in the State of Illinois. Generally speaking, the County of Cook, and all municipal-



ities, 25,000 or more. Now it has been stated on this floor, that this is probably one of the most important bills we'll have to consider in this session. I agree. I also state, Mr. Speaker and Members of the House, that it is one of the most dangerous bills...one of the most dangerous bills in its present form that we have to consider. I welcome the return of the Majority Leader to the fold, and I excuse his deviation on Second Reading though I hope that his trust in the Senate is well founded. It seems to me, Mr. Speaker and Members of the House, we have a responsibility to ourselves. We have a responsibility to the Senate. We have a responsibility to the people of the State of Illinois. And that responsibility is to send only those bills out of this House that are in the best form. Not bills that are grossly deficient in the content in their substance. This is a bad, bad, bad, bill and it should be defeated here and now."

Miller: "Is there further discussion? Alright, the Chair recognizes the Gentleman from Cook, Mr. Richard Walsh."

Walsh: "Mr. Speaker Ladies and Gentlemen of the House. Just briefly, since the name Oak Park, the Village that I have lived in in the 12 years that I have been in the General Assembly, has been mentioned numerous times in debate, I would like to indicate just why I feel this is such a bad bill. And I would also urge the membership to pay close attention to the bill or the digest because I think for the first time, or certainly one of the few times, this



Session. We have a Senate Bill on Third REading. If we give this bill 89 votes, it may well be the last time we see it, because from here, with the Amendment, it goes to the Senate, and then to the Governor's office. So let's consider our vote on this bill, Ladies and Gentlemen, and a...attend, as I think you should, the reasons why this bill is as bad as it is. Those of you who do reside in home rule districts consider the possibilities. Those from the getto areas of Chicago. We could have set up special police districts because more police protection supposedly is needed in a part of Chicago. A...there may well be a need for more fire protection because frame buildings may be in a particular part of a home rule district rather than brick buildings. It may be necessary to set up a special mosquito abatement district because mosquitoes may be south of 87th street and not north of 87th screeet. Ladies and Gentlemen there are no protections for the taxpayer. No protections for the resident of the home rule district. I believe this is a bad bill. Let's permit the Senate to review the House Bill which we have passed rather than vote yes on this Senate Bill. I urge a no vote."

Miller: "The Gentleman from Cook, Mr. McPartlin, to close the debate."

McPartlin: "Mr. Speaker and Members of the House, because of the opposition, I did agree to bring these bills back to Second REading for an Amendment. I believe this bill, as



amended, would leave the authority up to the local elected officers of the local government. And also, the notice provision for the public. I would ask your favorable support on Senate Bill 140 and 141."

Miller: "Alright, its the Chair's understanding that Senate Bill 140 was not amended in the House. Is that correct? And Senate Bill 141 was amended in the House, with one Amendment. So Ladies and Gentlemen, it is final action with respect to Senate Bill 140 and the HOUse having amended Senate Bill 141, it is not fina] action because the Senate will have to take action thereon. The question is shall these two bills pass? All those in favor will vote aye and those opposed will vote nay. The Lady from Cook, Mrs. Macdonald, is recognized to explain her vote."

Macdonald: "Mr. Speaker Ladies and Gentlemen of the House, I rise as a former constitutional convention delegate, to say that I strongly favcr the home rules provision in the new Constitution. It was a method, I believe, of returning government to the people. But certainly when we allowed the General Assembly, and it was proper to do so, we should not have legislated in that Constitution convention. And when we did make provisions for the General Assembly to provide and implement the broad concept that we put down in the Constitution. It was by no means, in my mind and I'm sure in the minds of many of the other delegates of that convention, that we should take away the power of the people to referendum. I think this is



very dangerous bill and I certainly cannot support its concept and I would urge your no vote on this bill. I vote no."

Miller: "The Gentlemen from McHenry, Mr. Skinner."

Skinner: "Mr. Speaker, at the present time, there is a movement to take the burden off real estate tax for education. That I think is a very good movement. Unfortunately, if this bill passes, there will be the overwhelming temptation to replace the burden that education has placed on real estate, with a burden for municipal services. For that reason I am voting no."

