

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

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

Reverend 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. We've been asked to pray today for the recovery, continued recovery of Governor Daniel Walker, of Representative John David Jones and Representative Peter Peters. O Heavenly Father watch with us we pray Thee over Thy sick servants, Daniel, John and Peter, for whom our prayers are offered and grant that they may be restored to that perfect health which is Thine alone to give through Jesus Christ, Our Lord. Amen. We're also asked to pray today for the repose of the soul of Vera, the mother of Representative Charles Campbell, who entered into eternal life. Let us pray. O God, whose mercies cannot be numbered accept our prayers in behalf of the soul of Thy servant, Vera, departed grant her an entrance into the band of light and joy and the fellowship of Thy saints through Jesus Christ, Our Lord. Amen. May she rest in peace; may light perpetual shine upon her. We're also asked this day to pray for the 31st Wedding Anniversary of Bernard and Audrey. Let us pray. Lord God, Father of all, we ask Thy blessing upon Bernard and Audrey this day who observe 31 years of holy wedlock in Thy name. Bless and keep them in all prosperity and health, cheerfulness and happiness, may Thy peace be always with them. Amen. Thomas Paine said those who expect to reap the blessings of freedom must undergo the fatigue of supporting it. Let us pray. Heavenly Father, Lord and Master of things and of all people, we implore Thy special blessing upon the Members of this House of Representatives that they may be found worthy of the task to which Thou hast obligated them. Comfort them when they stand; strengthen them when they fall; renew them when they are weak and in all things



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enable them to endure the pursuit of liberty, equality and justice, the cornerstone of freedom upon which our country was so glorious founded, through Jesus Christ Our Lord. Amen."

Speaker Redmond: "Roll Call for attendance. Messages from the Senate."

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

Mr. Speaker, I am directed to inform the House of Representatives the Senate has passed Bills of the following title and the passage to which I am instructed to ask concurrence of the House of Representatives to-wit: Senate Bill #1678 and 1881, passed by the Senate June 7, 1976. Kenneth Wright, Secretary."

Speaker Redmond: "Committee Reports."

Clerk O'Brien: "Representative Taylor, Chairman from the Committee on Cities and Villages to which the following Bills were referred, action taken June 8, 1976, reports the same back with the following recommendations: do pass House Bill 3973."

Speaker Redmond: "Senate Bills First Reading."

Clerk O'Brien: "Senate Bill 1511. Schisler. A Bill for an act to amend sections of an act to provide for ordinary and contingent expense for the Department of Agriculture. First Reading of the Bill. Senate Bill 1899. Leinenweber. A Bill for an act to amend the Illinois Insurance Code. First Reading of the Bill."

Speaker Redmond: "Reading of the Journal."

Clerk O'Brien: "Tuesday, May 25, 1976, the House met pursuant to adjournment, Speaker in the Chair. Prayer by Father William Krueger, Chaplain. By direction of the Speaker, Roll Call was taken ascertained the attendance Members as followed."

Speaker Redmond: "Representative Madigan, on Representative Brandt's phone."

Madigan: "Mr. Speaker, I move that we approve the following Journals: #150 for May 25, 1976. #151 for May 26, 1976 and 152 for May 27, 1976."

Speaker Redmond: "You've heard the Gentleman's Motion. All in favor indicate by saying aye. Aye. Opposed no. The ayes have it and the Journals have been approved. Agreed Resolutions."



Representative Washburn."

Washburn: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I'd like the record to show that Representative Peters, Representative Jones and Representative Ron Hoffman continue to be absent due to illness and Representative Chuck Campbell is absent due to the funeral of his mother and I'm glad that our Chaplain pointed out that this is Representative Epton's 31st Wedding Anniversary because when I went down to talk to Bernie I asked him what the occasion was and he said 31st and I thought it was his birthday. So it's his wedding anniversary then."

Speaker Redmond: "Representative Bradley, any excused absences on the Democratic side? Agreed Resolutions."

Clerk O'Brien: "House Resolution 881. Schoeberlein. House Resolution 882. Deavers."

Speaker Redmond: "Representative Bradley."

Bradley: "881, Mr. Speaker, Ladies and Gentleman of the House, congratulates the 25 members of the West Aurora High School in their Run for America; they're in the Bicentennial event, they had a relay from West Aurora to the Capitol in Springfield and it congratulates all the participants. 882, incidentally, that was by Representative Schoeberlein. 882 introduced by Deavers and Bradley congratulates James S. Miles, Doorkeeper for the House, who is today celebrating his 88th birthday; or not today, I'm sorry, on June 5th. He celebrated his 88th birthday and I move the adoption of the Agreed Resolutions."

Speaker Redmond: "Gentleman has moved the adoption of the Resolutions. All in favor indicate by saying aye. Aye. Opposed, no. The ayes have it; the Resolution is adopted. Further resolutions?"

Clerk O'Brien: "House Resolution 875. Skinner. House Resolution 880, Chapman. House Joint Resolution 100, Geo-Karis."

Speaker Redmond: "Committee on Assignments. Bills Second Reading. House Bills Second Reading appears House Bill 3627...3637, pardon me."

Clerk O'Brien: "House Bill 3637. A Bill for an act to amend sections of the Illinois Education Facilities and Authority Act. Second Reading of the Bill. No Committee Amendment."



Speaker Redmond: "Any amendments from the floor?"

Clerk O'Brien: "None."

Speaker Redmond: "Third Reading. 3696."

Clerk O'Brien: "House Bill 3696. A Bill for an act to amend sections of an act codifying the powers and duties Department of Mental Health and Developmental Disabilities. Second Reading of the Bill. No Committee amendments."

Speaker Redmond: "Any amendments from the floor?"

Clerk O'Brien: "None."

Speaker Redmond: "Third Reading. We've been honored by the return of the prodigal, the mayor of Pekin, former Representative Norton Kay. ....Bills Second Reading, Senate Bill 1606. Representative Getty, do you want that one called? 1606, Senate Bill. Take that one out of the record. 1619, Dan Houlihan, here? Representative Richmond here? House Bill 3208, Representative Shea? Now we're back on House, we can't find any business anyplace, Representative Choate. Have you got something you'd like to do something with? How about 3565? Senate Bills Second Reading. 3208. Representative Shea around? House Bills Second Reading. 3704."

Clerk O'Brien: "House Bill 3704. A Bill for an act in relation to exemption from liability of certain persons providing emergency medical care. Second Reading of the Bill...."

Speaker Redmond: "Representative Stiehl."

Stiehl: "Thank you, Mr. Speaker..."

Speaker Redmond: "Wait a minute I think we have an amendment."

Stiehl: "There is an amendment."

Speaker Redmond: "It was here yesterday when we took it out of the record because...Representative Hart."

Hart: "Well, if the Sponsor took it out of the record at my request.

I've had time to review it; I'm not going to vote for it but I don't

have any objection to the language which is the reason I asked her

to take it out of the record."

Speaker Redmond: "Do we have the Bill on the Amendment, Mr. Clerk?"

Clerk O'Brien: "Amendment 1, 2 and 3 were tabled in Committee. There's Committee Amendment #4. Amends House Bill 3704 by deleting every-



thing the enacting clause and so forth."

Speaker Redmond: "Representative Stiehl."

Stiehl: "Thank you, Mr. Speaker, Amendment #4 is a Committee Amendment and it provides from immunity from civil liability for emergency medical technicians as long as they are not receiving a fee or additional compensation while functioning in the scope of their employment as compensated ambulance driver or attendance. I would move for its adoption."

Speaker Redmond: "Any questions? Question is on the adoption of the Amendment. Those in favor...Representative Berman. Representative Berman."

Berman: "Yes, would the Sponsor please yield?"

Speaker Redmond: "She will."

Berman: "I couldn't hear the explanation of the Amendment...Cissy, could you please go through it again?"

Stiehl: "Yes, I'd be glad to. This Amendment, Representative Berman, is a Committee Amendment, it went out of Judiciary 17 to 0 and it provides for immunity from civil liability for emergency medical technicians as long as they are serving as a volunteer and are not receiving any fee or extra compensation or are not functioning in their scope of employment as a compensated ambulance driver or attendant."

Berman: "...Wouldn't they be then covered under the...Good Samaritan Law..."

Stiehl: "No, this is the Good Samaritan Law that is to apply for emergency medical technicians."

Berman: "Well, when it says extra compensation if it's...if it's an ambulance driver and he is...and he is negligent, if your Amendment is adopted can he be sued for his negligence?"

Stiehl: "Yes."

Berman: "Thank you."

Speaker Redmond: "This is on the adoption of the Amendment. Those in favor indicate by saying aye. Aye. Opposed; no. The ayes have it and the Amendment's adopted. Any further amendments?"



Clerk O'Brien: "No further amendments."

Speaker Redmond: "Third Reading. 3721. Representative Miller, 3721."

Clerk O'Brien: "House Bill 3721. A Bill for an act to amend the School Code. Second Reading of the Bill. One Committee Amendment. Amends House Bill 2751..."

Speaker Redmond: "2721."

Clerk O'Brien: "...Yeah."

Speaker Redmond: "You sure you don't want 2751? Representative Miller, in the body of the Amendment it refers to 2751 rather than 2721, do you have the Amendment in front of you? Representative Miller. Representative Miller. Miller. M-i-l-l-e-r."

Miller: "Thank you, Mr. Speaker, I would ask leave of the House to amend the Amendment on its face by referring to Amendment 2721 and also I'd like this Bill taken out of the record at this time inasmuch as the Sponsor of the Amendment, Representative Hoffman is not in his..."

Speaker Redmond: "Take it out of the record. Well, wait 'til Hoffman gets here. It's Hoffman's Amendment isn't it? 3787."

Clerk O'Brien: "House Bill 3787. A Bill for an act to provide for veteran's employment representative in each of the full service offices of the Illinois State Employment Service. Second Reading of the Bill. This Bill is being held for a fiscal note."

Speaker Redmond: "Representative DiPrima, the fiscal note has not yet been furnished. Take that out of the record. 3811, Representative Stearney here? 3811."

Clerk O'Brien: "House Bill 3811. A Bill for an act to amend sections of the Code of Criminal Procedure. Second Reading of the Bill. One Committee Amendment. Amends House Bill 3811 on page 1 by deleting line 30-31 and 32 and so forth."

