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

Speaker Giorgi: "The House will be in order and the Members will please be in their seats and Father Krueger will lead us in prayer and also ah... has prepared a memorial tribute to Governor Kerner. Father Krueger."

Father Krueger: "In the name of the Father, the Son, and the Holy Ghost. Amen. O Lord, bless this House to Thy service this day. Amen. This afternoon, as we have gathered together, we pause in our work of the day to remember in our prayers and to pay tribute to a departed member and leader of this great State of Illinois, former Governor Otto Kerner. Rabbi Meyer M. Abramowitz, of Temple B'Rith Sholom, will share with in this memorial service for Governor Kerner. Psalm 100... Psalm #16. Preserve me, O God; for in Thee have I put my trust. O my soul, Thou has said unto me, Thou art my God; I have no good like unto Thee. All my delight is upon the saints that are in the earth, and upon such as excell in virtue. But they that run after another god shall have great trouble. Their drink offerings of blood will I not offer, neither make mention of their names within my lips. The Lord Himself is the portion of mine inheritance and of my cup; Thou shalt maintain my lot. The lot is fallen unto me in a fair ground; yea, I have a godly heritage. I will thank the Lord for giving me warning; my reins also chasten me in the night season. I have set the Lord always before me; for He is on my right hand, therefore I shall not fail. Wherefore my heart is glad, and my glory rejoiceth; my flesh also shall rest in hope. For why? Thou shalt not leave my soul in hell; neither shalt Thou suffer Thy Holy One to see corruption. Thou shalt show me the path of life: in Thy presence is the fullness of joy, and at Thy right hand there is pleasure for evermore. Rest eternal grant unto him, O Lord; and may Light Perpetual shine upon him. Psalm #23. The Lord is my shepherd; therefore can I lack nothing. He shall feed me in a green pasture, and lead me forth beside the waters of comfort. He shall convert my soul, and bring me forth in the paths of righteousness for His Name's sake.



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Yea, though I walk through the valley of the shadow of death, I will fear no evil; for Thou art with me; Thy rod and Thy staff comfort me. Thou shalt prepare a table before me in the presence of them that trouble me; Thou hast annointed my head with oil, and my cup shall be full. Surely Thy loving-kindness and mercy shall follow me all the days of my life; and I will dwell in the House of the Lord forever. Let us pray. Into Thy Hands, O merciful Saviour, we commend the soul of Thy servant Otto, now departed from the body. Acknowledge, we humbly beseech Thee, a sheep of Thine own fold, a lamb of Thine own flock, a sinner of Thine own redeeming. Receive him into the arms of Thy mercy, into the blessed rest of everlasting peace, and into the glorious company of the saints in light. Amen. Rabbi Abramowitz.

Rabbi Abramowitz: "May I ask you to be seated, please. It's painfully difficult, under the impact of a deep loss, to stand back and appraise or even characterize the life of one to whom I was bound by strong ties of friendship and affection. My mind informs me of the grim fact that Otto Kerner is dead, but my heart rejects the thought. We must, however, give voice to the sorrow that is in our hearts, and put into words our grief at this memorial tribute to our late Governor. I speak as one who has been bereaved of a good friend, as one who knew him well and loved him deeply. I share with his family and his many friends the pain of his death. We must, however, my friends, find comfort not in dwelling on our great loss, but on the joy and the privilege which were ours in having had a man like Otto Kerner bless our lives. The good he did will live after him far longer than the strain which marred his splendid record as Governor of this State. To those who knew him during the many years he served his country as a soldier, jurist and Governor -- his life was a benediction. We will remember him as the able, popular, friendly chief executive of Illinois. In Springfield, Otto Kerner was known and respected and liked for more than his administration's state-wide progressive programs. He made a point of stressing his citizenship in this, our community. Whatever his transgression -- he contended to the end of his life that he was innocent. He vowed to clear his name, saying, 'This



battle is even more important than life itself because it involves my reputation and honour, which are dearer than life itself.' He also said, 'In my mind and in my heart I shall always be satisfied that my conscience and my record of loyal and dedicated service were never tarnished, or my integrity bought. In the end this will bring me peace.' Thousands of friends welcomed Otto Kerner home with functions in our city and in Chicago. Those functions, which I was privileged to attend, focused on the accomplishments of Otto Kerner in his long years of public service. This is the way I hope, my friends, he will be remembered in history -- as a warm, as a gentle human being who gave constructive and untiring leadership to his State, dedication to his country, and friendship to the hosts of people who came to know him, respect him, and now, mourn his passing. In tribute to his memory, I speak these words of Vachel Lindsay: "Sleep on, O brave hearted, O wise man that kindled a flame. To live in mankind, is far more than to live in a name, to live in mankind, far, far, more ---- than to live in a name!" May the soul of Otto Kerner rest in Eternal Peace. Amen. May I ask you to rise for a memorial prayer. Eternal God, the generations come and go before You. Brief is their time. Passing, they leave many of their tasks unfinished, their plans unfulfilled, their dreams unrealized. It would be more than we could bear, but for the faith that our little day finds its permanence in Your eternity, and our work, O God, its completion in the unfolding of Your purpose for humanity. At this sacred moment we turn our thoughts to Otto Kerner who has gone from life. We recall the joy of his companionship. We feel a pang, the echo of that intenser grief when first his death became known to us. Now we know that he will never vanish, so long as heart and thought remain within us. By love is he remembered, and in memory he lives. O God, grant that his memory may bring strength and blessing. May the nobility of his life and the high ideals he cherished endure in our thoughts and live on in our deeds. May we, carrying on his work, help to redeem Your promise that life shall prevail. And let us say, Amen."



Speaker Giorgi: "Thank you, Father Krueger and Rabbi Abramowitz.

Roll Call for attendance. Messages from the Senate."

Clerk O'Brien: "A Message from the Senate by Mr. Wright, Secretary.

Mr. Speaker, I'm directed to inform the House of Representatives that the Senate has Bills of the following titles, the passage of which I'm instructed to ask concurrence of the House of Representatives, to wit. Senate Bill #1612, 1613, 1633, 1754, 1755, 1791, and 1889, passed by the Senate May 12, 1976. Kenneth Wright, Secretary. A Message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I'm directed to inform the House of Representatives the Senate has receded from their Amendment #2 to a Bill of the following title, to wit. House Bill 3186, action taken by the Senate May 12, 1976. Kenneth Wright, Secretary."

Speaker Giorgi: "Committee Reports."

Clerk O'Brien: "Representative DiPrima, Chairman from the Committee on Veterans Affairs, Registration, Regulation to which the following Bills were referred, action taken May 12, 1976; reported the same back with the following recommendations: do pass House Bill 1304. Representative Merlo, Chairman from the Committee on Insurance to which the following Bill was assigned, action taken May 12, 1976; reported the same back with the following recommendations: do pass for House Bill 3159. Representative Leon, Chairman from the Committee on Financial Institutions to which the following Bill was referred, action taken May 12, 1976; reported the same back with the following recommendation: do pass House Bill 3560. Representative Leon, Chairman from the Committee on Financial Institutions, reported the following Committee Bill for introduction: House Bill 3909, action taken May 12, 1976."

Speaker Giorgi: "Representative Madigan, for what reason do you rise?"

Madigan: "Purpose of announcement, Mr. Speaker."

Speaker Giorgi: "Continue, Mr. Madigan."

Madigan: "Seated in the Speaker's gallery are about 35 Members of the Northwest Suburban Manufacturers Association, Mr. George Meyer, the President and Mr. Jim Hester, the Vice-President. They come from the area represented by the Fourth, Fifth, and Fortieth Districts which are Representatives Williams, Bluthardt, Leverenz,



5.

Speaker Redmond, Representative Daniels, Gene Hoffman, Carroll, Jaffe, and Schlickman. And they are in the Speaker's gallery, Mr. Speaker. If they would rise and take a bow. We'd also like to acknowledge the presence of several members of the Illinois Medical Society and their wives who are seated in the galleries. Thank you."

Speaker Giorgi: "Representative Madigan. Representative Walsh, for what reason do you rise?"

Walsh: "Mr. Speaker, I move that the House stand in recess until 4:45 for the purpose of a Republican conference to be held in Room 118. And that will begin immediately and I would urge every Republican to please make this very important conference."