Miller: "Have all voted who wished? Take the record Mr. Clerk. The Gentleman from Cook, Mr. McPartlin."

McPartlin: "Mr. Speaker, I know this...I don't like to take any more of the time of the House, but I would like to request a poll of the absentees."

Miller: "Well, that's the Gentleman's privilege."

Fred Selcke: "Alsup. Arnell. Barnes. Boyle. Bradley. Brandt. Brinkmeier. Brummet. Caldwell. Campbell. Chapman. Clabaugh. Collins. Douglas. Epton. Gibbs. Georgi. Granata. Harpstrite. G. Hoffman. Ron Hoffman. Keller. Kennedy. Klosak. Krause. McClain. McCormick."

Miller: "The Gentleman from Adams, Mr. McClain."

McClain: "Vote me no, please."

Miller: "Vote the Gentleman no."

Fred Selcke: "McCormick. Murphy. Philip. Rayson. Rose. Schisler. Schraeder. Soderstrom. Springer. Stedelin."



Totten. Tuerk. VonBoeckman." ::

Miller: "A...Mr. Stedelin, how is the Gentleman recorded?"

Stedelin: "Vote me aye."

Miller: "Vote Mr. Stedelin aye. Mr. Rayson, how is he recorded?"

Fred Selcke: "The Gentleman is recorded as not voting."

Rayson: "Vote me no please."

Miller: "Vote the Gentleman no. Mr. Von Boeckman aye. How is Mr. Capparelli recorded?"

Fred Selcke: "The Gentleman is recorded as voting aye."

Miller: "How's Mr. Totten recorded?"

Fred Selcke: "A...not voting."

Miller: "Vote the Gentleman no. Proceed Mr...,just a minute. Mr. Brinkmeier, how is the Gentleman recorded?"

Fred Selcke: "Not voting."

Brinkmeier: "Vote me aye, please."

Miller: "Vote the Gentleman aye. Proceed."

Fred Selcke: "Washington. J. J. Wolf." :: time there,

Miller: "At this time, there are 70 ayes and 71 nays. This bill having failed. These bills....these two bills having failed to receive the constitutional majority are hereby declared lost. For what purpose does the Gentleman from Cook, Mr. Schlickman, arise?"

Schlickman: "These bills have demonstrated that they are almost like cat with nine lives. Therefore having voted on the prevailing side, I move to reconsider the vote by which these bills were defeated."



Miller: "The Gentleman from Cook, Mr. William Walsh."

Walsh: "Mr. Speaker, I move to lay that motion on the table."

Miller: "The question is on the Gentleman's motion to table.

All those in favor say aye, opposed nay. The ayes have it and the motion prevails...motion to table prevails.

There is one bill yet under Senate Bills Third Reading that expires today. Senate Bill 398."

Fred Selcke: "Senate Bill 398. An Act to amend Section 6 of an Act to create a Commission to survey and study the problems pertaining to mental health in the State and so forth. Third Reading of the Bill."

Miller: "The Gentleman from Cook, Mr. Fleck."

Fleck: "Well, Mr. Speaker, Ladies and Gentleman of the House, I will guarantee this bill will not take as long as the last one. This is the greatest merely bill I ever handled. All it does is extend the recording day of the mental health commission to June 1st. And I encourage all members to vote for this bill because it will probably be the only one I sponsored that the Governor won't veto."

Miller: "Is there discussion? The question is shall Senate Bill 398 pass? All those in favor vote aye and the opposed nay. Have all voted who wished? Have all voted who wished? Mr. Clerk, take the record. On this question there are 140 ayes. Mr. Huskey aye. 141 ayes, no nays and this bill having received the constitutional majority is hereby declared passed. The next order of business, there are several motions here that must be considered by



the House today. In connection with motions, the Chair recognizes the Gentleman from Henderson, Mr. Neff."