Speaker Redmond: "Representative Stearney."

Stearney: "Mr. Speaker and Ladies and Gentlemen of the House, this Amendment merely provided that the states attorney may proceed against an individual at a later date even though individual is placed on bond or released in custody; was adopted in the Committee and I ask for a favorable Roll Call."

Speaker Redmond: "Question is on the adoption of the Amendment. Those



in favor...Representative Kosinski."

Kosinski: "Mr. Speaker, because of the noise level, I didn't understand that Amendment nor the explanation thereof. If I may address Mr. Stearney?"

Speaker Redmond: "Would you please explain the Amendment?"

Kosinski: "Mr. Stearney was this a Committee Amendment?"

Stearney: "Well, it was adopted in Committee."

Kosinski: "It was adopted in Committee. You remember the vote on the adoption?"

Stearney: "No, I don't."

Kosinski: "Can you explain to me what this Amendment actually does in terms of speedy trial if we can keep the noise level down?"

Stearney: "Well, Mr. Kosinski, this...Amendment merely gutted the Bill whereas before it if an individual was not brought...was not given a preliminary hearing within x number of days the case would have been dismissed. Now it provides that the state may reinstitute that matter and prosecute that individual at a later date."

Kosinski: "Is it a prosecution oriented amendment?"

Stearney: "Absolutely."

Kosinski: "Thank you."

Speaker Redmond: "Question is on the adoption of the Amendment. All in favor indicate by saying aye. Aye. Opposed, no. The ayes have it and Amendment's adopted?"

Clerk O'Brien: "No further amendments."

Speaker Redmond: "Third Reading. Message from the Senate."

Clerk O'Brien: "A message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House in the passage of Bills of the following titles to-wit: House Bill #3562 and House Bill #3563. Passed by the Senate, June 8, 1976. Kenneth Wright, Secretary."

Speaker Redmond: "3848, Representative Berman? 3819, Representative Washington? 3819. 3910, pardon me. Sangmeister. Representative Sangmeister. 3208."

Clerk O'Brien: "House Bill 3208. A Bill for an act to amend the



Specialized Living Center Act. Second Reading of the Bill.

One Committee Amendment. Amends House Bill 3208 on page 2 line 11 by inserting the word administrative and so forth."

Speaker Redmond: "Representative Shea."

Shea: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 3208 is a Bill to amend the act that provided the bonding authority to the specialized living centers and it would provide in Section 206 that durable, movable equipment may be purchased within the authority of the act for the centers. If you'll remember that these are not for profit organizations and I would move for the adoption of the Amendment."

Speaker Redmond: "Question is on the adoption of the Amendment. All in favor say aye. Aye. Opposed...Representative Kane."

Kane: "Would the Sponsor of the Amendment yield for a question?"

Shea: "Mr. Grotberg's the Sponsor but I...I'll try."

Kane: "I was...I was wondering, did you say that we're making movable equipment purchasable by bonds?"

Shea: "Yes. That's the purpose of the Bill."

Kane: "Is this...not...not of the Amendment of the Bill or of..."

Shea: "Yes, sir. of the...Bill itself. The Amendment talks that about setting up administrative rules and of the sponsoring authority, the one that's going to run the specialized living center upon a breach of rules and regulations the Department does not come in compliance with such rules and regulations within a 120 days then the Department shall choose another sponsoring authority."

Kane: "Okay. I'll...I'll talk to the Sponsor on Third Reading."

Shea: "Thank you. I move for the adoption of the Amendment..."

Speaker Redmond: "Any further questions? Question is on the adoption of the Amendment. Those in favor say aye; opposed...aye...opposed, no. The ayes have it. The Amendment's adopted. Any further amendments?"

Clerk O'Brien: "No further amendments."

Speaker Redmond: "Third Reading. 3612, Representative Barnes; you want to go with that one? 3612. Huh? Out of the record. 3645, J. D. Jones. Out of the record, 3721."





Clerk O'Brien: "House Bill 3721. A Bill for an act to amend the School Code. Second Reading of the Bill. One Committee Amendment. Amends House Bill 2751..."

Speaker Redmond: "Representative Miller."

Miller: "Thank you, Mr. Speaker, I ask leave of the House to amend House Bill, the Amendment #1 to House Bill 3721 on its face by correctly referring to the bill number."

Speaker Redmond: "Any objections? Hearing leave is granted and be corrected on its face."

Miller: "Thank you, Mr. Speaker, Members of the House, this Amendment was introduced in the Education Committee by Representative Hoffman and I'll yield to him."

Hoffman: "Mr. Speaker, Ladies and Gentlemen of the House, the Amendment to House Bill 3721 provides that downstate districts as well as the districts that were affected in Miller's originally... Representative Miller's original bill with Cook County districts be allowed to use ... be allowed to use the assessed valuation from either this year or the previous year in computing their state aid. What happened to a number of school districts, Madison County school district for one of the counties that were affected, particularly the Highland School District, after their budget is set in the fall they get assessed valuation jump in the spring which reduces their tax rate against which state aid is paid. What we allow them to do is to keep the tax rate that does not increase the cost... the future cost of the state. It merely provides that these school districts will not have to pay back that which they've already received and I move for the adoption of Committee Amendment #1."

Speaker Redmond: "Any discussion? Question's on the adoption of the Amendment. Those in favor of the Amendment say aye. Aye. Opposed, no. The ayes have it, the Amendment's adopted. Any further amendments?"

Clerk O'Brien: "No further amendments."

Speaker Redmond: "Representative Washburn. I can't see Representative Washburn there's a lot of..."

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



we have two groups of Tom Park's girl friends up here in the gallery today. They're Girl Scout Troops 290 and 348 from Coal City. Their leaders are Brenda Jackson and Diane Waggoner. Troop 290 and 348. Will you please stand?"

Speaker Redmond: "3954."

Clerk O'Brien: "House Bill 3954. A Bill for an act in relation to a period of supervision for criminal offenders. Second Reading of the Bill. One Committee Amendment. Amends House Bill 3954 on page 2 line 4 by inserting immediately after the comma the following 'upon a plea of guilty by the defendant or finding of guilty'."

Speaker Redmond: "Representative Getty."

Getty: "Mr. Speaker, Ladies and Gentlemen of the House, I will move to table Committee Amendment #1 in favor an agreed amendment that Representative Schlickman has offered as Amendment #2. Motion is to table."

Speaker Redmond: "Gentleman has moved to table Amendment #1. Any discussion? Hearing no objections table-Amendment #1 is tabled. Representative Shea."

Clerk O'Brien: "Amendment #2..."

Speaker Redmond: "Representative Shea."

Shea: "Would the Sponsor say what Amendment #1 did and why we're tabling that and putting on another Amendment?"

Getty: "Committee Amendment #1 had the language after a plea of guilty or a finding of guilty. Since this is supervision it was felt and discussed in Committee but the Amendment was not prepared that it would be (unintelligible) to have the language upon a stipulation by the defendant of the facts supporting the charge or a finding of guilty."

Speaker Redmond: "Mr. Clerk, that's 3954."

Shea: "Yeah, that's where I'm confused a little bit. Now we're back on a Bill to set up supervison, is that correct?"

Getty: "That's correct."

Shea: "All right. Now what did Amendment #1 do to the Bill?"

Getty: "Amendment #1 had the language upon a plea of guilty or a finding of guilty."

Shea: "And why are you tabling that Amendment?"

Getty: "In favor of the language 'upon a stipulation of the defendant



of the facts supporting the charge.' 'A plea of guilty' would have a problem."

Shea: "Why?"

Getty: "Because we're dealing here with not a...a probationary situation but the entry of an order of supervision."

Shea: "All right, but what you're doing is as I understand supervision is there is enough facts or evidence to support a finding of guilty but what you're going to do is continue the case generally, is that correct?"

Getty: "No, that's not correct. As the Bill is drawn it provides that after the...with the consent of the defendant as required by the Supreme Court decision, the state's attorney and the court, the defendant may be placed on supervision when the court suspends any further action on the case."

Shea: "All right. Might I ask you, Sir, would you take this out of the record until I've had a chance to look at both Amendments?"

Getty: "Certainly."

Shea: "Thank you."

Speaker Redmond: "Out of the record...917, Representative Chapman? Out of the record. 3935, Representative Schneider? Out of the record. 3955, Representative Yourell. 3955."

Clerk O'Brien: "House Bill 3955. A Bill for an act to amend the Environmental Protection Act."

Speaker Redmond: "Out of the record. 3910."

Clerk O'Brien: "House Bill 3910. A Bill for an act in relation to domestic relations. Second Reading of the Bill. Eleven Committee Amendments. Amendment #1. Amends House Bill 3910 on page 18 line 15 and so forth."

Speaker Redmond: "Representative Sangmeister."

Sangmeister: "Mr. Speaker and Members of the House, Committee Amendment #1 was offered in the Committee by Lee Rayson and is a threefold amendment. It requires that an adult or a person of majority who is seeking from either parent assistance for higher learning shall require financial assistance is to qualify for child support. Now the reason we put that in the Bill is the way that it's originally



drafted is we could have someone of very mature age asking a father or mother for child...for support for higher education and the child be perfectly qualified to support himself. And of course in those situations there is no reason for a parent to provide for that and that cleans it up. Also this Amendment will allow a woman to change her name after the granting of a divorce decree. There's some question as to whether or not that can presently be done and that is in the Amendment and the third thing the Amendment does is clarify the procedure for converting a judgement for separate maintenance into a judgement for divorce which you can do today. And it clarifies the procedure and I'll be happy to answer any questions on the Amendment; if not, I move for its adoption."

Speaker Redmond: "Any questions? Question is on the adoption of the Amendment #1 to House Bill 3910. All in favor indicate by saying aye. Aye. Opposed, no. The ayes have it. The Amendment #1 is adopted. Any further amendments?"

Clerk O'Brien: "Committee Amendment #2 and 3 were tabled in Committee. Committee Amendment #4..."

Sangmeister: "Now, Committee Amendment #4..."

Clerk Selcke: "Amends House Bill 3910 on page 14."