Speaker Giorgi: "Representative Madigan. What'd you give us a recess to, Mr. Walsh?"

Walsh: "4:45."

Speaker Giorgi: "Okay. Mr. Walsh has moved that the House recess for 45 minutes till 4:45 or a half an hour. All those in favor signify by saying 'aye', the opposed 'nay'. For the reasons of a Republican caucus only. What room do you have, Mr. Walsh? 118, Room 118. We'll reconvene at 4:45. The House is in recess."

House in recess.

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

Speaker Giorgi: "The House will be in order. Committee Reports."

Clerk O'Brien: "Representative Yourell, Chairman from the Committee on Counties and Townships to which the following Bills were referred, action taken May 12, 1976; reported the same back with the following recommendations: do pass House Bill 3586, 3806 and 3807, do pass as amended House Bill 3814. Representative Washington, Chairman from the Committee Judiciary I to which the following Bills were referred, action taken May 12, 1976; reported the same back with the following recommendation: House... do pass House Bill 3705. Representative Washington, Chairman from the Committee on Judiciary I, reported the following Committee Bill for introduction: House Bill 3910, action taken May 12, 1976."



Speaker Giorgi: "Introduction and First Readings."

Clerk O'Brien: "House Bill 3909, Committee on Financial Institutions.

A Bill for an Act to amend the Interest Act. First Reading of the Bill. House Bill 3910, Committee on Judiciary I. A Bill for an Act creating the Domestic Relations Act. First Reading of the Bill."

Speaker Giorgi: "The order of business is House Bills, Second Reading.

House Bill 3379, Representative Getty. Representative Getty.

Out of the record. House Bill 3406, Representative Byers is not in the chambers. House Bill 3408, Representative Terzich. I

don't see him in the chambers. Representative Barnes. House Bill 3409, Representative Satterthwaite. 3409. House Bill 3411, Representative VanDuyne. Representative VanDuyne."

Clerk O'Brien: "House Bill 3411. A Bill for an Act to provide for the ordinary and contingent expense of the Department of Local Government Affairs. Second Reading of the Bill. Three Committee Amendments. Amendment #1, amends House Bill 3411 by deleting everything after the enacting clause and inserting in lieu thereof the following: Section 1 and so forth."

Speaker Giorgi: "Representative VanDuyne."

VanDuyne: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, this is the... the budget for the Department of Local Government Affairs. Provides for their ordinary and contingent expenses ah... for the fiscal year 1977. It's ah... total Bill of \$160,940,300. The general... from the general revenue fund, it's a little over \$5,000,000 and the local government distributive fund \$153,000,000. That's one-twelfth of your income tax that goes back to your local governments. And the federal urban planning assistance funds of a little over \$2,000,000 and the local government affairs federal trust fund of \$200,000. I think everybody more or less at least in the House, is acquainted with ah... with this Department."

Speaker Giorgi: "Pardon me, Mr. VanDuyne. Representative Totten, for what reason do you rise?"

Totten: "Well, Mr. Speaker, just like to point out that we're on Second Reading which is the Amendment stage and he's explaining the Bill. It seems to me we ought to go on the Amendments."



Speaker Giorgi: "Representative VanDuyne, confine yourself to the Amendments."

VanDuyne: "Thank you, Mr. Totten. I'm sorry. Yes, this Amendment ah... as I understand it in Committee, was consolidated in num... Amendment #2, isn't that right, Mr. Lechowicz? And ah... we in... myself and the Department would like to resist this Amendment. Ah... it actually cuts ah... practically every division of the Department of Local Government Affairs and especially ah... the financial... the division entitled... title financial affairs. Also, the ah... housing and buildings section. This ah... division of our government has taken a cut in the last three years from ah... if I can find it..."

Speaker Giorgi: "Pardon me, Mr. VanDuyne. Just a moment. Mr. Totten, your name is on Amendment #1. Is this your Amendment?"

Totten: "It's a Committee Amendment."

Speaker Giorgi: "You were the Sponsor of the Amendment in Committee, were you not? Shouldn't you, then, explain the Amendment or do you want to defer to Mr. VanDuyne?"

Totten: "Well ah... I'll be happy to explain it, but normally on Committee Amendments, I believe our procedure is to let the Chairman of the Committee explain the Amendments."

Speaker Giorgi: "Who's Chairman of the Committee?"

Totten: "Mr. Lechowicz."

Speaker Giorgi: "Mr. McMasters, for what reason do you rise?"

McMaster: "Mr. Speaker, it's very difficult to hear what's going on. Could we have some order in the House?"

Speaker Giorgi: "Members of the Assembly, Mr. Sh... ah... Mr. Redmond and Mr. Shea are on their way back from the ah... Kerner eulogy or memorial services and we're going to try to conduct some business and Mr. McMaster's having trouble hearing the discussion. So, Mr. Totten, you're deferring to Mr. VanDuyne, then, to explain this Amendment inasmuch as the Committee Chairman, I believe, is also in Chicago?"

Totten: "Well I don't think he is. He was just in Committee an hour ago."

Speaker Giorgi: "All right, then, he's here."



Totten: "If he's not here, I will attempt to explain it seeing the Sponsor of the Bill ah... is opposed to the Amendment."

Speaker Giorgi: "Proceed to explain the Amendment someone. Representative VanDuyne."

VanDuyne: "Ah... in deference to Mr. Lechowicz, Mr. Speaker, if you'd like for me to take this out of the record, I would ah... I would be happy to do it."

Speaker Giorgi: "I think it's a very good idea. Take it out of the record. Representative McMaster on 3485. Out of the record. 3486 also out of the record? Representative Madigan, for what reason do you rise?"

Madigan: "For purposes of announcement, Mr. Speaker. In the Speaker's gallery ah... there is a Lisa Drake representing the manufactured housing industry nation-wide and she's in Springfield today promoting the legislative breakfast which is been scheduled for us tomorrow morning. And she's in the Speaker's gallery."

Speaker Giorgi: "Mr. Madigan, you want to complete the announcement? Well then, we'll have to go to House Bills, Third Reading. House Bills, Third Reading. Representative Cunningham on House Bill 3302."

Clerk O'Brien: "House Bill 3302. A Bill for an Act making an appropriation to the Department of Conservation. Third Reading of the Bill."

Speaker Giorgi: "Representative Cunningham."

Cunningham: "Mr. Speaker, I'd agreed with the other side to hold this for a few days. Thank you."

Speaker Giorgi: "Thank you, out of the record. Mr. Madigan, is there anyone here to handle 3344?"

Madigan: "I'm not sure, Mr. Speaker."

Speaker Giorgi: "Take it out of the record. Jack, Senate Bills, Second Reading, for the purpose of an Amendment. Senate Bill 193. Representative Hart."

Hart: "Mr. Speaker and Ladies and Gentlemen of the House, Representative Pierce has asked me if I would return this Bill to Second Reading for the purpose of an Amendment which he wishes to offer to the Bill and ah... at this time, I would ask the ah... leave of the House to return the Bill to Second Reading for the purpose of





an Amendment ah... which Representative Pierce wishes to offer and which I intend to oppose."

Speaker Giorgi: "Does the Gentleman have leave? Leave. Leave has been granted. The Bill's on Second Reading for the purpose of an Amendment. Mr. Pierce, on the Amendment."

Clerk O'Brien: "Amendment #1, amends Senate Bill 193 on page 1, line 24 and so forth."

Speaker Giorgi: "Representative Pierce."