Neff: "Mr. Speaker and Ladies and Gentlemen, I would like to move to suspend Rule 36(d) so that House Bills and I'll read these in order, can be a....a...heard next week in committee. These are all bills pertaining to the mass transit. We heard a little discussion this morning on the commission bill, the Transportation Study Commission Bill which will be in the early part of next week and I'd like to see that the folks that have bills in there pertaining to this also be given a chance of hearing and I'd like to suspend the rules that these reported out May 25th. And now I'll give you the number of these bills. House Bill 933, 1046, 1047, 1048, 1130, 1209, 1820, 1850, 1851, 1852, 1854, 1861, 1867, 1875, House Resolution 203, House Bill 1891."

Miller: "Alright, the Gentleman has moved that the bills... just a moment...the Gentleman has moved that the bills which he just read, that the provisions of the appropriate rule 36(d) be suspended so these bills can be heard next week. The Gentleman from Cook, Mr. Shea."

Shea: "Mr. Neff, these are all the bills in transportation that have to do with the Northeast Regional Transportation Authority, is that right?"

Neff: "Yes, that's right, Jerry. All the bills that have anything to do with mass transit authority there."

Shea: " Now there are some bills that were posted for today's



hearing that fall in that same category. What are you going to do with those bills?"

Neff: "A...they were posted today on the day's hearing?"

Shea: "Yes, there are some bills in the 1800 series that are not in this list as I heard it read by you that will effect substantially the same."

Neff: "Well, Jerry, I don't have that list of bills, if there is more that pertaining to it, but I would like to have them all heard. Any bills that a....have you got the list of those?"

Shea: "You read 1933, 1046, 1047, 1048, what did you read after that?"

Neff: "1130."

Shea: "1130?"

Neff: "Yeh. 1209."

Shea: "Yeh."

Neff: "1820, 1850, 1851, 1852, 1854, 1861, 1867, and 1875."

Shea: "Alright, House Resolution 203, and 1891."

Neff: "And House Resolution 203 and 1891."

Shea: "Alright, now you've covered them all. I'm sorry, I didn't hear the last ones."

Miller: "Alright, the Gentleman from Champaign, Mr. Hirschfeld,"

Hirschfeld: "Thank you Mr. Speaker. I think when you are apt to criticize, you should also be apt to congratulate, and since I criticized certain members of the House this morning for not seeing to it that all members bills in rapid transit area were considered at the same time, I'd



now like to congratulate Representative Neff and the other members of the leadership on both sides for seeing to it that all of the bills get the same hearing."

Miller: "Alright, the question is....the Gentleman from Cook, Mr. Schlickman."

Schlickman: "Mr. Speaker, as I understand it, we are moving to suspend Rule 36(d) which provides that no House Bill shall be called for a vote on final passage after May 25, is that correct? And we are suspending it with regard to the bills that were enunciated by the Chairman of the Transportation Committee?"

Miller: "That is correct, it is suspending the rule with respect to the time of reporting bills from the House. Or taking action in the House, which is presently May 25th. This will permit hearings next week."

Schlickman: "Rule 36(d) has nothing to do with committee hearings. Rule 36(d) simply says that no bill shall be voted on after May 25. As I understand it, by the suspension of this rule, the bills that were listed by the Representative may be heard and voted on for final passage after May 25th regardless of when they have been heard in committee?"

Miller: "That is correct." Alright, is there further discussion? The question is shall the Gentleman's motion prevail with respect to suspension of Rule 36(d) with respect to these bills which he listed. All those in favor vote aye and those opposed nay, and this will take 107 votes. Have



all voted who wished? Take the record, Mr. Clerk.
Kempiners aye and Schoeberlein aye, and Porter aye. On
this question there are 151 ayes and no nays and this
the Gentleman's motion prevails. Now the Chair recognizes
the Gentleman from Cook, Mr. B. B. Wolfe."

Wolfe: "Thank you Mr. Speaker. On the order of motion, in
view of the fact that we have a crash program in the House
to get bills out of committee, that is House Bills, I now
move to suspend Rule 23(d) with respect to all Senate
bills. That's the 45 day rule in committee and further
move in the same motion, that the final hearing date in
committees on Senate bills be June 8th, 1973. And I've
checked this with the leadership on both sides and there is
no objection to doing this and I think it will facilitate
the Houe business and it will take the members of committees
and committee chairmen off the hook with respect to
Senate Bills that are in committee under deadline."