Sangmeister: "Committee Amendment #4 requires that as you know impotency is a grounds for divorce and we are asking that that be inserted in the Bill that the other party did not know of such impotency at the time of the marriage. In other words, we don't want anybody coming say seven years after their marriage and saying the other partner is impotent, and as a result wants the grounds...wants to get a divorce on that basis. In other words, in order to get a divorce on that grounds you've got to know at the time you entered that...that...you didn't know that there was any impotency at that time. And ask for the adoption of this Amendment."

Speaker Redmond: "Representative Geo-Karis."

Geo-Karis: "Ah, Mr. Speaker, do I understand...do I understand the Sponsor of these Amendments to say that this Amendment #4?"

Sangmeister: "This is Amendment #4."

Geo-Karis: "If you will recall last week when I ask...said that I



didn't have Amendments #2, 3, 5, 7, 8, 9. Now is this the only one that got out of that group, George?"

Sangmeister: "Yes, that's correct. Amendments #2 and 3 were tabled in Committee and Amendment #4 was adopted in Committee and that's the one we were discussing right now."

Geo-Karis: "Okay, thank you."

Sangmeister: "Move for the adoption of the Amendment."

Speaker Redmond: "Questions? Gentleman has moved the adoption of Amendment #4. All in favor indicate by saying aye. Aye. Opposed, no. The ayes have it and the Amendment's adopted. Any further amendments?"

Clerk O'Brien: "Amendment #5 was tabled in Committee. Amendment #6 amends House Bill 3910 on page 18, line 32, by deleting 'full'."

Speaker Redmond: "Representative Sangmeister."

Sangmeister: "Amendment #5 merely strikes the word 'full' out of there. When we originally drafted the Bill, I'm sorry, Amendment #6, we said that if there had to be a full hearing relative to any action concerning the marital residence on a motion for temporary release and it was the consensus of the Committee that we ought to have a hearing without question but we shouldn't put the word 'full' in there so we're deleting it with that Amendment. Move for its adoption?"

Speaker Redmond: "Any question? Question is on the adoption of the Amendment #6. Those in favor say aye; aye; opposed, no. The ayes have it. Amendment's adopted. Any further amendments?"

Clerk Selcke: "Amendments #7, 8 and 9 were tabled in Committee. Amendment #10 amends House Bill 3910 on page 24 by inserting between line 7 and 8 the following and so forth."

Sangmeister: "On Amendment #10 although in the amount of the worst work I have done if the, for example, if the father should contest that paternity of one of the children you would raise that by way of your answer to your pleading. However, it was the Committee's feeling that we ought to put it directly in the Bill that the Court would also have the right to determine paternity in a case filed in the divorce court. So as a result we are adding in



there a hearing may be also held to determine paternity. And

I move for the adoption."

Speaker Redmond: "...Representative Geo-Karis."

Geo-Karis: "Sponsor yield for a question?"

Speaker Redmond: "He will."

Geo-Karis: "George, at the present time if there's a question of paternity, you know and I know, that there are blood tests that are required and they can be done on a petition by a party feeling offended. Now how are you changing this by this Amendment?"

Sangmeister: "Well, we're not...we wouldn't change the procedure at all, Representative Geo-Karis. If...if that would....certainty if you were defending on that basis you could require a blood test here just as you would in a paternity proceeding. This is just clarifying the fact that if either spouse raises the question of being the father or the mother of that child in this particular hearing that the court can determine that. And really they're doing it today anyway as you know if you represented the father and he says, 'I'm not the father of the third child,' you would raise that in your answer by stating I admit being the father of children one and two but not three and the thing's really at issue anyway. So all this does in addition is make clear that the court can determine paternity."

Geo-Karis: "Well, may I ask, aren't you just making it redundant since the courts are already doing it, why do you have to have this Amendment?"

Sangmeister: "Well, they may be doing it but the Act doesn't say they have the authority to do it and it was the Judiciary I Committee as a whole felt that this would be good terminology to put in there and that's the reason it's going in there."

Geo-Karis: "Okay."

Sangmeister: "Move for the adoption of the Amendment."

Speaker Redmond: "Question is on the adoption of Amendment #10. Those in favor say aye; aye; opposed, no. The ayes have it. The Amendment's adopted. Any further amendments?"

Clerk O'Brien: "Amendment #11, amends House Bill 3910 on page 27, line 34 and so forth."



Sangmeister: "Now commensurate with Amendment #10 which we just adopted and #11 of course has to go along with it to add that section to the custody section of the...of the act that we're proposing or it wouldn't make sense. So all we're adding in its addition to custody the courts can also determine paternity so it's kind of clean-up language to go along with Amendment #10. Move for its adoption."

Speaker Redmond: "Any discussion? Question is on the adoption of Amendment #10. Those in favor say aye; aye; opposed, no. The ayes have it. The Clerk has confessed error, it's Amendment #11. First time the Clerk has made an error. Question is on the adoption of Amendment #11. Those in favor say aye; aye; opposed, no. The ayes have it and the Amendment's adopted. Any further amendments?"

Clerk Selcke: "Amendment #12. Stearney. Amends House Bill 3910 on page 2 by deleting lines 3 and 4 and so forth."

Speaker Redmond: "Representative Stearney."

Stearney: "Mr. Speaker and Ladies and Gentlemen of the House, I'd like to preface my remarks by reminding you..."

Speaker Redmond: "Representative Sangmeister, for what purpose do you rise?"

Sangmeister: "Before we start on that Amendment I would like to have the...the Speaker rule, this is a new act that's being proposed as a Committee Bill and it's my understanding that you don't underline language when you're amending a new act. And therefore I think the Amendment may be technically out of order and if it is I would like the Speaker to so rule."

Speaker Redmond: "We're calling for our parliamentarian. Amendment #12. Question is whether or not you underline...Parliamentarian advises me that the underlining was improper as a matter of style but it can be corrected on its face according to the Parliamentarian."

Sangmeister: "Okay we'll accept that ruling, proceed with the Amendment."

Speaker Redmond: "Representative Stearney."

Stearney: "Well, Mr. Speaker, Ladies and Gentlemen of the House, this Amendment provides that an individual is to have a right to trial by jury under this new no-fault community property state bill."



And I'd like to apprise the Ladies and Gentlemen here that in my opinion this can be more aptly styled to 1975 quick-take bills. And I think it's important that we realize in a proceeding for divorce that since 1827 this state has allowed...since 1827 there has been provisions in statute allowing an individual the right to trial by jury in a divorce proceeding. And I'd like to also remind you that in a...in a mere case of reckless driving where you may have a \$25 fine you'd be entitled to a trial by jury; and that if you are arrested merely for disorderly conduct where the fine would be \$25 you'd be entitled to right to trial by jury. And I want to call your attention to the fact that where one could lose his wife, his children and all his worldly possessions I don't think we should allow it...that a judge sitting alone can decide the question of whether you're going to be divorced or not. I think that's a matter that's of serious consequence and that if an individual wanted to invoke his right to trial by jury, he should be allowed to do so. So I ask for your support in restoring this right that has been in the Bill, in the divorce action since 1827. I ask that you vote yes on this Amendment to put this Bill...put this Amendment into this new act."

Speaker Redmond: "Representative Sangmeister."

Sangmeister: "Well, I stand in opposition to the Amendment. The Subcommittee worked long and hard to...with the Bar Associations, both of them, Chicago and Illinois Bar; we worked with the Council on Matrimonial Lawyers in the city of Chicago. People have... worked exclusively in this field and they have represented by far the majority of people in divorce courts and so I can't remember for example in Will County the last time there was ever a trial by jury in a divorce matter. So I...I presume it's the same in Cook County and other counties also and it was the Committee's opinion that we just as well eliminate the trial by jury in a divorce."

Speaker Redmond: "Representative Kempiners. Kempiners. Kempiners."

Kempiners: "Thank you, Mr. Speaker, will the Gentleman yield?"

Speaker Redmond: "He will."

Kempiners: "Is my understanding correct that your Amendment would





reinstate in any type of divorce action a trial by jury or is it just in the no-fault portion?"

Speaker Redmond: "Representative Ewing, I mean, Stearney."

Stearney: "...The answer is it would provide for the right to trial by jury in a divorce proceeding."

Kempiners: "Would that include one that would be agreed upon, that wouldn't be..."

Stearney: "No, because no party would ask for the right to trial by jury of a..."

Kempiners: "Okay. How common is a trial by jury, or at least a divorce by jury?"

Stearney: "I don't think it's common, I think the...a minority. Very... very few cases in the divorce court have jury demands. Percentage-wise I wouldn't really know."

Kempiners: "Thank you."

Speaker Redmond: "Representative Hart. Please come to order, it's impossible to hear."

Hart: "I agree with Representative Sangmeister and the Subcommittee that drafted this Bill that trial by jury in a divorce case is nothing but a dilatory proceeding. Very few, if any, cases are ever tried by jury even under the present statutes although oftentimes as a matter of delay one of the parties will ask for a jury. And in downstate Illinois where you don't have juries handy all the time it could delay the trial of a divorce case for six or eight months even as much as a year until you get a matter set on a jury sitting at which time ordinarily the party that asked for a jury trial the day the case is finally set for trial will come in and waive his trial by jury. So it's useless vestige of some previous legislature and I don't believe we should continue with it through this Bill and I would oppose the Gentleman's Amendment."

Speaker Redmond: "Representative Ewing. Representative Ewing."

Ewing: "Mr. Speaker, I wonder if the Sponsor of the Bill would yield for a question?"

Speaker Redmond: "Proceed."

Ewing: "Representative Sangmeister, if the jury trial is very seldom used



what was the rationale for eliminating this right? I mean is there any problem in having that in the statute even though it may be rarely used?"

Sangmeister: "Well basically because it was rarely used is why we took it out but I think Representative Hart hit it right on the head and that in the divorce proceedings that I've been involved in it's usually used for dilatory purposes and the Subcommittee and the Committee as the Whole came to the decision that we ought to eliminate it because of the dilatory practices for which it is used."

Ewing: "Mr. Speaker, may I speak to the Amendment?"

Speaker Redmond: "Proceed."