Pierce: "Mr. Speaker, Ladies and Gentlemen of the House, Senate Bill 193, for those of you that waited before the Rules Committee, ah... didn't appear on the Calendar earlier this Session. It had been tabled. It was not approved by the Rules Committee. It's not a Committee Bill. It's just a Senate Bill that apparently has a lot of backing. Now the reason it has backing, this Bill was heard over a year ago in the ah... at least a year ago in the Committee on Environment, Energy, and Natural Resources. It received a tie vote at that time and therefore, was not reported out. Representative Hart did make a motion to discharge which somehow got lost along the way and the Bill was tabled and last Thursday, the Bill was restored to the Calendar and is now, thanks to his courtesy, on Second Reading. The reason the Bill was pushed and what this Bill does and then I'll tell you what the Amendment does, the Bill exempts from the Environmental Protection Act, the noise regulations, the noise of sporting events. And the Bill was pushed by the auto racing interests around the state, the state fairs who felt that the Pollution Control Board and E.P.A. might be unreasonable in limiting the noise that came from auto race tracks and therefore, they want to exempt the noise of sporting events ah... from regulation under the Environmental Protection Act. In my district, ah... we have another problem and that is a gun club that exists in a residential area. It's unincorporated, but it's across the street from an incorporated residential area of Deerfield and gun club is shooting day and night, weekends, and disturbing the residents of that area. So what I'm trying to do through this Amendment #1 is satisfy the auto racing people. They would still be exempt under ah... Senate Bill 193, Representative Hart's Bill, from all regulation



for noise, but at the same time, we would regulate the noise..."

Speaker Giorgi: "Excuse me, Mr. Pierce. Mr. Porter, for what reason do you rise? Mr. Porter."

Porter: "Mr. Speaker, we don't have a copy of the Amendment on this side of the aisle on our desks, so I would ask that the Amendment be distributed first."

Speaker Giorgi: "Just a moment, Mr. Porter. Some of the Members are waiving the Amendment. Do you have the Amendment, Mr. Lauer? The Amendments have been distributed. Mr. Hoffman has the Amendment. Continue, Mr. Pierce."

Pierce: "I believe it was distributed. What the Amendment does, Representative Porter, is grant an exception except involving gun clubs and trap or skeet shooting areas. So the Bill itself exempts all sporting events from the noise regulations of E.P.A. What the Amendment does, is... is exempts from the Bill ah... gun clubs or trap or skeet shooting areas. So the Bill, if passed with this Amendment, would ex... would exempt completely auto racing from regulation by the E.P.A., but would not exempt gun clubs, the noise from gun clubs ah... trap or skeet shooting clubs ah... from the noise regulations under the Environmental Protection Act and I think with this Amendment, Representative Hart would achieve his purpose and that is exempting auto racing which is, by nature, a noisy sport from com... from any regulation for noise, but at the same time, the gun clubs which were not his original intent and which are disturbing a good number of my constituents in Deerfield, ah... would... would, would still be subject to regulation by the E.P.A. Subject, of course, to administrative review in the court. And therefore, I offer Amendment #1 as a reasonable way to limit this Bill, achieve its purpose which was to allow the auto racers to make all the noise they want and at the same time, take care of a particular problem that Representatives Reed, Deuster, and I have in our district and I thank Representative Hart for agreeing to ah... to bring the Bill back which ah... to Second Reading so I could propose the Amendment. I understand he is not a proponent of the Amendment, but I would certainly appreciate it if we could adopt the Amendment here and now. And therefore, Mr. Speaker, I



offer Amendment #1 to Senate Bill 193 which will in no way hamper the original purpose of the Bill."

Speaker Giorgi: "Madame Geo-Karis."

Geo-Karis: "Thank you, ah... Mr. Speaker. May... will the Sponsor of this Amendment yield to a question?"

Speaker Giorgi: "He indicates he will."

Geo-Karis: "Dan, you're saying that there's a gun club in your area that's near an incorporated area. What is to prevent the County Board from passing an ordinance regulating that instead of through the expensive procedure of having it be necessarily an item over which the E.P.A. should govern which would be... E.P.A. is farther away and not in the local area of the county?"

Speaker Giorgi: "Representative Pierce."

Geo-Karis: "What's to prevent a county ordinance from being enacted?"

Pierce: "I would like to answer the question if you give me an opportunity. The answer is the gun club happens to be on the south side of a road called Lake Crook Road. The gun club is therefore, not in the same county as the people that are bothered. The people live in the 32nd District of Lake and the gun club is located in the 1st District across a two-lane road in Cook County and that's our particular problem here. We've got the same problem with Northbrook Court, but ah... the gun club known as the Northbrook Gun Club cannot be regulated by ah... by the people who are complaining because the gun club is in a different county."

Geo-Karis: "I'd like to speak on the Amendment."

Pierce: "Representative Reed can explain that to you if she is here."

Speaker Shea: "Are you all through, Ms. Geo-Karis?"

Geo-Karis: "No, I'd like to speak on the Bill."

Speaker Shea: "Speak on the Bill then."

Geo-Karis: "Ah... whether the gun club is in Cook County or Lake County, on the border, I can appreciate your concern. However, there is nothing in the law that can pre... that would prevent even Cook County from passing a like ordinance as if... if the... if the place... if... keep... ah... shooting at this place in Lake. I think we have gone far afield in giving too much authority over too many regulations to be done by the E.P.A. and I think there is not



that much authority to regulate the regulators and I frankly, I... much as I hate to disagree with my respective... the respectable colleague from the 32nd District, I'm speaking against the Amendment because I don't think we need it."

Speaker Shea: "The Gentleman from Franklin, Mr. Hart."

Hart: "Thank you very much ah... as the Sponsor of the Bill, I oppose this Amendment. I, I think it would ah... have the affect of eliminating all the gun and skeet clubs in Illinois if it made an exemption ah... as suggested here by Representative Pierce. I think it's a matter that should be controlled locally. That's the purpose of the Bill and I think the Amendment ah... should fail."

Speaker Shea: "The Gentleman from Logan, Mr. Lauer."

Lauer: "Thank you, Mr. Speaker. We debated at some length the Bill for Amendments last week that ah... had something of the same intention. And I realize that the distinguished Gentleman from Lake is responding to a problem in his constituency the same as I was responding to a problem having to do with my constituency, but Ladies and Gentlemen, I can tell you that we, if we accept this Amendment, are going a far piece toward destruction of sport gun handling in this state. This is just another one of the inroads to try to gain additional state control by the noise pollution division of the Environmental Protection Agency and apparently they have gone into some kind of a god-awful, unholy alliance with the gun control nuts. I would strongly submit, Ladies and Gentlemen of the House, and particularly those of you who are from down-state Illinois, I would strongly hope that you would concur with my viewpoint and would vote 'no' upon Amendment #1."

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

Schraeder: "I wonder if the Sponsor would yield to a question?"

Speaker Shea: "Indicates he will."

Schraeder: "Representative Pierce, how long has this gun club been in existence?"

Pierce: "The gun club has been in existence for several years. I don't know how many years. You going to ask me were the houses built after the gun club?"

Schraeder: "Pardon?"



Pierce: "The gun club has been existence... in existence for at least 10 years. I don't have the whole history of it."

Schraeder: "All right, thank you. Mr. Speaker, I'd like to speak to the subject matter."

Speaker Shea: "Proceed, sir."

Schraeder: "Well, Mr. Speaker this is one of the areas that appears that some people interested in the skeet shooting and what have you have expended a considerable amount of money over the years to provide recreational facilities for some of their membership and I imagine it's quite extensive because the operation of a facility for skeet shooting and a gun club is certainly very costly and it's just one step to eliminate private investment in recreation. And I think somewhere along the line, we've got to stop interfering with the private sector and this is one more means of interfering and I would have to say that we should defeat this Amendment."

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

Ryan: "Thank you, Mr. Speaker. I move the previous question."

Speaker Shea: "The question is shall the previous question be put. Mr. Duff, for what purpose do you rise?"

Duff: "Well, Mr. Speaker, both Representative Porter and I are from the district that is affected by this Amendment directly. Both of us had had our light..."

Speaker Shea: "You're out of order, Mr. Duff. All right, what's your point?"

Duff: "Mr. Speaker, as a courtesy, you, sir, are in the Chair, Representative Porter and I am from the district which Representative Pierce is trying to affect... Let me finish, please..."

Speaker Shea: "The Gentleman from..."

Duff: "Let me finish please."

Speaker Shea: "The Gentleman from Lake, on a point of order. Mr. Matijevich."

Matijevich: "My point is that Representative Duff is out of order. There's no way that ah... a Speaker at the podium can read other people's minds and he's definitely out of order."

Speaker Shea: "All right, now back to the Gentleman from Kankakee,



Mr. Ryan, do you want to hold that for a minute, sir?"

Ryan: "Yes, I do."