Miller: "Is it the Chair's understanding you want to continue
to June 8th with respect to Senate Bills? Is that correct
Mr. Wolfe? Put Mr. Wolfe back on. Is that correct Mr.
Wolfe?"

Wolfe: "Yes, we are suspending 23(d) the 45 day rule with
respect to Senate Bill and the cutoff date is June 8th.
It is probably the earliest date this House has had since
I've been here, which is five terms."

Miller: "Alright, the Gentleman from Cook, Mr. William Walsh."

Walsh: "Well we discussed the day certain and the day certain



was June 2nd." BILL.

Wolfe: "Bill, June 2nd is on a Saturday, that week we have a holiday week that particular week, you know we have the Memorial Day holiday."

Walsh: "But we have that entire week. We have the entire week leading to the 2nd."

Wolfe: "Yeh, its only one week, though. Its a one week deal and I think that June 8th...."

Walsh: "Yeh, but we are only talking about those that will expire in the 45 day period."

Wolfe: "Alright, we can have June 2nd then."

Walsh: "Yeh, I'd much prefer June 2nd."

Wolfe: "Alright, I'll accept it."

Miller: "Mr. Wolfe, will you restate your motion then, please."

Wolfe: "Yes, the motion is to suspend Rule 23(d) as to all Senate Bills, and I further move to have the cutoff date for Senate Bills in committee set at June 2nd, 1973."

Miller: "Is there discussion? The question is on the Gentleman's motion to suspend the provisions of 23(d) with respect to Senate Bills. All those in favor will vote aye and opposed nay. This takes 107 votes. Have all voted who wished? Take the record Mr. Clerk. For what purpose does the Gentleman from....just a moment. On this question there are 138 ayes and no nays and the Gentleman's motion prevails. Borchers aye. Alright, the Chair now recognizes the Gentleman from Tazewell, Mr. VonBoeckman, with respect to House Bill 1320."



VonBoeckman: "Mr. Speaker and Ladies and Gentlemen of the House
I move that provision of Rule 33(a) of the House Rules be
suspended in order that House Bill 1320 and any Amendments
thereto be considered on Second Reading immediately and
then advanced to the order of Third Reading. I have the
permission of the leadership on both sides."

Miller: "Alright, the Gentleman moves that with respect to
House Bill 1320 which is on House Bill's Second Reading
first legislative day, that the ...that the provisions
of 33(a) be suspended so this bill may be considered on
Second Reading, second legislative day. Is that correct
Mr. VonBoeckman?"

VonBoeckman: "Yes."

Miller: "Alright, all those in favor will vote aye and opposed
nay. This takes 89 votes. Have all voted who wished?
Take the record. Kosinski aye. On this question there are
129 ayes and no nays and the Gentlemen's motion prevails.
Alright, the bill is now on Second Reading, second
legislative day. And the bill is now called. Are there
any Amendments, Mr. Clerk?"

Fred Selcke: "A bill for an Act making the supplemental
appropriations for certain ordinary and contingent
expenses to the Department of Labor. Second Reading
of the Bill. No committee amendments."

Miller: "Are there any amendments from the floor?"

Fred Selcke: "Amendment No. 1. VonBoeckman. Amend House Bill
1320, page 1, line 11, by deleting 191,000 dollars and



inserting in lieu thereof \$152,000."

Miller: "The Gentleman from Tazewell, Mr. VonBoeckman,"

VonBoeckman: "Mr. Chairman, this is a deficiency appropriation and its deleting a...the a... \$191,000 down to a... \$152,00 which the Department needs to meet the current budget...payroll."

Miller: "Is there discussion on the Amendment? Alright, all those in favor of Amendment No. 1 say aye, opposed nay, the ayes have it and the amendment is adopted. Any further amendments? The bill is advance to the order of Third Reading. With respect to House Bill 1857, the Chair recognizes the Gentleman from Cook, Mr. Lechowicz."