Ewing: "I would agree with both the Sponsor of the Amendment and Representative Hart and I hope that everybody in this Body would pay a little attention to this Amendment and make their own decision. I believe that the right to a jury trial is a very important right and if it's rarely used doesn't really give us any reason for taking it out of the statute. On the hand I have seen it used as a dilatory tactic. But on, in our county and where I have done some divorce work we do still have divorce that are tried by a jury and I would think that this is a right that we would not want to lightly remove from the statute even though it might be somewhat dilatorily used at times. There are many other parts of our legal procedure which are dilatory and I don't know that that's a good enough reason for removing it."

Speaker Redmond: "Representative Grieman."

Grieman: "Well, thank you Mr. Speaker, I was just going to rise to ask that we defeat this Amendment also for the reason that the jury when you have a no-fault system is just no longer an important function. The issues of fact that are so critical in divorce action; you know when did he leave or when did she leave, who hit who, was...was the defendant seen with her or with him going into a... a compromising situation. Those are no longer issues in a...in a no-fault system and that being the case that the jury then as has been pointed out so ably no longer is of any significance. And I think we should go on."



Speaker Redmond: "Representative Geo-Karis."

Geo-Karis: "Mr...Mr. Speaker and Ladies and Gentlemen of the House, the fact that the jury trial has not been used too often in divorce cases is not...does not preclude the right and should not preclude the right of either a defendant or a plaintiff to ask for a jury trial. And I think it's nonsense to say, 'well, because we haven't used it so much we should eliminate it', and to answer the last speaker there are other elements that enter in any divorce case just like any trial and I have tried quite a few of them, the jury and 'nonwise'...nonjury and I think we should allow the jury system to remain with the divorce cases and I'm asking everyone to support this Amendment which would keep this jury trial in there."

Speaker Redmond: "Representative Pierce."

Pierce: "Mr. Speaker, Ladies and Gentlemen of the House, the jury trial in divorce is not an inalienable right of citizens and in this common law divorce was not held in a common law court with a right to jury, but in an ecclesiastical court where there was no jury. In this country in all the years and before 1870 in Illinois divorces were granted by the Legislature; there was no jury trial. In Britain, in Britain which initiated the jury system there is no right to a jury in a divorce action. A divorce is not a traditional common law action, even a common law civil action where juries were to be found. Only in recent years to divorce acts have a jury trial been possible in a...in a divorce action. A divorce action could get along very well without the delay and harm of a jury trial and therefore I would oppose this Amendment and support the Sponsor of the Committee Bill in keeping the Bill in the shape that the Committee voted out and oppose Amendment #12."

Speaker Redmond: "Representative Hudson. Hudson."

Hudson: "Thank you, Mr. Chairman, I move the previous question."

Speaker Redmond: "Gentleman has moved the previous question. The question is, shall the main question be put? All in favor indicate by saying aye; opposed, nay. Am unable to determine... All those in favor vote aye; opposed vote no. Previous question. Have all



voted who wish? Harold Washington."

Washington: "I'm not certain of the motion we're voting on."

Speaker Redmond: "Previous question. Shall the main question be put?"

Have all voted who wish? The Clerk will take the record. On this question there's 92 ayes, 20 no and the motion carries. Representative...no, Representative Stearney to close. Representative Stearney to close."

Stearney: "Mr. Speaker and Ladies and Gentlemen of the House, to answer one Gentleman's objection that a jury trial is merely invoked for dilatory purposes I must remind him however that we're going to be talking about fundamental rights and that is an individual, if he sues for divorce and if fault is proved all his worldly possessions as long as...as well as his children are going to be divided up. So I don't think that we should consider balance to dilatory rights versus the fundamental due process rights. And as to the other Gentleman's objections that he said this is a no-fault bill and divorce has no business...I mean the jury would...would have no reason to be involved in this matter, I must remind him that this Bill still retains the traditional fault grounds as well as the affirmative defensive. And under that...under those traditional fault grounds and the defenses we have the jury trial. We have the right to jury trial. And to answer the other Gentleman's objection I must remind him that the Legislature since 1827 has extended that right to trial by jury in a divorce proceeding and I don't see any reason whatsoever that we should obliterate that right, especially when we're considering a Bill that has such wide implications as this no-fault community property Bill does. So I ask for your...for a favorable Roll Call on this Amendment that would provide and retain the right of the trial by jury. Thank you."

Speaker Redmond: "Gentleman has moved for the adoption of Amendment #12 to House Bill 3910. All in favor of the Gentleman's motion vote aye; opposed vote no. Have all voted who wish? Representative Deuster. Representative Deuster."

Deuster: "Mr. Speaker and Ladies and Gentlemen of the House, a yes vote on this Amendment will in a way make this Bill constitutional,



and I should direct all of your attention to the Constitution, the new Constitution which we adopted for Illinois in 1970. And that Constitution says in Article XIII the right of trial by jury as heretofore, that means before 1970, as heretofore enjoyed shall remain inviolate. Now we've had the right to trial by jury up 'til 1970 and this Amendment would continue that and I think it would improve the Bill and avoid a constitutional objection to the legislation. I urge your aye vote."

Speaker Redmond: "Representative Fleck."

Fleck: "Mr. Speaker, Ladies and Gentlemen of the House, I can understand the Sponsor's position regarding this Amendment but the opponents to this Amendment has made some very salient points and they should be brought to your attention. This Amendment would be dilatory for any divorce action. There was no jury by trial in common law divorce action, the Legislature saw fit to grant those but the most important element which no one mentioned heretofore regarding demands by jury...for jury trial in divorce cases is that a demand for a jury trial is not necessarily a black deck; it is not necessarily a crowbar; but it is used as a sledge hammer upon the opposition party in proceeding. Now if you want to bring all the dirt, all libido of the parties before the public where the lawyers and the parties themselves can act like thespians then you're going to do a very poor act of justice, not for the party to act like children, but for the children who are going to be reading the transcripts of these jury trials. I think it's a very poor Amendment. In Cook County I would say less than one-tenth of 1% of the cases have a jury demand and I have no idea how many even proceed to the jury trial so the use of jury is so miniscule that it is ineffective and there is no need for it. And I would urge more Members to reconsider their vote on this Amendment."

Speaker Redmond: "Representative Epton."

Epton: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rather suspect too many people are voting on this issue even though you may be happily married, there's always a possibility of a divorce, and with that potential conflict of interest I suspect that we



should abstain; however, I'm going to overcome my scrupulous adherence to that and I'm going to vote on this measure but I do want the House to know that although I've been married 31 years, my wife has been wrong several times in the past week and notwithstanding I intend to vote and I certainly hope that those great citizens with their petitions will not take me to task for voting even though I have this conflict of interest."

Speaker Redmond: "Representative Davis."

Davis: "Mr...Mr. Speaker and Ladies and Gentlemen of House, I do not intend to say to you that I can interpret the law better than all of these distinguished lawyers who have spoken to you on this action. But as the gentleman who preceded me has said I've been married, I will be at Christmas, 55 years and you talk about...you talk about dilatory. If my wife hadn't been dilatory in her actions I would not have been married one year. I'm for all the dilatory action you can think of; think of some more. When it comes to a divorce I think people ought to try to get along without it."

Speaker Redmond: "Griesheimer. Representative Griesheimer. You want a transcript of that sent to... Representative Griesheimer."

Griesheimer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, notwithstanding the very high credentials that the Sponsors of this Amendment in the field of divorce I really think the Judge Fleck has pretty much hit the nail right on the head. Now the concept of requesting a jury in a divorce matter is probably the most dilatory tactic used by attorneys and you see it continuously. If you want to follow up a divorce action and make it linger on for a long time so that the husband and wife have really no other recourse than to go at one another with a gun or a knife or to just take off and leave one another, you put it on the jury trial call. Now although the jury trial call probably in downstate are rather short, even in Lake County where we pride ourselves on time, it can go upward to six, seven or eight months and in Chicago it could possibly go on for well over a year. I think the concept of jury trials having your peers hear a case was a good idea in jolly old England in this type of situation. But it is truly not necessary and



only used to postpone the eventuality of the divorce itself some-  
times being used as leverage. And I think we'd be doing a tremendous  
disservice to the people who are trying to modernize and streamline  
our divorce laws to allow this jury trial system to maintain itself.  
After all it might be you someday that's waiting for a case to come to trial  
before jury because of a situation such as this and it is an un-  
necessary long delay and one that does nothing but harm the parties  
and...and cause more fees to be paid for...to attorneys who have to  
handle everything by very long and drawn out motion practice. I'd  
urge you to vote no on this."

Speaker Redmond: "Any further discussion? Clerk will take the record.  
Representative Dyer."

Dyer: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, I think  
it would be really catastrophic if this Amendment would go on this  
...on this Bill. I really find it hard to believe that the Sponsor  
of this Amendment is serious. I have great respect for him as a  
person and as a Legislator but I think in this case he may have  
just had too heavy a portion of...of his favorite drug and I...I  
think he's floating high on this...let's stop and think of the  
reality of this for just one minute. You look at the purpose of  
this Bill. It's to strengthen and preserve the integrity of marriage  
and to safeguard being in close family relationship. And if the  
...all efforts of reconciliation have failed and there is ir-  
retrievable breakdown then the idea behind this Bill is to have as  
dignified and private and non-adversary a settlement as possible.  
Think about this where children are involved and you set up a  
carnival atmosphere with a trial by jury in a divorce hearing and  
you're going to scar many, many children's lives. So I implore  
you, those of you who are voting green, take a good look again at  
the Bill and the Amendment and please vote no on this for dignified  
human relationships."

Speaker Redmond: "Have all voted who wish? Clerk will take the record.  
On this question there are 72 ayes and 61 no and the Gentleman's  
motion carries and the Amendment's adopted. Any further amendments?"

Clerk Selcke: "Amendment #13, Stearney, amend House Bill 3910"



page 15 line 34 by deleting the word 'not' and so forth."

Speaker Redmond: "Representative Stearney."