Speaker Shea: "All right, he asks to hold that. Now, the Gentleman from Cook, Mr. Porter."

Porter: "Well, Mr. Speaker, Ladies and Gentlemen of the House, I think it's ah... commendable that Representative Pierce would bring this Amendment because his constituents are across the road from the gun club. However, what he didn't explain and what Representative Schraeder referred to, the gun club has been there about 25 years. When the gun club was originally built there were no houses across the road, no houses anywhere. The gun club has been in continuous existence. The people that built their houses there or bought their houses there knew that the gun club was there. They bought them with that understanding and now they seek to have the state government come in and tell them that they gun club has to disappear because it's no longer convenient for them and it hurts their property values. It seems to me that this is exactly the kind of thing where government is interfering with the rights of individuals who have existed, have an investment, and have been there for a very long time. And I think that ah... we should reject this Amendment very strongly and take away this power over all sporting events that has ah... existed in the hands of Pollution Control Board. I urge you to vote against the Amendment."

Speaker Shea: "All right, the Lady from Lake, Ms. Reed."

Reed: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Along with Representative Pierce, I plead on behalf of my constituents that has been harassed for a period of 20 years by a gun club. Granted the gun... the gun club has been there for 30 years. The noise was not great at that time. The City of Deerfield was not developed at that time. There were not 500 to 600 homes in the area affected by the noise of the ever-growing group of trap shooters at that gun club. I urge you to consider the plight of a constituency that may well someday exist in your own back yard. Thank you."

Speaker Shea: "Mr. Duff, from Cook."

Duff: "Thank you, Mr. Speaker and let my... extend my appreciation to



Representative Ryan for withdrawing that motion. I would first of all like to endorse everything Representative Porter said.

That gun club..."

Speaker Shea: "Might I disturb you for a minute? Would the Members please be in their seat.. Would those people not entitled to the floor of the House, please remove themselves from the floor. Now, proceed, Mr. Duff."

Duff: "Thank you, Mr. Speeder, for... Speaker, for that courtesy.

I first want to endorse everything that Representative Porter said.

This gun club has been in existence for over 30 years. That land across the street was vacant. Everybody who moved there knew they were moving there. I would point additionally two things only.

First of all, the membership of that club is in excess of 600 people, well in excess. They come from all over the area from miles around.

There are people from many districts affected. Secondly, I have personally been out to that gun club, observed their operation as one of the most professional and secure ah... areas in the world for both sport and teaching. People for years have taken their children out there to teach them respect for weaponry and for sport.

And thirdly, Mr. Speaker, I would point out that there are many similar clubs ah... around the state. For example, there is one right on the Lake Shore of Chicago which is a very fine ah... skeet and trap shooting club that's been working there for years.

Clubs like that will be equally affected by this precedent. Now I, I really don't see how this Gentleman and Lady from the other district can come in and make a complaint about a very constructive utilization of the sporting area in our district."

Speaker Shea: "The Gentleman from Rock Island, Mr. Jacobs."

Jacobs: "Mr. Speaker, would the Sponsor of the Amendment yield?"

Speaker Shea: "He indicates he will."

Jacobs: "Representative Pierce, what are we talking about in the way of noise pollution? Am I correct in believe what the E.P.A. has designated as 61 decibels being the limit on noise pollution?"

Pierce: "I'm not... I'm not sure as ah... affects these clubs. I have not received a letter from any gun club in the state that wants to be exempted from the E.P.A. regulations other than this



noily... noisy, poorly run one in Northbrook."

Jacobs: "Ah... I'm not speaking about just gun clubs, but I'm asking what amount of decibels does E.P.A. allow, I'm sure it's 61 and you and I are talking louder than 61 decibels."

Pierce: "Well, I certain... I certainly wouldn't like to hear you talking on my back porch on a Sunday afternoon."

Jacobs: "All right, so may I speak to the Amendment?"

Speaker Shea: "Proceed, sir."

Jacobs: "If we would continue to follow the E.P.A. on 61 decibels, a semi-truck which was monitored by the E.P.A. downtown in Springfield was 87 decibels and I think that we, every Member in here, had a copy of this a year ago on the test that was made and 61 decibels is way out of line and I would ask that we have a negative vote on this Amendment."

Speaker Shea: "The Gentleman from Union, Mr. Choate."

Choate: "Well, Mr. Speaker, Ladies and Gentlemen of the House, I don't know where this gun club is, but after listening to the testimony it kind of reminds me of the old adage or question which came first, the chicken or that egg. It appears that the gun club was there first. I would assume that the people who built homes across the street from the gun club certainly were cognizant of the fact that there was a gun club in existence. I don't know of this subdivision or any one, other one in the state where people twist someone's arm about you got to move there. I would suggest to them that if they can't stand the popping of a few, a few shotguns, go buy another home if the gun club was there. For the life of me, I can't see why that we in our deliberation would attempt to adopt an Amendment that might put out one of the all-American sports of skeet shooting and trap shooting. The good Lord only knows that all your conservationists, all your environmentalists and everyone else concerned talks about the hunters going out and killing the animals, the birds and the bees. This is an attempt to provide the sport without killing. This is an attempt to give a sharpshooter, an opportunity to go out and shoot at clay pigeons, to shoot at something that is not alive. And simply because someone objects to the noise, I think it's ridiculous for us to attempt to put them out





of business, an all-American sport such as this. I think the Amendment should be resoundly defeated."

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

Kosinski: "Will the... Mr. Speaker, will the Sponsor yield?"

Speaker Shea: "Indicates he will."

Kosinski: "Representative Pierce, do I understand that this Amendment would not only apply to your own particular problem and I'm sure you're responding to pressures of your neighbors, but would apply to the entire 102 counties in the State of Illinois or could?"

Pierce: "What the Amendment does is keep the law the way it is right now and has been ah... throughout the State of Illinois and I don't know of a gun club in the state that feels threatened by closing, nor have I received letters from any except for this very poorly run operation in District #1 in Northbrook that is so objectionable ah... to its neighbors. So all this Amendment does is keep the law the way it is."

Kosinski: "However, Representative Pierce, were another exploiter of property to build buildings across from our gun state... our gun club downstate, this could apply, couldn't it?"

Pierce: "The law applies now equally throughout the state and ah... everyone has to live with the law. Apparently only one gun club can't live with it."

Kosinski: "Mr. Speaker, may I address the Amendment?"

Speaker Shea: "Proceed."

Kosinski: "Well, all of us in this House who on occasion have the privilege of hunting for the short pheasant season or the bird season and have to sharpen their abilities in gun clubs and call this as our sport, I say deny this Amendment and vote it down."

Speaker Shea: "The Gentleman from Cook, Mr. Pierce, to close."

Pierce: "Mr. Speaker and Ladies and Gentlemen of the House, I've been requested by constituents to offer this Amendment to keep the law as it is. Those of you that want to exempt auto racing, if you oppose this Amendment, you'll probably find the Governor vetoing the whole ah... darn Bill 'cause let me tell you the Governor comes from Deerfield just where these people are that are objecting. Now I'm trying to save your Bill, your Bill isn't so darned good



to start with. Your Bill isn't so darned good to start with. It's exempting from the laws of this state a special interest. Now, many of us who go along with the Bill, if you had this Amendment on it. If you defeat this Amendment, if you defeat this Amendment, you're just asking for a veto of the Bill. You won't be able to act on it till the fall and all your racing may be jeopardized this entire summer if it is jeopardized. There isn't a gun club in the state that is opposing this Amendment that I know of. other than this one gun club that has increased its size many, many times since the homes were built. They refuse to cooperate. It shoots early on Sunday mornings. How would you like to be sitting, they say the noise level in here is no louder than that allowed by the E.P.A. How would you like to be sitting in your back yard some Sunday morning listening to the noise from this place and that's what these people are. They're listening to noise louder than this by people who don't care about their neighbors, ah... people who won't cooperate and it's the only gun club in the state by the way that I know of that is opposing ah... the retention of the status quo as this Amendment would do. I'll be willing to go along with the racing interests if they feel they need an exemption even though we've had complaints from people in East Peoria and other places that live near race tracks in Hinsdale and so on. I'll be willing to go along with that, but certainly if this reasonable Amendment is rejected, then believe me, ah... the whole Bill stands a good chance of being ah... vetoed and you're not going to achieve your purpose."