Lechowicz: "Thank you Mr. Speaker, Ladies and Gentlemen of the House, I'd like to suspend the appropriate rule to have House Bill 1857 heard in the Counties and Townships Committee tomorrow. Unfortunately, I asked that the bill be posted last week. Due to no one's serious emission, it was not posted. In checking the calendar this morning, I noticed it was omitted. I spoke to the Chairman of the Committee, to the Speaker, and the leadership on both sides, and I ask that I suspend the appropriate rules to have this bill posted for tomorrow's hearing. I'd appreciate a favorable vote....arollcall."

Miller: "The Gentleman has moved that the provisions of Rule 18 be suspended for purpose of hearing House Bill 1857 tomorrow. All those in favor vote aye and opposed nay, this will take 107 votes. Have all voted who wished?"



Take the record, Mr. Clerk. On this question there are 137 ayes and no nays and the Gentleman's motion prevails. A...the Lady from Cook, Mrs. Catania is recognized for a motion."

Catania: "Thank you Mr. Speaker and Members of the House, I move that Rule 18 be suspended that so that House Bill 1263 can be heard in the Executive Committee on Thursday,

Miller: "Is there discussion? Is there discussion? Alright, the Lady has moved that provisions of Rule 18 be suspended for purposes of hearing House Bill 1263 in committee. All those in favor vote aye and opposed nay. Have all voted who wished? Have all voted who wished? Take the record Mr. Clerk. On this question there are 123 ayes and 1 nay and the Lady's motion prevails. The Chair now recognizes the Gentleman from Cook, Mr. Huskey."

Huskey: "Mr. Chairman. Mr. Chairman, I would like to suspend the Rule 18 to have House Bill 1433 posted in the a... a...Veteran's and Personnel Committee tomorrow. I have checked this with the Committee chairman and he's agreed that it is alright."

Miller: "Is there discussion? The Gentleman moves that the provision of Rule 18 be suspended for the purpose of hearing House Bill 1433 in committee tomorrow without posting. All those in favor vote aye and the opposed nay. This will take 107 votes. Have all voted who wished? Take the record. On this question there are 132 ayes and no nays and the Gentleman's motion prevails. The Chair



now recognizes the Gentleman from Cook, Mr. R. A. Carter, and welcome back sir."

Carter: "Thank you. Thank you. Mr. Speaker, I should move that the provisions of Rule 18 be suspended so that House Bill 1881 be heard in committee, Education Committee, today. I have checked with the Chairman of that Committee, and it is agreeable with him."

Miller: "Is there discussion? The Gentleman moves that provisions of Rule 18 be suspended for purposes of hearing House Bill 1881 in committee today. All those in favor will vote aye and the opposed nay. This takes 107 votes. Have all voted who wished? Take the record Mr. Clerk. Geo-Karis aye. Collins aye. Brandt aye. On this question there are 134 ayes and no nays and the Gentleman's motion prevails. The Gentleman from Madison, Mr. Calvo."

Calvo: "Mr. Speaker, Ladies and Gentlemen of the House, through no fault of anyone's but my own, I overlooked posting of House Bill 1192 and I'd like to ask suspension of Rule 18 to have that bill posted to have the bill heard in Cities and Villages."

Miller: "Is there discussion? The Gentleman moves to suspend Rule 18 for purpose of hearing House Bill 1192 today. All thos in favor will vote aye and opposed nay. This will take 107 votes. Have all voted who wished? Take the record. Alright, the Gentleman from Cook, Mr. Rayson, is recognized."



Rayson: "Mr. Speaker and Members of the House,...."

Miller: "I'm sorry. Just a moment...just a moment. On this last motion there were 131 ayes and no nays and the motion prevails. Now Mr. Rayson."

Rayson: "I would respectfully move for the suspension of Rule 18 for the purpose of posting House Bill 1026 in House Executive Committee, Thursday, May 17th."

Miller: "Alright, the Gentleman moves that the provisions of Rule 18 be suspended for purpose of hearing House Bill 1026 in committee this week. All those in favor will vote aye and the opposed nay. This takes 107 votes. Have all voted who wished? Take the record, Mr. Clerk. On this question, there are 122 ayes and no nays and the Gentleman's motion prevails. And the Chair recognizes the Lady from Cook, Mrs. Martin."