Stearney: "Ladies and Gentlemen of the House, this Amendment here is the first in a series to eliminate, obliterate that odious concept ...called no-fault because this Amendment eliminates the word 'not' and also eliminates the provision pertaining to community property, the division of all one's property on that concept. And I must remind the Ladies and Gentlemen of the House that in my opinion our responsibility is to maintain that institution called marriage and not..and not I repeat to create any new avenues for divorce. And I'd like to cite some quick statistics for you and that is in Illinois where we do not have no-fault at this stage there are 22 marriages to...to every 10 divorces Mind you, that is in 1975. In 1974 in Illinois we had 24 marriages to 10 divorces. So you see even with the concept of fault we are having more and more divorces within this state. Now I want to quote to you some statistics from that great state of California which has instituted no-fault divorce in the year of 1970. In 1972 in California they had 16 marriages every 10 divorces. In '73 they had 14 marriages to every 10 divorces. And in 1974 they only had 13 marriages to every 10 divorces. And fortunately I don't have the statistics for 1975 but California is approaching that equation where there is one divorce for every marriage. Now if that's what the great state of Illinois is looking for so that we could have more and more divorces so that probably eventually we may excel in divorces the number of marriages just adopt this particular Bill. My provision, my Amendment would delete that odious provision of no-fault and retain the same grounds and I submit to you there are enough avenues of seeking divorce through mental cruelty alone without creating another avenue, another alternative which a party just by beating his breast and repeating those...those magic words of irreconcilable differences resulting in an irretrievable breakdown, beating his breast three times and saying, I divorce thee, I divorce thee, I divorce thee, and that is it and then dividing up the property. I say that is not for Illinois and if the other states in this





Union wish to go that route let them do so. And the argument has been made in Committee and elsewhere that because the other states, a great number of other states have done so, Illinois should follow in their path. But I say to you that analogy is just as apt then if we were to say that other states, 40 other states, have spent themselves into bankruptcy that Illinois should that same route because they're doing it. I don't think we should use as an argument what other states have done. So in...closing I say to you, I ask your help in supporting this Amendment to eliminate that odious concept called no-fault. Thank you."

Speaker Redmond: "Representative Willer. Representative Sangmeister."

Sangmeister: "Well, thank you, Mr. Speaker, Members of the House, of course what this Amendment does is an effort to gut the whole Bill and the work of a year and a half by a Subcommittee and both bar associations and a lot of people who work very hard. I wish to let the House know that this assignment was given me as Chairman of the Subcommittee by Representative Washington, it was not one of my choosing. I have never been a great advocate of no-fault divorce and as a result I wish to guarantee that we worked very, very hard to put together a Bill that I think is acceptable. We are not eliminating the standard grounds for divorce, we adding no-fault as an additional grounds; that we put certain safeguards in before you can qualify for that. However I don't think this is the time to discuss this. I suggest to you that you defeat this Amendment; let this Bill get to Third Reading and then let's have a thorough discussion on the floor of this House as to whether Illinois is ready yet for no-fault divorce. There are 45 other states that have adopted some form of no-fault and I do think it's time that Illinois takes a look at it. So let's take a look at it at Third Reading, let's not blow it out of the picture in this Amendment.

And I urge a no vote on this Amendment."

Speaker Redmond: "Representative Geo-Karis."

Geo-Karis: "May...will the Sponsor yield to a question?"

Speaker Redmond: "He will."

Geo-Karis: "Ronald, at the present time the courts do give regard to



martial discountenance as far as the distribution of property and the allowance of alimony, isn't that right?"

Stearney: "Yes."

Geo-Karis: "So what you're saying then is if you take...if we take your Amendment the way it is this guts the whole Bill as Mr. Sangmeister said and then there's no purpose in having this Bill at all, is that correct?"

Stearney: "Well, I don't naturally agree with that assumption."

Geo-Karis: "Well, then...well, it says right in your Amendment, doesn't it, if you strike the word 'not' it says, 'the fault of a party shall constitute a part...a power to granting a divorce'. Can you explain to me whether we're going to have no-fault or not or irretrievable differences once your Amendment goes through?"

Stearney: "Well, you're still going to have irretrievable differences however fault is still going to be considered. And the reason why I'm asking that the General Assembly retain that concept is because this Bill provides that in a situation that if one spouse were to divorce you and assuming that spouse has run off with another individual committing adultery notoriously nevertheless the court...the court can say we're not going to consider fault and even though that one spouse has been wrong, has caused the dissolution of this marriage by running off with another man, let's say, nevertheless we're going to allocate property of...on a 50-50 basis, whereas under the present law the court may say if that spouse ran off with another man he is the cause of the dissolution of the marriage, she is the cause of the children not having a family any longer, of mother and father, she is not going to share 50-50 or even more in that property. Then maybe the courts wouldn't penalize her and punish her as rightly should. And that's the purpose of this Amendment. Because if a spouse is wrong that spouse should not take...take unjust advantage of his or her wrongfulness. And that is the purpose of inequity of a chancery proceeding and I'm asking that that concept be retained in this Bill."

Speaker Redmond: "Representative Geo-Karis."

Geo-Karis: "To speak to the Bill, I will have another Amendment to



go along with you and I think that I would like to speak in favor of this Amendment because I do feel that the fault of the party should not constitute...should constitute rather, a bar to granting a divorce or certainly should have some considerable...some equitable consideration."

Speaker Redmond: "Representative Willer."

Willer: "Would the Sponsor yield?"

Speaker Redmond: "He will."

Willer: "Representative Stearney, I'm a little bit confused. Representative Sangmeister says that by adopting this Amendment we would gut the whole Bill. Now you're saying that you still may get a divorce on the grounds of...if..."

Stearney: "Irreconcilable differences."

Willer: "...Differences but you put fault back in so someone has to be wrong. So it isn't the same, in other words you want this in so that, for the division of property...purposes of division of property."

Stearney: "Yes."

Willer: "But you without...if you put fault back in you still have... somebody has to be wrong and someone has to be right even if they both want the divorce. Say a couple agrees very friendly, a very friendly way, they want a divorce but under...if we adopt your Amendment one of them has to prove fault for the court. Right? Even if...which means we're back where you bring in witnesses to perjure themselves."

Stearney: "No. No. Well, I disagree with your assumptions. The present system is parties can agree to get a divorce, one party proves up the case, the other party doesn't even appear in court."

Willer: "Well, I..."

Stearney: "There's no perjury."

Willer: "Oh."

Stearney: "You may know of an instance but the exception does not make the rule."

Willer: "Well, what I'm trying to say is if you put the word 'fault' back in you really can't have a couple agree in a friendly way to



have a divorce, can you..."

Stearney: "Yes."

Willer: "One of them has to prove fault and...and say that the other person did something bad."

Stearney: "Well, he or she, under this Bill, would nevertheless have to go into court and prove irreconcilable difference resulting in an irretrievable breakdown and that means putting on some proof that the other party has done something wrong which has created this irretrievable difference resulting in this breakdown..."

Speaker Redmond: "Bring your questions to a close, Representative Willer."

Willer: "Well, okay."

Speaker Redmond: "Ready for the question. Question is on the adoption of the Amendment. Representative Washington."

Washington: "Just one word in opposition to this Amendment, Mr. Speaker.

I think Mr. Sangmeister put his...summed it up very succinctly and I can simply reiterate what he did say. This matter came before the Judiciary Committee in a series of maybe three or four Bills about a year and a half ago. A Subcommittee was formed not particularly for this purpose but also to review that the Subcommittee on Divorce and Family Law shared by Mr. Sangmeister. Now this Committee has been working on this particular piece of legislation for over a year. It had hearings throughout the state. They had every conceivable kind of an interest group come in and testify pro and con on the issue and arrive at this more or less sustenance. It was voted out of the Judiciary Committee without a dissenting vote. In short, a good deal of work has gone into it; it's an extremely important issue for the people of the state and I think we'd be doing a disservice to all those people who came in and lent their efforts if we truncated the process by which it arrived at Third Reading by gutting this Bill. I think we should defeat this Amendment and let the Bill go to Third Reading with this concept intact within it and then vote it up or down. Irrespective of how you feel about no-fault divorce and this is not a true no-fault divorce Bill, it's a watered down version; a very much watered down as you'll see if you read it but no matter how you feel about



the Bill it seems to me that the work product which involved not only Legislators but many, many, many interested people and various groups throughout the state, religious, legal and otherwise, you would simply be destroying that effort. I think this kind of effort on the part of any Committee warrants and deserves the full discussion on Third Reading and I would urge you to defeat this Amendment and the ones similar that are following."

Speaker Redmond: "Question is on the adoption of the Amendment. Those in favor of the adoption vote aye; opposed vote no. Representative Fleck to explain his vote."

Fleck: "Well, Mr. Speaker and Ladies and Gentlemen of the House, this Amendment really does absolutely nothing because if there was ever a chameleon created on God's green acre this Bill is it. It provides everything for everyone. It's got no-fault in it if the judge so decides. It's got divorce by agreement if the husband and wife decide. It's got unilateral no force after one year's separation if one of the spouses decides to get divorced and finally it's got fault if one of the parties wants to file for a fault. This Amendment really, all it does, is remove the judges discretion to grant a no-fault divorce when parties are before him in court and at a very very bitter stage of the proceedings he decides there is an irreconcilable differences and irretrievable breakdown, under his own discretion he can grant the no-fault divorce. The Amendment itself does nothing and you're...very smart to vote no on this Amendment."

Speaker Redmond: "Representative Stone."

Stone: "Mr. Speaker, would a parliamentary inquiry be in order at this time? I know this is an important Bill and I don't want to...to belabor the question but I did just get back from the Senate and I inquired from the Leadership about this Bill and I was informed that it would be very, very unlikely if it were ever even assigned to a

Committee over there. Now, my parliamentary inquiry is, what kind

of a situation or whatever...in other words, what are we doing?

There must be a name for it, if we stand here and we've gone through

13 and we have more to go and if we continue in this vein, what do you call it?"



Speaker Redmond: "Legislative process."

Stone: "Thank you."

Speaker Redmond: "Have all voted who wish? Representative Stearney."

Stearney: "Ladies and Gentlemen of the House, by...in answer to the previous statement by one of the Members I must remind you that this Bill as it stands allows undue discretion in the hands of the judge and that's what we're trying..."

Speaker Redmond: "Representative Matijeich."

Matijeich: "I've got a point of order, I..."

Speaker Redmond: "I think your point is well taken, have all voted who wish? The Clerk will take the record. On this question there's 40 ayes, 61 no. The Motion fails and the Amendment is not adopted."

Clerk Selcke: "Amendment #14; Stearney; amend House Bill 3910 and so forth."