Speaker Shea: "The question is shall the Amendment of Mr. Pierce be adopted. All in favor will say 'aye', those opposed will say 'nay'. In the opinion of the Chair, the Amendment fails. Is there further Amendments? Third Reading. Mr. Simms, do you seek recognition?"

Simms: "Yes, Mr. Speaker, for the purposes of an introduction in the ah... Democratic side of the balcony, we have Mr. Lawrence Younge, Sr., who's the retired Secretary of the Alpha Phi Alpha Fraternity, the oldest black college fraternity in the world and he lives in the 20th District that's represented by Representatives Davis, McLendon, and Catania. And his son, Lawrence, Jr. who is the



classmate of Representative Gaines, if he would rise for recognition."

Speaker Shea: "House Bills, Third Reading. Mr. Hart, I think we'd better let some business intervene, if you don't mind. On the order of House Bills, Third Reading is House Bill 302... 3202 and at the request of the Sponsor, that will be taken out of the record. House Bill 3344. The Gentleman from Cook, Mr. Lechowicz."

Clerk Selcke: "House Bill... 3344."

Speaker Shea: "You want that out?"

Clerk Selcke: "A Bill for an Act to provide for the ordinary and contingent expense..."

Speaker Shea: "Take it out of the record. 3369, Mr. Lechowicz? Take that out of the record. At the request of the Sponsor, we'll hold 3382. On the order of House Bills, Third Reading appears House Bill 3483."

Clerk Selcke: "House Bill 3483. An Act making a supplemental appropriation to the State Board of Education. Third Reading of the Bill."

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

Walsh: "Mr. Speaker, with respect to House Bill 3483, I have a motion that I have submitted to the Clerk. I wonder if the Clerk would move it, er... read it."

Speaker Shea: "Read the Gentleman's motion."

Clerk Selcke: "Motion. Mr. Speaker, I move that House Bill 3483 be re-referred to the Committee on Appropriations #II because House Bill 3483 was erroneously reported as do pass when in fact it did not receive the number of votes required under House Rule 24(b). Respectfully submitted, William D. Walsh."

Speaker Shea: "Are you making a motion or a point of order, Mr. Walsh?"

Walsh: "I'm making a motion, Mr. Speaker, if I may."

Speaker Shea: "In other words, you're making a motion to recommit? I believe..."

Walsh: "That is my motion, Mr. Speaker, yes."

Speaker Shea: "All right."

Walsh: "Got to hear it, Mr. Speaker. We researched the matter."

Speaker Shea: "The Gentleman from Cook... Mr. Berman, do you have a



comment to make?"

Berman: "Well, first of all..."

Speaker Shea: "Mr. Walsh, I heard your motion. It was read. Because he wanted to comment on it. He's the Sponsor of the Bill. I would assume he was in Committee, sir."

Berman: "Well, if the Chair is going to entertain the motion, I would allow Mr. Walsh to set forth the reasons and then I would wish to respond."

Speaker Shea: "That's what I'm confused about. Are you making a motion to recommit or are you making a motion to recommit on a technical point? Turn Mr. Walsh on, please."

Walsh: "I am, sir, making a motion to recommit. My reason for making that motion, I don't think are pertinent at this time."

Speaker Shea: "Well, would you..."

Walsh: "I'll be glad, Mr. Speaker, if you will give me the time, to give you my reasons for making this motion."

Speaker Shea: "Well, would you care to strike that portion of your motion to recommit which is explanatory?"

Walsh: "I don't see why I should."

Speaker Shea: "Well..."

Walsh: "I've made a motion to recommit..."

Speaker Shea: "Because the question..."

Walsh: "...I would think as much as I please to."

Speaker Shea: "The question is divisible, is it not?"

Walsh: "It is not divisible. There is a motion to recommit. That is not divisible."

Speaker Shea: "That, I understand, sir."

Walsh: "That is my motion."

Speaker Shea: "Would you read that portion of the Gentleman's motion after the statement to recommit, Mr. Clerk."

Clerk Selcke: "I'll read the whole thing. Mr. Speaker, I move that House Bill 3483 be re-referred to the Committee on Appropriations #II because House Bill 3483 was erroneously reported as do pass when in fact, it did not receive the number of votes required under House Rule 24(b). Respectfully submitted, William D. Walsh."

Speaker Shea: "With regards to the last portion, the Committee action



indicates that this Bill received 14 'ayes' and 11 'nays'."

Walsh: "Mr. Speaker, may I say that you're debating the issue."

Speaker Shea: "What I'm trying to do is find out..."

Walsh: "Your job is to recognize me to explain the motion. My reasons for making the motion are not to debate the motion."

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

Matijevich: "I make the point of order that the time... that he's not timely with his motion. That motion should of been made when the Committee record was announced ah... and the Bill reported out of Committee. Ah... And I think, Mr. Speaker, that the motion is now not timely. I don't know how the Members could ever go to the ah... record of...of the vote on the matter, Mr. Speaker ah..."

Speaker Shea: "Well, it's the opinion of the Chair that that portion of the language after 'because' becomes surplusage because it is too late to raise it for the point that it didn't receive sufficient Committee votes. So would you like to amend it on your face and then we'll go with your motion? Turn Mr. Walsh on."

Walsh: "Well, I'd like for people who are looking through these Journals in the years to come, and I'm sure there are many of them, to know what my reason for making this motion is. And I don't see where that makes a bit of difference. There is a single motion here and I don't why you persist in having your way on every minute detail."

Speaker Shea: "I don't persist on having my way at all, Mr. Walsh."

Walsh: "Am I recognized, sir, for giving my reasons for making this motion?"

Speaker Shea: "Mr. Lechowicz on a point of order."

Lechowicz: "Yeah, I'd like you to make a ruling on Matijevich's point of order."

Speaker Shea: "Well, the Chair rules that everything after 'because' is surplusage and that the Gentleman's motion is in order to recommit. Now, Mr. Matijevich."

Matijevich: "Ah... Well, I guess Mr. Berman would want to speak to that, but ah... if that motion's in order, I'd like to speak to it ah... because ah... because of the fact that the maker of the motion had time to bring that motion forward. This Bill has been



on Second Reading. It is now on Third Reading and now to make that motion on Third Reading, I think would be out of order. And therefore, I... if the motion has been in order, I guess the motion to commit is always in order, but I agree that there is surplusage here and I would therefore, ask ah... the Members of the House to ah... vote against the motion to commit, is what he's trying to do."

Speaker Shea: "All right, now, Mr. Berman, do you have a point of order?"

Berman: "Well, Mr. Speaker, I raise the point of order as to the timeliness of the motion to recommit aside from the question of surplusage. This Bill was reported out and has appeared on our Calendar on ah... Second Reading, First Legislative Day, Second Legislative Day and then today. We are first of all, not on the order of motions at this time ah... and the ah... maker of this motion had three other days prior to the call of this Bill and I ah... move that this is out of order because of lack of timeliness."

Speaker Shea: "Will the House please stand at ease for a moment.

We're at ease, Mr. Telcser."

House at ease.

Speaker Shea: "In the opinion of the Chair, the Gentleman's motion is in order. Mr. Matijevich."

Matijevich: "Could I ask leave of the House to have that motion re-read?"

I, I, I seem to remember him saying that it be re-referred."

Speaker Shea: "Yes, sir."

Matijevich: "And I don't know where in the rules and I think since he makes that motion, he ought to cite the rule that it be re-referred."

Speaker Shea: "You know, Mr. Matijevich, you do read those rules.

There is nothing about re-referring in the rules."

Matijevich: "That's right and that... I was going to make that point of order. That's why I wanted it reread because I don't see anything in the rules about..."

Speaker Shea: "Mr. Walsh, would you care to respond to Mr. Matijevich's question? There is a motion to commit. Mr. Madison, on a point of order. Turn Mr. Madison on."

Madison: "Mr. Speaker, on a point of order. Is it my understanding that



you interpret a motion to re-refer as a motion to commit?"

Speaker Shea: "That's where I've just been corrected and stand corrected by Mr. Matijevich."