Martin: "Mr. Speaker, I'd like to make a motion to suspend Rule 18 so that House Bill 1551 can be heard in Veterans Personnel and Pensions Committee tomorrow. The Lady moves that the provisions of Rule 18 be suspended for the purpose of hearing 1551 tomorrow. All those in favor of the Lady's motion will vote aye and those opposed nay, and this motion takes 107 votes. Have all voted who wished? Take the record, Mr. Clerk. The Chair recognizes the Gentleman from Will....Oh, I'm sorry...On this Lady's motion, there was 130 ayes, 1 nay and the Lady's motion prevails. Now the Gentleman from Will, Mr. Leinenweber



is recognized."

Leinenweber: "Thank you Mr. Speaker, through probably my own fault, I didn't notice that House Bill 1752 has been assigned to Judiciary I instead of Judiciary II. It deals with the amending of the Code of Criminal Procedure. The matter is it didn't get posted in either committee. I've check with Chairman Rose in Judiciary I and Chairman Duff in Judiciary II and they consented, together with the Assignment Committee, and I move the House to waive the provisions of Rule 18 enable that House Bill 1752 could be heard today in Judiciary II. It does relate with Code of Criminal Procedure of 1963."

Miller: "Is there discussion? Alright, the Gentleman has moved that the provisions of Rule 18 be suspended so that House Bill 1752 can be heard in committee today. All those in favor will vote aye and the opposed nay. This will take 107 votes. Have all voted who wished? Take the record Mr. Clerk. On this question there are 136 ayes no nays and the Gentleman's motion prevails. The Gentleman from Cook, Mr. J. J. Wolfe."

Wolfe: "Mr. Speaker, this may be a little untimely. I just wanted to explain, a short while ago, there was a motion made to post a bill for Veteran Affairs Personnel and Pension. And I was recorded as the one no vote. Now I really don't want to vote no on that measure, but I think the Chairman of the committee ought to have the courtesy of having someone come and ask about having that



bill heard, if through their own negligence that they did ask to have that bill heard. We had 73 bills posted for tomorrow already, and frankly, I have no intention of being a babysitter for 177 members."

Miller: "The Lady from Cook, Mrs. Martin."

Martin: "Mr. Speaker and Mr. Wolfe, our office has been contacted several days with his Clerk and somehow or another the bill was not posted. I don't know why, but we certainly have been in touch for the last two weeks for the Clerk asking her to post the bill."

Miller: "For what purpose does the Gentleman from Cook, Mr. Barnes, arise?"

Barnes: "For a motion, Mr. Speaker, is that in order?"

Miller: "With respect to a bill on posting?"

Barnes: "Yes."

Miller: "Alright, proceed sir."

Barnes: "Mr. Speaker I move that the provisions of rule 18 be suspended so that House Bill 1154 can be heard in Cities and Villages today. It has been cleared, I understand, with the Chairman of that Committee. 1154."

Miller: "Alright, the Gentleman moves that the provisions of rule 18 be suspended for purposes of hearing House Bill 1154 in committee this week. Those in favor will vote aye and the opposed nay. This will take 107 votes. Have all voted who wished? Do you want to be recognized on this? The Chair recognizes the Gentleman from Cook, Mr. William Walsh."



Walsh: "Well, I have something of the same complaint that Representative J. J. Wolfe has, that its customary to clear these things with the leadership, and the Gentleman did not do that and I wish that he would, and I certainly take his word that he cleared it with the committee chairman. Although the Chairman of the Committee on Cities and Villages is not here at the moment. So I would appreciate if the members would clear it with the leadership and with the committee chairman."

Miller: "Have all voted who wished? Take the record, Mr. Clerk. McMaster aye. McMaster aye on this roll call. On this question there are 121 ayes and no nays and the Gentleman's motion prevails. The Lady from Cook, Mrs. Macdonald is recognized."

Macdonald: "Mr. Chairman, due to some confusion, we did not post HOuse Bill 1583 in Townships and Villages and I have checked with the Chairran and the leadership and have got permission with leave of the House, to have that bill posted, so I ask to have Rule 18 suspended so that we can put that bill on for hearing tomorrow, or whenever it is to be heard this week."