Speaker Redmond: "Representative Stearney."

Stearney: "Well, Mr. Speaker and Ladies and Gentlemen of the House, this Amendment clarifies the language of irreconcilable differences and irretrievable breakdown. I think if we're going to have a Bill considered no-fault in the state of Illinois that you and I, Members of the General Assembly, ought to at least define those terms so that the courts will know exactly what they are to find. And this Bill provides that irreconcilable differences is defined as substantial disputes impairing the...marriage relationship which have no possibility of being eliminated, corrected or resolved, thus precluding the attainment of the legitimate objects of matrimony. An irretrievable breakdown is defined as the marriage relationship being beyond hope of reconciliation or repair. So I ask for a favorable Roll Call on this particular Amendment just so that we may advise the judiciary in how to handle, how to carry out this... this Bill. Thank you."

Speaker Redmond: "Representative Sangmeister."

Sangmeister: "Well, Mr. Speaker, Members of the House, I stand in opposition to this Amendment. If there's anybody that's going to be in a position to judge whether or not this marriage is truly dead and I wish to assure this House that this is the way this Bill



is drafted. You've got to have a completely dead marriage before you're going to get a divorce under irreconcilable differences and I don't think we should be trying to define to the court what that is. I'm sure when the court hears the testimony it'll be in the best position to determine what irreconcilable differences are and I urge a no vote on this Amendment."

Speaker Redmond: "Representative Schlickman."

Schlickman: "Mr. Speaker, Members of the House, when we approved the... one of the latest Amendments of the Divorce Act providing for mental cruelty, it struck me at that time that we made a mistake by not defining what mental cruelty constitutes, as a consequence, we simply delegated to the judiciary the authority and responsibility in determining what that ground should be and it would seem to me on that basis the responsibility lies with the Legislature in defining what constitute irreconcilable differences or, or and, irretrievable breakdown. I'm not sure that these are good Amendments but at least they are Amendments and consequently I would support and do encourage the adoption of this Amendment."

Speaker Redmond: "Representative Maragos."

Maragos: "Will the Sponsor of the Amendment yield to a question?"

Speaker Redmond: "He will."

Maragos: "Representative Stearney, would you please again give us the criteria upon which the...you define irretrievable marriage or irreconcilable differences as you stated them? Would you please outline then what they are? I don't have the Amendment in front..."

Stearney: "Well, if you want me to read the definition again?"

Maragos: "Yeah, please. I didn't hear it before and I don't have a copy of the Amendment before me."

Stearney: "Irreconcilable differences is defined as substantial dispute impairing the marriage relationship which have no possibility of being eliminated, correct or resolved, thus precluding the attainment of the legitimate object of matrimony."

Maragos: "Now, how does that differ with the present...which you are trying...I mean the present Bill which you are trying to amend?"

Stearney: "Well, the present Bill just uses the term irreconcilable



differences and irretrievable breakdown."

Maragos: "All right."

Stearney: "I'm giving you the definition of those terms."

Maragos: "That being the case, from the language which you just expressed, do you still give a quite a bit of authority and discretion to the judiciary to determine after all you're just really using it as a boiler plate and not changing the meat of the thing, are you not?"

Stearney: "Well, I really don't know. It's a definition to go by, some criteria to judge the facts by."

Maragos: "Well, I think what you're saying is the same thing but only uses more verbage and therefore if I may speak to the question, Mr. Speaker. I agree with the Sponsor of the Amendment that in the case of mental cruelty cases there has been some confusion and some language which has been ambiguous as far as the ordinary reading goes. However, the judiciary has corrected that by their own defintions and by case law. I think if we try to put additional boiler plate in this particular situation, I use the term boiler plate because all it does is just say the same thing in more language, I think we're not serving the purposes and therefore at this time based on the definition given to me by the Sponsor of this Amendment I would say to vote against it until more clarification be given."

Speaker Redmond: "Representative Duff."

Duff: "Mr. Speaker, I'd like to ask at the end of this Roll Call if I could be recognized for purposes of a motion?"

Speaker Redmond: "If you have anything further on this? Question is on the Gentleman's motion to adopt Amendment 14. Those in favor... Representative Stearney."

Stearney: "Well, Ladies and Gentlemen of the House, just so you don't get the impression that I invented this out of my imagination I

~~want to remind you that this definition is the definition now applied~~

in the great state of California which has no-fault divorce and I've taken this out of a case Henry Waltons' marriage which is

104 California Reporter and I'd just like to give the judiciary in our state some guidance if we are to adopt no-fault divorce so





that you and I know what it means and the judges will know what it means. Thank you."

Speaker Redmond: "Question is on the Gentleman's motion for the adoption of Amendment 14. Those in favor vote aye; opposed vote no. Have all voted who wish? Clerk will take the record. On this question there are 33 ayes and 60 no and the Gentleman's motion fails and the Amendment is lost. Any further Amendments? Representative... Representative Duff."

Duff: "Well, Mr. Speaker, and Ladies and Gentlemen of the House, it's been brought to my attention that there are 42 Amendments on file with the Clerk on this Bill. Now, Mr. Speaker, this is supposed to be a limited Session and I suspect if this Bill had come through the Rules Committee it would not have been considered to be an emergency and we have in front of us a Committee Bill which obviously both by the number of Amendments and the contention on the floor going to end up in a mess that nobody knows where it is and it seems to me that we have one of those rare situations where a Committee Bill is directly contrary to the intention of the General Assembly to have a limited Session. Given that fact and the fact that we can't possibly know where we're going to end up with this, I would like, Mr. Chairman, to make one of two motions depending upon which is appropriate to the Chair. I would like, first, to offer a motion to recommit this Bill to Committee so that it can be worked on and come out without 42 amendments. And if that motion is not acceptable then, Sir, I would make a motion to table the Bill. So at this time I would like to offer a motion to recommit this Bill to a Committee."

Speaker Redmond: "Representative Washington."

Washington: "I'm opposed to the motion to recommit or table, Mr. Chairman. The preceding Gentleman spoke about the Rules of the House and the temper of the House. Well, the House, this Bill has proceeded under House Rules. A Bill can arrive here by several methods. One is by coming through the Rules Committee and another just as valid and just as sound and voted on by the Members was that it should come here through the Committee process. Now this Bill didn't just jump up yesterday. I explained



before that the Subcommittee of the Judiciary I Committee has been working on this Bill for a year and a half. The Committee, the Judiciary Committee didn't offer 42 Amendments. We placed four Amendments on this Bill which you have adopted. The other 38 Amendments came from the Members of the floor of the House. I would suggest that rather than try to destroy this Bill you would speak to the people who are obviously trying to be dilatory and destroy this work concept before it gets to Third Reading. If...if we have been delayed on this Bill it's not because of the Committee but because of the actions on this House floor. I'm opposed to sending this Bill back to Committee. If your Committee system is going to mean anything it certainly means something when Committees like the Executive Committee, Judiciary I Committee, take a work product and work on it for a year and a year and a half and present it to this Body for its consideration. Now I think to me that's the height of good Committee activity and I think you destroy it by even implying that such a product should be truncated and sent back to Committee. I'm opposed to this Amendment. I'm opposed to this motion. And I would suggest the Gentleman who made it if he wants to speed this Bill on then he should go over and talk to the man who is offering all these Amendments and ask him to very carefully, quietly and gratefully withdraw them."

Speaker Redmond: "Representative Duff."

Duff: "Well, Mr. Speaker, if the Chairman of the Committee who is a man who knows I have enormous respect for him feels that strongly then why doesn't he make a motion to table all the remaining Amendments?"

Speaker Redmond: "Representative Washington."

Washington: "Mr...this is not a ping-pong game and I don't want to waste the committed time of the House."

Speaker Redmond: "Representative Rayson."

Rayson: "Well, I want to reiterate, Mr. Speaker, what the Chairman of Judiciary I has been saying and I'm surprised that the Gentleman making, or attempting to make this motion proffers that it be made."

Speaker Redmond: "Representative Matijevich, for what purpose do you



rise?"

Matijevich: "I make the motion that the question posed to Representative Washington is out of order and we ought to proceed."

Speaker Redmond: "Your point is well taken. Representative Rayson."

Rayson: "Well, I'm speaking on the motion, the proposed motion, that Representative Duff and certainly I feel it's untimely at this point. The...where are we, Mr. Speaker?"

Speaker Redmond: "Gentleman has moved to recommit the Bill to Judiciary Committee."

Rayson: "I...I'm speaking on the motion. All right?"

Speaker Redmond: "Go ahead."

Rayson: "Thank you. I'm surprised that Representative Duff would make this motion at this time on a very important bill of this Session. It's very important because it took many months of many collective efforts of many people to...to present before the House one of the very few redeemable Bills this 79th General Assembly can have to its credit and to suggest this at this time makes no sense whatsoever. We've had many Bills that drone on and on and on on Second Reading and I suggest we get on with the business on hand and that is to knock down these Amendments and get ahead with the rest of our work and save this good piece of legislation."

Speaker Redmond: "Representative Marovitz. Marovitz."

Marovitz: "Mr. Speaker, Ladies and Gentlemen of the House, as a Member of the Judiciary I Committee and a Member of the Subcommittee which studied the question of no fault divorce it came out with a recommendation, I'd like to make a substitute motion at this time that that motion lie upon the table."

Speaker Redmond: "Representative Geo-Karis."

Geo-Karis: "I'll...I'll...I'd like to speak against the Duff motion because I think we are doing a disservice..."

Speaker Redmond: "Okay. The Gentleman..."

Geo-Karis: "Oh, I'll withdraw my statement..."

Speaker Redmond: "Wait a minute. Wait a minute. Simmer down. Simmer down."

Geo-Karis: "I'll withdraw my statement..."



Speaker Redmond: "Representative Duff has moved that House Bill 3910 be recommitted. Representative Maragos has moved that that motion lie on the table. Representative Klosak. Representative Klosak hasn't spoken in two terms so we...recognize Representative Klosak."

Klosak: "Thank you, Mr. Speaker. Mr. Speaker, I want to make inquiry of the Clerk. Has Mr. Duff's motion been reduced to writing?"

Speaker Redmond: "No."