Madison: "Then it is not a motion to commit?"

Speaker Shea: "No, sir. It is not a motion to commit and I was about to ask Mr. Walsh..."

Madison: "I'm still on a point of order, Mr. Speaker."

Speaker Shea: "Yes, sir."

Madison: "It's my understanding that ah... House Bill 3483 is under debate at this time?"

Speaker Shea: "I have called on Mr. Berman, yes, sir."

Madison: "Mr. Chairman, I will refer you to Rule 61(a) that talks to ah... when motions can be made and Rule 61(a) says while a question is under debate, no motion may be entertained except, and as I read down the exceptions, I don't see a motion to re-refer as a part of the exceptions, so I would suggest that motor, motion is out of order."

Speaker Shea: "Now, Mr... Mr. Walsh."

Walsh: "This, Mr. Speaker, is as you know and as your Parliamentarian knows is a motion to commit and I think ah... that everyone here knows that... We can..."

Speaker Shea: "That's not the motion..."

Walsh: "...you want..."

Speaker Shea: "Mr. Walsh, a motion to re-refer is not timely."

Walsh: "It's a motion to commit."

Speaker Shea: "Is not timely. You know how to write the word, 'to commit'. You're very familiar with the rules."

Walsh: "All right, Mr. Speaker, may I refer you to Rule 32 of Robert's Rules of Order which says to commit or refer as its heading and then goes into the..."

Speaker Shea: "Well, I think you're citing the rule just makes it implicit that there are two different actions, one to commit and one to refer. And so... the ruling of the Chair is that you're motion to re-refer is out of order and now back... to Mr. Berman. Turn Mr. Walsh on. Now, for what purpose do you rise?"

Walsh: "I don't know how high-handed you can get, Mr. Speaker. I'll



tell you. The only thing that is surplus in the motion that I made is respectfully submitted. I'll concede that ought to be withdrawn. You, sir, have no right whatever to interpret these rules any damn way you want to and you know it. That motion is in order and you were correctly advised to begin with that it was in order. Now I submit to you that you owe it to this Membership if we're going to be any kind of an organized body, you owe it to this Membership to hear this motion out and to hear my reasons for making it. My reasons are not frivolous, sir. They're very good. They are based on the House Rules. The procedure is based on the House Rules together with Robert's Rules of Order and you know darn well they are. Now, Mr. Speaker, you owe it to this Memberhip to hear this motion."

Speaker Shea: "I've ruled, Mr. Walsh."

Walsh: "You..."

Speaker Shea: "Mr. Berman. Mr. Berman, proceed with the Bill."

Berman: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 3483 is a supplemental appropriation for the school aid formula for fiscal year 1976. The appropriation in this Bill calls for sixty-seven and a half million dollars..."

Speaker Shea: "Mr. Berman, Mr. Berman, if you'll wait. The Minority Leader, Mr. Washburn, seeks recognition, sir."

Washburn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I thought that one of your first comments up there when this ah... matter was brought to your attention by Representative Walsh was that you ruled it in order and I think that if you did that and I'm sure that you did, Mr. Walsh has every right to have it heard now. And at least let him speak his piece on the motion that he filed up there and the reason for filing it. You made your ruling, don't back down from it. Stick to it and let Mr. Walsh have his day in court. We deserve that on this side of the aisle, Mr. Speaker."

Speaker Shea: "Thank you, Mr. Washburn. Proceed, Mr. Berman. Turn Mr. Washburn back on again."

Washburn: "Thank you again, Mr. Speaker. Let's be reasonable now, Jerry. This, this isn't out of order. You know it isn't out of





order. You ruled that way once. Let's have it. Let's let us have our say over here. Let's try to do something for a change. Let Mr. Walsh have his motion. It's in order. You know it's in order, Jerry."

Speaker Shea: "I think he just found out how in order it was. Mr. Walsh, did you just file another motion?"

Walsh: "There's another motion filed now, Mr. Speaker..."

Speaker Shea: "All right, now read..."

Walsh: "...which is substantially the same as the motion that was filed and you know it."

Speaker Shea: "What is the new motion say, Mr. Clerk?"

Clerk Selcke: "Motion. I move to commit House Bill 3483 to the Committee on Appropriations, Division II. William D. Walsh."

Speaker Shea: "I believe that motion's in order, now. Now, on the Gentleman's motion, Mr. Walsh."

Walsh: "Mr. Speaker and Ladies and Gentlemen of the House, on May 5, when House Bill 3483 was heard in Appropriations II Committee, the Chairman of that Committee had been delivered a letter from Speaker Redmond and the letter was announced and read to the Members of that Committee and it said in effect, that for that day, Representative Terzich was replacing Representative Lundy on that Committee. We, on the Republican side, thought that that was an improper act by the Speaker because Mr. Lundy to our knowledge was not ill and that was the only reason under Rule 12(b) that a Member could be replaced on a Committee. The Chairman of the Committee ruled that we were incorrect and that Mr. Terzich could replace Mr. Lundy. That ruling was appealed and I believe the motion was made by Representative Anderson and the Chair was sustained in a close vote, but nevertheless, sustained. Now I submit to you, Mr. Speaker, that Mr. Terzich was a Democratic Member of the Appropriations Committee on May 5 and that Mr. Lundy was not a Member of the Appropriations Committee on May 5. That is the effect of the letter that the Speaker sent to the Chairman and that was read to the Members of Appropriations II. Now, Mr. Speaker, when this Bill was called for a vote, it was controversial indeed, when it was called, the final vote was 14 to 11; but those 14 votes included



Mr. Lundy voting. Mr. Terzich, I don't believe, did vote. I submit to you that Mr. Lundy was not a Member of the Appropriations Committee, the Bill needed a minimum of 14 votes to pass that Committee. It did not have 14 Members of the Appropriations II Committee voting do pass on that Bill and so, Mr. Speaker, I submit that since the Bill did not under Rule... referred to up there, 24(b), did not receive ah... the proper number of votes that it is improperly before us now and should be re-referred to the Appropriations II Committee for a proper hearing and a Roll Call."

Speaker Shea: "All right, the Gentlemen's motion is to recommit House Bill 3483 to Appropriations II. On that question, the Gentleman from Macoupin, the Chairman of the Committee, Mr. Boyle."

Boyle: "Well, thank you, Mr. Speaker. As usual, Representative Walsh, did a splendid job of ah... summarizing in narrative form about half of what went on in Appropriations II that day. Ah... if Representative Walsh will recall, the sum and substance of the proceedings as they actually occurred in the Appropriations II Committee, he will recall that when Representative Joe Lundy appeared on the floor of the Appropriations II Committee, I ruled that the question was moot and I think if you get the tapes, Mr. Speaker, and if you play the record back, Mr. Walsh will admit and the tapes will show and our tapes haven't been erased, the tapes will show that I ruled that the question was moot since Mr. Lundy had appeared on the floor of the Committee and he should be allowed to vote. Whereupon, Representative Walsh, persisting in his persistent attempt, said to me, will I... will I withdraw... will I withdraw, recede from my ruling, for which I said 'no'."

Speaker Shea: "Excuse me for a minute, sir. Would the Members please be in their seats. Would those people not entitled the floor of the House of Representatives please remove themselves and Mr. Doorkeeper, just remove anybody that's on the floor that's entitled to the floor. Now, proceed, sir."

Boyle: "Thank you, Mr. Speaker. Representative Walsh asked me if I would recede from my ruling. I said 'no'; there's no need to recede from my ruling because the ruling is moot as he knows being a good lawyer, moot means it doesn't exits. Whereupon, he asked for



an appeal from the decision of the Chair. I said there's no need, Mr. Walsh to appeal from the decision of the Chair because I've ruled this question moot. He said, well I want a Roll Call vote anyway. I said, Mr. Walsh, you're entitled to a Roll Call vote. Whereupon they had a Roll Call and the Chair was sustained. Now, the whole thing is moot, Mr. Speaker. And if it's moot, it doesn't exist and so, therefore, the ruling was correct. Mr. Lundy voted as he should of been. The ruling, my ruling was moot and I stand on the record and I stand on the transcripts and the tapes of the Committee hearing."