Miller: "The Lady moves that....which committee has it, Mrs. Macdonald?"

Macdonald: "Counties and Townships."

Miller: "Counties and Townships. Alright, the Lady has moved the provision of Rule 18 be suspended so that House Bill 1583 can be heard in Counties and Townships...this week."



All those in favor will vote aye and the opposed nay. This will take 107 votes. Have all voted who wished? Take the record, Mr. Clerk. McMasters aye. On this question there are 127 ayes and no nays and the Lady's motion prevails. A...the Chair recognizes the Gentleman from Cook, Mr. William Walsh."

Walsh: "A...Mr. Speaker, I a...would the Clerk please read House Resolution 305."

Fred Selcke: "House Resolution 305. Walsh. Resolved by the House of Representatives the 78th General Assembly, State of Illinois, that Rule 36 of the House Rules be amended by deleting paragraph (b) and inserting in lieu thereof, the following. (b) Notwithstanding the provisions of rule 37, no House Bill, other than those concerning revenue, reappropriationment, or appropriations and companion bills to appropriation bills shall be called for a vote on final passage after May 25th of the year in which it was introduced."

Miller: "The Gentleman from Cook, Mr. William Walsh."

Walsh: "Well, Mr. Speaker, this is by action of the Rules committee in our meeting last week. And it simply exempts Appropriations, Revenue, Réappropriationment and companion bills to appropriation bills from the May 25th deadline date, and I move the adoption of House Resolution 305."

Miller: "Is there discussion? The question is with respect to the Gentleman's motion for the adoption of House Resolution No. 305. All those in favor will vote aye and



those opposed nay. This takes 89 votes. Have all voted who wished? Take the record, Mr. Clerk. On this question there are 122 ayes and no nays and the Resolution is adopted. A...the Lady from Lake, Mrs. Geo-Karis."

Geo-Karis: "Mr. Speaker and Ladies and Gentlemen of the House, a...yesterday, my bill was assigned to Executive, House Bill 1920, and I'd like to ask that Rule 18 be suspended to that this bill can be heard in Executive Committee this Thursday, if I may."

Miller: "The Gentleman from Cook, Mr. Shea."

Shea: "Mr. Speaker, I guess I'm going to deviate from the practice of the House a little bit, but we have a former colleague on the floor, who is now a member of the Congress of the United States, and I would like to introduce Congressman Daniel Rustomkowski."

Miller: "Is there discussion? "Alright, the Lady has moved for suspension of Rule 18 with respect to House Bill 1920 so that this bill may be heard in committee today without the usual posting. All those in favor will vote aye, ...just a moment, the Gentleman from Cook, Mr. Shea."

Shea: "Mr. Speaker, I don't think this bill has been assigned yet." The Clerk informs me, and I think this was one of the bills, Ageline, that was not assigned."

Miller: "The Gentleman from Cook, Mr. Shea."

Shea: "Ageline, would you mind taking this out of the record today? We can still do it tomorrow and we'll get it straightened out."



Miller: "Alright, take it out of the record. A...the Chair recognizes the Gentleman from Cook, Mr. Shea, with respect to a general resolution. "

Shea: "A...Mr. Speaker, could the Clerk read that resolution? Its House Resolution 310."

Fred Selcke: "House Resolution 310. Choate et al. Whereas the Mayor of the great City of Chicago, the Honorable Richard J. Daley, celebrates his 71st birthday on Tuesday, May 15, 1973, and whereas Mayor Daley is one of the most outstanding municipale chief executives in the United States, whose long and dedicated service has made Chicago one of the few workable American cities; and whereas all the people of the State of Illinois have benefited from the great progress and economic prosperity enjoyed by the City of Chicago, during the years Richard Daley has served as Mayor; and whereas Mayor Daley is recognized throughout Illinois and the entire United States as one of our truly outstanding political leaders, and whereas Mayor Daley, the distinguished former member of the Illinois General Assembly, and whereas Mayor Daley provided leadership in legislation which has benefited all the people of Illinois as well as the people of his great city; be it therefore resolved by the House of Representative, 75th General Assembly, State of Illinois, that the members of this House extend their heartiest congratulations and best wishes to the Honorable Richard J. Daley, Mayor of Chicago on the occasion of his 71st birthday and be it further



resolved that a suitable copy of this preamble be presented to Mayor Richard J. Daley."