Klosak: "Well, under the circumstances I suggest we get on with Mr. Stearney's motions and ignore that motion. If the thing has not been reduced to writing what are we voting on?"

Speaker Redmond: "Representative Marovitz."

Marovitz: "Mr. Speaker, I believe the motion to lie upon the table is a non-debatable motion. Ask for a Roll Call."

Speaker Redmond: "Point of order that the motion was not in writing is well taken. We'll...Amendment #15."

Clerk Selcke: "Amendment #15; Stearney; amends House Bill 3910, page 15 by deleting lines 28 through 33."

Speaker Redmond: "Representative Stearney."

Stearney: "Mr. Speaker and Ladies and Gentlemen of the House, this particular Amendment would attempt to clarify this confusing maze of legislation that House Bill 3910 creates. This...Amendment would delete the provision that the court may make a finding of irreconcilable differences where the party is suing upon a different ground. and it would also eliminate the provision that no finding of fault may be made. Now this provision, if allowed to remain in the Bill, the Bill as it stands, would effectively preclude a party from defending himself in a divorce proceeding. And I repeat, there would be no possible defense in any divorce proceedings. For example, a woman sues her husband upon the grounds of physical cruelty, alleging that her husband beat her on two separate occasions. The husband defends and he demonstratively shows that he did not strike her. But lo and behold now the court however grants the woman a divorce on the basis of irreconcilable differences where that allegation was not even set forth in the pleadings. So I say to you this Bill is so confusing. It says fault is still



retained but we're going to give you no-fault. But then if you plead upon fault the defendant would have no defense whatsoever because the judge and who can trust a judiciary in all instances may find a no-fault. May find for the reasons of irreconcilable differences of divorce and grant the divorce on the basis of no-fault and then divide up the property on the basis of this community property concept we have in this Bill. This Bill is so confusing that no one will ever understand and no one can effectively defend and I say if we're going to create a right of action in this State of Illinois you should give the opposite party the right to defend on some logical coherent reason. But this eliminates that. You can't defend because as soon as you defend the judge says that defense is no good because I'm going to find on a different ground whatsoever. So I say to you, support this Amendment because it'll put some rationality back into this Bill so that a lawyer and a party and a proceeding will know where he's going. Thank you."

Speaker Redmond: "Representative Geo-Karis."

Geo-Karis: "Mr. Speaker, I'd like to speak against Amendment #15..."

Speaker Redmond: "Proceed."

Geo-Karis: "...Because in effect what it is doing is scrapping the whole Bill. If it takes out what he says to take out and I...I'm going to quote if I may from lines 28 to 33 because some people don't have this Amendment. It relates the fact where any evidence of the foregoing charge...grounds for divorce have been offered the court and the court determines that the parties' differences are irraconcilable the court may grant a divorce on the grounds that the marriage is irretrievably broken and need not make a finding of fault in connection therewith. Now if this Amendment passes you are striking out the whole purpose of this Bill and I speak against this Amendment."

Speaker Redmond: "Representative Madison."

Madison: "Mr. Speaker, would the Sponsor yield for a question?"

Speaker Redmond: "He will."

Madison: "Representative Stearney, I listened to the...your scenario particularly as it related to the example you gave of an individual having a defense against physical cruelty in which he can substan-



tially show that he...that it was not physical cruelty. Am I to understand in your example that this would be a situation where the person would be offering under defense in order for the judge not to grant divorce?"

Stearney: "Yes."

Madison: "In a situation like this, Representative Stearney, if there were...irreconcilable differences, why not the divorce?"

Stearney: "But the party is not suing under irreconcilable differences, the party pleading one of the specific grounds that is retained in this Bill, such as physical cruelty, venereal disease conviction of an infamous crime, attempt murder, excessive use of alcohol or drugs. If one of the parties alleges those grounds and the...the other spouse defends by denying those grounds nevertheless the court in its undue discretion may nevertheless say I'm going to grant the divorce even though the...the defendant has successfully defended I'm still going to grant the divorce regardless. And I cite the provision here on page 15, lines 28, 29, 30, where it says, 'Where evidence of any of the foregoing grounds for divorce has been offered to the court and the court determines that the party differences are irreconcilable the court may grant a divorce on the grounds that the marriage is irretrievably broken and need not make a finding of fault in connection therewith'. So there's no defense. You're eliminating the inalienable right to defend oneself in a divorce proceeding where your wife is about to take your children and all your property. And I don't think that's right. There has to be some...some concept of fairness retained in this Bill and this Amendment would put that concept into it."

Madison: "Well, Representative Stearney, even if your Amendment were adopted and the defense, an affirmative defense of this kind were allowed, that would still not preclude the judge from finding a...  
from granting divorce, is that not true?"

Stearney: "Would you repeat that question?"

Madison: "I said even if your Amendment were allowed, were adopted, and this were allowed as an affirmative defense in a divorce proceeding that would still not preclude the judge from finding...from...from



rendering a divorce. Is that not true?"

Stearney: "True. If my Amendment were adopted the court could nevertheless find an...make a finding of divorce."

Madison: "Well, then are you saying that your Amendment would have some effect on the way property settlement was given relative to the judge's order?"

Stearney: "The result would be so."

Madison: "But I understand that the other...the other portions of this Bill deals with community property and...and those kinds of things...."

Stearney: "Yes."

Madison: "That this particular Amendment #15 does not affect?"

Stearney: "No, but...this is...you cannot take the cart before the horse. Before the judge can make a division of property..."

Madison: "I'm...I'm trying to find the horse, Representative."

Stearney: "Well, if you'll look carefully the court must first say I'm going to grant a divorce to one or the other of the parties before he can divide up the property."

Madison: "You...thank you, you've completely confused me, Representative Stearney. Thank you very much."

Stearney: "No, it's the Bill that does so."

Speaker Redmond: "Representative Sangmeister."

Sangmeister: "Well, I think we ought to make it clear to begin with that this Bill is not a maze of anything. This Bill has been as carefully thought out as I think anything that has ever been presented here. What the Subcommittee's feeling was and I'll give an example as long as Representative Stearney did. Let's say that the...the wife filed on the grounds of adultery and let's say that the...husband counterclaimed on drunkenness and the judge is hearing this case and comes to the decision that well both parties are...are ~~this marriage is certainly over because I believe a little bit~~ of this one, I believe a little bit of this one. One thing is for certain, this marriage is dead. There are certainly irreconcilable differences here and rather than having the whole thing washed out with a transcript for the children on the basis of fault on both



sides he would just put the divorce through on the basis of irreconcilable differences and I think it's a very good addition to the Bill. And would urge the defeat of this Amendment."

Speaker Redmond: "Representative Deuster."

Deuster: "If the Sponsor would yield for a question?"

Speaker Redmond: "He will."

Deuster: "Representative Stearney, as I read the...the Bill before your Amendment, a party could file a complaint for divorce and allege two grounds. One, let's say, adultery; two, 9-B which is that they have been living separate and apart for a continuance period in excess of one year and irreconcilable differences. So you've filed a complaint on those two grounds, adultery and...and living apart plus irreconcilable differences. Then when you get to the trial in comes C, which you're seeking to strike out which says, 'where the evidence of any of the foregoing grounds have been offered', that would be adultery, and the court determines that the parties differences are irreconcilable the court may grant a divorce', this completely knocks out the requirement of living separate and apart for a year, does it not?"

Stearney: "No, it doesn't."

Deuster: "Well, where is it left in there?"

Stearney: "This provides only where one of the fault grounds are alleged. My Amendment is directed to that, alone..."

Deuster: "Well, yes...the Bill..."

Stearney: "You're going to be suing upon 9-B. My Amendment would have no effect on you whatsoever."

Deuster: "If you're suing on 9-B alone your Amendment has no effect?"

Stearney: "No."

Deuster: "I'm totally confused. Thank you."

Speaker Redmond: "Representative Friedland. Representative Friedland, do you seek recognition? Representative Stearney to close."

Stearney: "Mr. Speaker, Ladies and Gentlemen of the House, Mr. Sangmeister said this Bill was not confusing. Well, I say to you that it is because he doesn't really know exactly what's in his Bill. The example he gave you of two parties filing against one another and





both of them being wrong invokes the doctrine of what they call recrimination but under his own Bill, he probably doesn't realize it it's so confusing, is that the doctrine of recrimination is eliminated. So therefore this...you could never invoke that particular defense in this proceeding and therefore his argument in opposition to my motion is just not appropros because the defense it would no longer be included within a divorce proceeding. So I say just to substantiate my allegation in the beginning that this Bill is confusing, I say it is and for that reason I ask for your support in the adoption of this Amendment."

Speaker Redmond: "Gentleman has moved...Amendment #15 be adopted. Those in favor vote aye; opposed vote no. Have all voted who wish? ...All voted who wish? Clerk will take the record. On this question 34 ayes, 56 no: And the Gentleman's motion fails and the Amendment is not adopted. Any further amendments?"

Clerk Selcke: "Amendment #16, Stearney, amend House Bill 3910 on page 29 line 10 by deleting the period and inserting in lieu thereof the following and so forth."

Speaker Redmond: "Representative Stearney."

Stearney: "I ask leave to table that Amendment."

Speaker Redmond: "Any objection? Hearing none Amendment #16 is tabled. Any further amendments?"

Clerk Selcke: "Amendment #17, Stearney, amend House Bill 3910 page 15 by deleting lines 23 through 27."

Speaker Redmond: "Representative Stearney."

Stearney: "Ladies and Gentlemen of the House, this Amendment provides that the ...deletes the provision that the parties may waive the one-year separation period. This Bill says that in order for you to sue upon the theory of irreconcilable differences you must live separate and apart for one year. Then it goes on to say that the parties may agree to waive that provision by filing a written stipulation. Well, I say to you that if we're going to have no-fault let's do it in a rather logical, coherent, rational manner, and that is if the parties live separate and apart for one year, they may go into court and sue upon the doctrine of irreconcilable



difference without showing fault and you could not waive it within 60 days. So in other words if we're going to have no-fault let's just take it on a step by step basis and let's not be too presumptuous in rushing into it and allowing parties to go into court too quickly within a matter of 60 days. Thank you."

Speaker Redmond: "Representative Sangmeister."