Speaker Shea: "The record indicates that the Bill is properly on the floor and Mr. Walsh has the right to make a motion to commit. Mr. Epton on the question."

Epton: "This is on the... Thank you, Mr. Speaker. On a point of order. When Representative Boyle made that comment about the erasure on the tapes, he was looking directly at me and I would like to have an apology at this time from Representative Boyle."

Speaker Shea: "Is there further debate... debate on the Gentleman's motion to commit? The Gentleman from Kankakee, Mr. Ryan."

Ryan: "Well, thank you, Mr. Speaker, and I would ah... basically ah... agree with what Representative Boyle has said here, but the point is that the Speaker of the House had replaced Representative Lundy on that Committee by letter with Representative Terzich and Terzich did not vote on the Bill. Lundy did. He wasn't a Member of the Committee that day and I think that's the point that should be brought out here. The letter stated that Representative Lundy would be replaced by Representative Terzich and that was from your Speaker."

Speaker Shea: "The Gentleman from Cook, Mr. Berman, on the Gentleman's motion to commit."

Berman: "Thank you, Mr. Speaker. First, a parliamentary inquiry. Is it correct that this motion requires 107 votes? My feet may suggest 177."

Speaker Shea: "It appears unless somebody can point out another place in the rules, I've missed, that the motion to commit... do you seek recognition on a point or order, Mr. Griesheimer? Mr. Griesheimer."



Griesheimer: "It's also a parliamentary inquiry, so I'll await your..."

Speaker Shea: "Go ahead."

Griesheimer: "Well, while you're researching his parliamentary inquiry, mine is ah... by what rule is a Committee Chairman authorized to overrule the Speaker of the House? I'm aware of it. I went through the book and I can't find it."

Speaker Shea: "I don't think there is any, sir."

Griesheimer: "Well, then ah... the next question is what is the effect of a piece of legislation that does not receive the proper number of votes in Committee and yet it's passed into law, would it negate the entire legislation if it was processed through the Senate?"

Speaker Shea: "I believe, Mr. Griesheimer, there is a procedure within our rules to file a protest that can be joined by two Members to the action... er... five now, Mr. Duff?... to the action now being taken by the House."

Griesheimer: "Thank you, Mr. Speaker."

Speaker Shea: "I've got so many parliamentary inquiries. Mr. McMasters."

McMaster: "Mr. Speaker, I think it would clarify this a lot in my mind and perhaps in others if I could ask the Chairman of the Committee, Representative Boyle a question."

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

McMaster: "Mr. Boyle, I think the question before us is who was the Member of the Committee upon that day, Mr. Terzich or Mr. Lundy, is this not the question?"

Boyle: "Yes."

McMaster: "True. Then may I ask you a further question, Mr. Boyle. Since Mr. Terzich was appointed to that Committee upon that day by the Speaker of the House, did he vote on Bills previous to the Bill that we are speaking of here?"

Boyle: "No."

McMaster: "He did not vote on any of them?"

Boyle: "No."

McMaster: "Thank you."

Speaker Shea: "Now, back to the question of the number of votes. Does anybody have any comment before I... I can find nothing in the



rules requiring more than a simple majority for the Gentleman's motion to carry. Mr. Walsh."

Walsh: "If you can find nothing in the rules, then why wouldn't a majority of those voting be the required number?"

Speaker Shea: "I, I, I've got to inquire if there's something different from what I said and you said. My, my statement was it takes a simply majority. Now are you... I thought we clarified the fact that 'present' votes don't count.. Turn Mr. Walsh on, please."

Walsh: "All right, yeah. The reason for my inquiry was that I thought possibly when you saw the result, just possibly when you saw the result, if there are enough fair-minded Members here, it might become a majority of those elected and now since you brought up the question of 'present' votes, would you review for the Membership the status of a 'present' vote on this ah..."

Speaker Shea: "To carry your motion, more people will have to vote 'aye' than vote 'nay'. That is a majority of those voting on the question is it not? Is... Turn Mr. Walsh on."

Walsh: "'Present' votes then are counted the same as those people who do not vote at all."

Speaker Shea: "That's my understanding of the rules, sir."

Walsh: "Now, did anyone else want to be recognized on this..."

Speaker Shea: "Yes, sir. I have many people that would like to be recognized."

Walsh: "Okay."

Speaker Shea: "Mr. Berman."

Berman: "Thank you, Mr. Speaker. On the... on the motion. I think that we are witnessing a tactic here that is working to the detriment of number 1, the credibility of this Legislature because all we're doing here is seeing a delaying effort that if this Bill could be acted upon today and it receives the necessary 89 votes, it could be on its way so that the school children of the State of Illinois would have some hope of knowing whether there is additional money coming for this fiscal year. But I would point out that the maker of the motion pleaded for fairness from the Chair in hearing this motion and the Chair responded in kind and we are in debate on



this motion. I would point out to the Members of this House that this same motion would have been made regardless of whether Representative Lundy had voted on it or whether Representative Terzich had voted on it. There was a letter and yet before Representative Lundy appeared, the Assistant Major... Minority Leader rose and objected to Representative Terzich voting. When Representative Lundy appeared and was ready to vote, the Assistant Minority Leader objected to Representative Lundy voting. Now if we're talking about fairness, I would submit to the Members of this House that we can't have it both ways. The originally appointed Member, Representative Lundy, was present. He was not ill. That was the only reason that the Minor... Assistant Minority Leader cited in the rules properly so for substitution. He was well, he voted, the Bill received 14 votes, the necessary number including Representative Lundy's vote and I submit to you that it is properly before us today. I don't think that we should condone what I think is just a dilatory tactic because objections were raised to both Representative Terzich and Representative Lundy and I submit that we can't have it both ways. I would urge a 'no' vote on Mr. Walsh's motion."

Speaker Shea: "The Gentleman from Lake, Mr. Matijeich."

Matijeich: "Well, I think we ought to defeat this motion. After all, poor Joe Lundy who got out of his sick bed, got out of his sick bed to come to Committee and cast that vote like any conscientious Member of the House ought to do as a permanent Member of the Committee and I think it's a shame that you don't allow a Member of a Committee, a permanent Member after going through all that, coming out of his sick bed to vote. So, I urge you to vote 'no' on the motion."

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

Ryan: "Thank you, Mr. Speaker. I am totally amazed at the distrust that Representative Matijeich just put out 'cause Representative Lundy was in Rules Committee right here on the floor. He wasn't home in his sick bed. He maybe should of been, but he wasn't. He was here on the floor and that's why he came back down to Committee. Now you know better than that. Why would you try and mislead these people? That's terrible."



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

E.M. Barnes: "Well, thank you very much, Mr. Speaker. Well, Mr. Speaker and Members of the House, in due respect, I don't know who's trying to mislead who here today, but it seems to me that you can't have your cake and eat it, too. And it seems to me that the Minority Leader... the Assistant Minority Leader and the Minority Members of the Appropriations II Committee who heard this Bill had a full and thorough hearing in that Committee of some three to almost four hours, could not muster the votes to defeat this measure there, could not in their delaying tactics try to mislead that Committee by saying on the one hand that one Member could not participate; then on the other hand, when the Member showed up who is the legitimately appointed Member of that Committee that he could not also participate. They are saying, in effect, that that could not be a Member on that Committee that day although both were in attendance. Now since he could not win on that point and the Bill was proceeded to be voted out in a legal and proper manner, now he comes on the House floor to say, I didn't really mean what I said in Committee that day that we should not really have attempted to do that at that time. I think this is a frivolous motion. It's a motion to simply try to, in effect, do what could not be did that day, to slow down this process and I think, in fact, instead of attempting to mislead anyone here, we should simply do what was did in that Committee that day, sustain the Chairman of that Committee which we did that day and I think his motion should be defeated and handled in the manner in which it was presented today."

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

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

Speaker Shea: "The question is... the question is shall the main question be put. Now, Mr. Madison, you have a point of order."

Madison: "Mr. Speaker, in response to a question that was raised to you by ah... I think it was ah... I'm not even sure which Representative it was, but it was relative to whether or not a Committee Chairman could overrule the Speaker."

Speaker Shea: "I don't think there's a question of that here, sir.

As you know, the Speaker is the speaker of all the people in this



House."