Miller: "The Chair recognizes the Gentleman from Cook, Mr. Shea."

Shea: "I'd like to yield to my colleague from Union,"

Miller: "The Chair is glad to recognize the Gentleman from Union, Mr. Choate."

Choate: "Well, as the chief sponsor, I don't know what the yield is all about. But Mr. Speaker, Ladies and Gentlemen of the House, the Mayor of the City of Chicago long has been recognized as being in the forefront as far as the operation and the management of municipal government is concerned. As a former colleague of ours in the House of Representatives, I'm sure that we on this side of the aisle will invite any of the other side of the aisle that wishes to be co-sponsors of this resolution to do so. I would move, Mr. Speaker, that the proper rules be suspended for the immediate consideration and adoption of the resolution."

Miller: "Alright, the Gentleman has moved that the provisions of Rule 41 be suspended for immediate and adoption of this resolution. All those in favor say aye, opposed nay, the ayes have it and the resolution is now before us and now the Gentleman moves that Resolution 310 be adopted. All those in favor of the adoption of this Resolution say aye, opposed nay. The ayes have it and the Resolution is adopted. Now the Chair recognizes the Gentleman from Cook,



Mr. Rayson, with respect to House Bill 580."

Rayson: "Mr. Speaker and Members of the House, I'd respectfully move for the suspension of Rule 37 with regard to House Bill 580 to extend its life until tomorrow, May 16. The Amendment that was offered has not been distributed yet due to a some sort of mixup and I would respectfully ask leave of the House to extend this bill to tomorrow."

Miller: "Alright, the Gentleman moves the suspension of Rule 37? 37 for the purpose of considering postponing until tomorrow the consideration of House Bill 580. All those in favor will vote aye and the opposed nay. This takes 107 votes. The Chair recognizes the Gentleman from Cook, Mr. Walsh."

Walsh: "Well, back to the complaint that Representative Wolfe had. The Gentleman has not cleared this with the Republican leadership. I don't know if he did with the Democrat or not. But I'd appreciate it if we'd take this out of the records so that I can talk to the Gentleman about it."

Miller: "The Gentleman from Cook, Mr. Rayson."

Rayson: "A...the Gentleman's point is well taken. I'll be right over. Take it out of the record momentarily, Mr. Speaker."

Miller: "Alright, the Chair recognizes the Gentleman from Lake, Mr. Murphy."

Murphy: "Mr. Speaker, I know many of the old-timers in the House will be please on this announcement. A former



colleague of ours for many years, a Gentleman from Murphysboro, W. J. McDonald, passed away today. W. J. Bill McDonald."

Miller: "Mr. Rayson says to take it out of the record, Mr. Clerk." The Gentleman from Cook, Mr. Walsh."

Walsh: "Mr. Speaker, I remove my objection to the Gentleman's motion."

Miller: "Alright, the objection has been removed so we are back to the Gentleman's motion with respect to House Bill 580 and the suspension of Rule 37 so that bill can be considered by the House tomorrow, May 16. All those in favor of the Gentleman's motion will vote aye, and those opposed nay. This takes 107 votes. Have all voted who wished? Take the record Mr. Clerk. On this question there are 117 ayes and 4 nays and the Gentleman's motion prevails. A...General Resolutions."

Fred Selcke: "A..House Resolution 304. Grotberg et al. House Resolution 306. Timothy Simms. Now where are we."

Miller: "The Chair recognizes the Gentleman from Cook, Mr. Walsh."

Walsh: "Mr. Speaker, I move that the House adjourn until 9:30 A.M., tomorrow for regular session."

Miller: "The question is on the Gentleman's motion to adjourn until 9:30 tomorrow morning for regular session. All those in favor say aye, opposed nay, the ayes have it and the House stands adjourned until tomorrow morning at 9:30."