Madison: "Mr. Speaker, my point is that in your answer, ah... your answer was no Committee Chairman could not overrule the Speaker and I'm suggesting that your answer was misleading. If, in fact, Representative Lundy was not ill, then it was not the Chairman of the Committee that overruled the Speaker, it was the rules that overruled the Speaker."

Speaker Shea: "Correct, sir. Now, back to Mr. Palmer. The question is shall the main question be put? All those in favor will say 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Mr. Walsh, to close."

Walsh: "All right, Mr. Speaker and Ladies and Gentlemen of the House, there have been several deliberate attempts to obfuscate, all of them coming from that side of the aisle. I think Mr. Madison made the best point when he asked you just a moment ago if a Committee Chairman could overrule the Speaker. And I think at that time, you ruled correctly. A Committee Chairman, nor can any one Member of this House overrule the Speaker. The fact is that the Speaker sent a letter to the Committee Chairman and said that Mr. Lundy was replaced for that day on that Committee. The Committee Chairman..."

Speaker Shea: "Mr. Walsh, Mr. Walsh, you're to ~~close on the motion~~ to commit."

Walsh: "Mr. Speaker, I'm closing on the motion to commit. Do you mean to tell me that you're going to permit one of your Members to talk about the boys and girls in connection with this debate and all of the money that the school children and everybody else are losing and you're going to require me to stick with a motion to commit.. I'm talking to the motion. I'm one of the few people that have talked to it, Mr. Speaker. I haven't heard anybody over there talk to it. I heard Mr. Boyle talk to a motion that ah... Mr. Anderson made to ah... appeal the ruling of the Chair which was entirely different issue if he will look into it. There is something that is divisible and is not related to this question at all. Really, all we have to do in determining how we're going to vote on this question is, go to the record and go to the letter that the Speaker





wrote and that was received by the Committee Chairman and read and was in effect and that was, Mr. Speaker, that Mr. Lundy was replaced for that day on Appropriations II and he was replaced by Mr. Terzich. Now, following that, Mr. Lundy voted on House Bill 3483, the Bill received the absolute minimum number of votes it required to be reported out of that Committee. I submit to you that Mr. Lundy could not vote on that Committee anymore than I could and that therefore, this Bill was not reported properly and that it should be recommitted, reassigned, resomething, but it ought to go back to Appropriations, Mr. Speaker. And if we fail in this effort, I intend to file a motion that will be of record that I would hope some taxpayers would pursue in case this Bill passes both Houses and is signed by the Governor. I urge your support."

Speaker Shea: "The question is shall the Gentleman from Cook's motion to rerefer, to recommit House Bill 3483 to Appropriations II prevail. All those in favor will say 'aye'. Mr. Walsh."

Walsh: "Roll Call."

Speaker Shea: "Oh, you'd like a Roll Call. All right, I'm sure you're joined by five Members. All in favor of the Gentleman's motion will vote 'aye', those opposed will vote 'nay'. Have all voted who wished? Have... have all voted who wished? The Gentleman from Cook, Mr. Mann, to explain his vote."

Mann: "Well, thank you, Mr. Speaker. As the Assistant Minority Leader knows, no one admires him more than I and especially when he used that word 'obfuscate', but I've got ah... another one which I think more aptly describes his action here in that it's dilatory and circuitous. You know very well... you know very well, Representative Walsh, that if you recommit this Bill, that Representative is going to be there and Representative Lundy is again going to vote it out and it's going to be back on the floor and that you're going to use another obstreperous tactic to keep us from voting on it. The truth of the matter is that you don't want to vote 'no' on a Bill that's needed for the education of the children of this state. And I say, let's vote on the Bill today because it's going to be the same Bill ah... that will reappear two weeks from now.



Let's get right to the substance of the matter, Bill. You don't have the votes. Let's get on with the business of this state and that is to furnish the money which we are constitutionally mandated to do to full fund the education of the common schools. I vote 'no'."

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

Walsh: "Well, ah... I guess on a point of personal privilege, Mr. Speaker.

I... I don't mind announcing right here and now that whenever this Bill comes up, I intend to vote 'no' and I'd like to have somebody in an airplane, write that in the clouds, headlines in the newspapers, whatever. I'm very, very pleased to vote 'no' on this. I ah... I can be as emotional as anybody about boys and girls and children services and so forth. I don't see any of them. I see a number of union leaders here. There're a lot of them here urging 'aye' votes. People from the City of Chicago here urging 'aye' votes. Now I submit to you, Mr. Speaker, that that is not my reason, the Gentleman did not pinpoint my reason for raising this question. My reason and I've never done this before in the time that I've been here. I've never made this effort. I recall never before making a motion to recommit. My motion is not frivolous. My motion is founded on fact. I think any of you that search your conscience and vote your conscience, will agree that in accordance with the rules, there must be a majority of those persons appointed to a Committee that vote a Bill do pass. That did not happen in this instance, Mr. Speaker, and I cannot understand all of those people voting in opposition to this motion."

Speaker Shea: "The Gentleman from Cook, Mr. Madison, to explain his vote."

Madison: "Well, Mr. Speaker, ah... Representative Walsh said he couldn't understand why so many people are voting 'no'. Well, I'd like to explain why I'm voting 'no'. It seems to me that the central issue here is whether or not Representative Lundy had a right to vote in Committee. I suggest that he did. Now ah... Representative Walsh has waived the rules and said that the Speaker sent a letter to the Committee replacing Representative Lundy with



Representative Terzich. Well, I suggest, Mr. Speaker, that under our rules ah... a Member may be temporarily replaced due to illness. Those words are very explicate in our rules. I also suggest that by virtue of the fact that Mr. Lundy appeared at the Committee hearing, was a definite indication that he was not ill and at that point in time, that letter had no basis in our rules. Even though it was from the Speaker, the fact is, the Speaker had gone against the rules of this House which I think the Speaker is bound by 'em as well as the rest of us. Mr. Lundy had a right to vote. The Speaker's letter was null and void at the point that he showed up and anybody who votes 'yes' on this particular motion is saying, in effect, that Mr. Lundy although he is a permanent Member of that Committee, has no right at that time or any other time to vote. And I think that would be a tragedy, Mr. Speaker and I gladly in the clouds or anywhere else, vote 'no'."

Speaker Shea: "Have all voted who wished? Take the record, Mr. Clerk. On this question, there are 90 'nays', 62 'ayes', 5 Members voting 'present' and the Gentleman's motion fails. The Gentleman from Cook, Mr. Berman. Turn Mr. Berman on, please. Mr. Berman. Turn Mr. Berman on."

Berman: "All right, Mr. Speaker, I think this is a very important issue and I regret that many extraneous issues have been raised ah... as a prelude to this Bill. I think that if we can calm down and address ourselves to the merits of the Bill which I'm not sure we can do at the moment, I am sure that ah... the merits of the Bill will be recognized and we'll have sufficient votes. I'm not sure that can be done now and I ask that it be taken out of the record."

Speaker Shea: "The Gentleman... Take the Bill out of the record. Now the Minority Leader or Assistant... the Minority Leader, the Gentleman from Grundy. Committee Reports."

Clerk O'Brien: "Representative Lechowicz, Chairman from the Committee on Appropriations I to which the following Bills were referred, action taken May 12, 1976; reported the same back with the following recommendations: do pass House Bill 3383 and 3551, do pass as amended House Bill 3294, 3541, and 3795."



Speaker Shea: "Introduction and First Reading."

Clerk O'Brien: "House Bill 3911, Schisler. A Bill for an Act to amend the Game Code. First Reading of the Bill."

Speaker Shea: "Senate Bills, First Reading."

Clerk O'Brien: "Senate Bill 1533, Lechowicz. A Bill to vacate an easement for highway purposes. First Reading of the Bill. Senate Bill 1534, Leinenweber. A Bill for an Act to vacate an easement for highway purposes. First Reading of the Bill."

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

Madigan: "Mr. Speaker, I move to adjourn till 4 p.m. tomorrow afternoon."

Speaker Shea: "The Gentleman's motion is that the House do stand in an adjournment until 4 p.m. tomorrow, Thursday afternoon. All those in favor will say 'aye', all those opposed 'nay'. The 'ayes' have it. House is adjourned."