Sangmeister: "Well, again, this is an effort to scuttle the Bill. As it is the Bill presently consists and again this is a safeguard that we put in, we want the one-year period to go by for anybody that wants to file under these grounds, at least a year has accrued. Now it was the feeling of the Subcommittee and the bar associations that if both parties agree that it should be put through on...as irreconcilable differences or a...a no-fault then within 60 days after the commencement of the action for divorce they ought to be able to do that and where both parties agree to have a divorce and the divorce is...the marriage is certainly dead, well, that's the whole idea of the Bill. And to adopt this Amendment would be to defeat the whole purpose of the Bill. And I urge a no vote."

Speaker Redmond: "Representative Sangmeister. Representative Stearney."

Stearney: "Well, in closing let me say this here that every Amendment I have posed here has been objected to on the basis that it's going to gut the whole Bill. Well, I just don't know how much there is to the Bill if any little Amendment may gut it. I suggest to you that this is a reasonable and a rational compromise to the measure of instituting no-fault divorce. Let us not be rushed into this haphazardly but let the party separate long enough to realize that they actually want a divorce and not rush into court and be granted one within 60 days. I ask for a favorable Roll Call on this Amendment."

Speaker Redmond: "Gentleman has moved the adoption of Amendment #17

to House Bill 3910. All those in favor vote aye; opposed vote no.

Representative Fleck to explain his vote. Let him vote first. No.

Have all voted who wish? The Clerk will take the record. On this

question there's 23 ayes, 62 nos, and the motion fails. The Amend-

ment is not adopted. Any further Amendments?"



Clerk Selcke: "Amendment 18, Stearney, amend House Bill 3910  
page 15 and so forth."

Speaker Redmond: "Mr. Stearney."

Stearney: "Amendment 18, I ask leave to table."

Speaker Redmond: "Any objections? Amendment #18 tabled. Any further amendments?"

Clerk Selcke: "Amendment 19, Stearney, amend House Bill 3910  
on page 8 by inserting a new paragraph after line 7 to read and  
so forth."

Speaker Redmond: "Representative Stearney."

Stearney: "Well, Ladies and Gentlemen, the reason I introduced this  
particular Amendment..."

Speaker Redmond: "Representative Sangmeister."

Stearney: "...By the advocate."

Speaker Redmond: "Sangmeister."

Sangmeister: "It's...(unintelligible)...but I think this Amendment is  
now typical of what's going on here. Here we have an Amendment  
that the marriage should be renewed, it's only going to be good  
for one year where there's no children now. And each year we should  
renew our marriage. There may be some thought along that line but  
certainly this is not a place to be playing these kind of games so  
at this time I move that this Amendment be tabled."

Speaker Redmond: "Representative Duff."

Duff: "Well, Mr. Speaker, I think it's a stupid Amendment but when we  
try to get some order in earlier we weren't allowed to, I don't  
see why that Representative from the Subcommittee should now be  
allowed to stand up and play an individual game. If the Sponsor  
really has the guts to try to put something like this for, let him  
stand up and do it for himself."

Speaker Redmond: "Gentleman has moved Amendment #19 be tabled. All  
those in favor... Representative Stearney."

Stearney: "...Mr. Speaker, I think the people of the House are entitled  
to hear this Amendment and to debate it. I think it's a rational  
approach. If the Sponsor of this Bill wishes no fault divorce  
to increase the divorce rate in the State of Illinois I suggest to



him an alternative and that is that the parties be allowed to contract the marriage for one year and if they like it after that period they can...then they can renew it indefinitely; not on a year-to-year basis; some have suggested to me however that may be a reasonable alternative. But I say that after one year if you really like marriage you renew it with the county clerk and it continues indefinitely. And the matter is...I've gotten good response... to it.....from the people in my districts. So I think we should debate this matter."

Speaker Redmond: "Question is on the adoption of the Amendment #19.

The Gentleman has moved that Amendment #19 be adopted. All in favor vote aye; opposed vote no. Have all voted who wish? Clerk will take the record. On this question there's 8 yes and 71 no and the Gentleman's motion to adopt Amendment 19 fails. The Amendment is not adopted. Any further amendments?"

Clerk Selcke: "Amendment #20, Stearney, amend House Bill 3910 on page 16 line 3 by deleting the word 'without' and inserting in lieu thereof the word 'with'."

Speaker Redmond: "Representative Stearney. Representative Stearney."

Stearney: "Ladies and Gentlemen of the House, I think you'll all be interested in this particular Amendment because it says that once the court makes a finding that he's going to award a divorce to one of the spouses he's now going to go into the question of dividing up the marital property. And this provision here would eliminate the word 'without' and insert the word 'with'. It would provide that when the judge begins considering how he's going to divide up the property he's going to do it with regard to marital misconduct. This means that if your spouse has...has committed the wrongful act which has resulted in the dissolution of the marriage that spouse should not be rewarded by sharing in the property equally or even better which. It provides that the court is to concern with the question of who is wrong and penalize that party accordingly. It retains a little bit of discretion in the judge's hands and I think it's a reasonable and rational method of handling the question of divorce because remember this, the probability of any of you Gentlemen being



charged let's say in a criminal proceeding is nil but the probability of you undergoing a divorce is great. And I say to you, I ask you to consider this that if you yourself were involved in a divorce proceeding and your spouse was wrong and committed the wrongful act for which you are getting the divorce then he or she should be penalized if she caused the divorce. So I ask your support in putting on this particular Amendment."

Speaker Redmond: "Question is on the adoption of the Amendment. Those in favor vote aye; opposed vote no. All voted who wish? Have all voted who wish? Clerk will take the record. This question there's 26 ayes and 51 no. And the Gentleman's motion fail and the Amendment is not adopted...."

Clerk Selcke: "Amendment 21, Stearney, amend House Bill 3910 on page 35 by deleting lines 21 and 22 and inserting in lieu thereof the following and so forth."

Speaker Redmond: "Representative Stearney."

Stearney: "Mr. Speaker, not doing too well, however, this one should attract a great deal of support because it provides that this act if adopted shall only apply to marriages performed after the effective date of this Bill. In other words, it relates to the concept of *ex post facto*. We should not create laws which are going to apply back and...and upset contracts entered into before the date. In other words, if you and I are married today, we married on the basis of the existing laws. This here Bill if passed into law would substantially change the right as to getting a divorce and how your property is going to be divided up. So I say, if we adopt this Amendment it's going to apply to all marriages entered into after the effective date of this Bill and I think it's a rational means of handling this particular problem. I ask for your support."

Speaker Redmond: "Question is on the adoption of the Amendment. Those in favor say aye; opposed, no. No's have it, the motion fails. Any further Amendments?"

Clerk Selcke: "Amendment 22, Stearney, amend House Bill 3910 page 20 line 13 and so forth."



Speaker Redmond: "Representative Stearney. Representative Maragos."

Stearney: "...To table."

Maragos: "Mr. Speaker, I rise a point of order. I've been very patient here going through these Amendments. About half of these Amendments are not on my desk and I want to know if they've been passed out because I tried to follow them as much as I can but I do not...on my desk at the present time."

Speaker Redmond: "Clerk advises me they have them. Did you move to table 22, Representative Stearney? Any objections to tabling Amendment 22? Hearing none Amendment 22 is..."

Clerk Selcke: "Amendment 23, Stearney, amend House Bill 3910 on page 35 by deleting lines 23 through 27."

Stearney: "I ask leave to table."

Speaker Redmond: "Any objections to tabling Amendment 23? Hearing none 23 is tabled."

Clerk Selcke: "Amendment #24, Stearney, amend House Bill 3910 page 22 line 21 by deleting the words 'and was' and by deleting line 22 and so forth."

Speaker Redmond: "Representative Stearney."

Stearney: "Well, Mr. Speaker, I ask leave to table..."

Speaker Redmond: "Any objection to tabling Amendment..."

Stearney: "25 to 26."

Speaker Redmond: "...24, 25, 26? Hearing none Amendments 24, 25, 26 are not on your desk, Representative Maragos, in the table 'em... okay. Any other Amendments?"

Clerk Selcke: "Amendment 27, Stearney, amend House Bill 3910 on page 28, line 14 and so forth."

Stearney: "Well, this Amendment provides that the court in determining custody shall not favor any spouse because of sex. This is merely meant to direct the court's attention that they should not favor the female in a divorce proceeding in determining who is to be awarded the children. I think it's a very fair Amendment and I ask for your support."

Speaker Redmond: "Representative Fleck."

Fleck: "Finally we got to something that I can agree with with the"



Sponsor. I think this is a very fair Amendment. Any person who has done any kind of divorce work particularly in Cook County knows that there is an unwritten rule that the judges apply and the case law also applies and that is the ruling of tender years. That when a child is of youthful years the mother is presumed to be the proper spouse to have the custody of that child. Recently an appellate court decision has overruled the tender years doctrine in Illinois. However, the judges by habit and by nature have continued to apply this rule in custody hearings. It is eminently unfair. I don't think the judges when they apply the tender years doctrine are fair and it is clearly unconstitutional and if this Bill were to ever become law I think it is very fitting and proper that this guideline be set forth in capital letters possibly so that the judges of this state have no presumption of the tender years doctrine in any custody hearing. And this is one of the few Amendments that I think the Sponsor has presented today that makes any rational sense at all."

Speaker Redmond: "Any further discussion? Representative Geo-Karis."

Geo-Karis: "Mr. Speaker, Ladies and Gentlemen of the House, I am afraid that I have to agree with the Sponsor of this Amendment. I think it's a good Amendment because I think the...the best interest and welfare of the children should be...is a determining factor and not whether it's the mother or the father. I think who can best take care of that child and how well that child could be brought up should be the determining..."

Speaker Redmond: "Representative Sangmeister."

Sangmeister: "I think the court or the judges are well aware of...of what the present law in Illinois is and I don't think it adds or detracts from anything but I really have no objection to this going into the Bill and I'm sure the Subcommittee doesn't either so we'll abide by the wishes of the House."

Speaker Redmond: "Question is on the adoption of the Amendment. Those in favor say aye; aye. Opposed; no. The ayes have it and the Amendment is adopted. Any further amendments?"

Clerk Selcke: "Amendment 28, Stearney, amend House Bill 3910 page 15 line 6 by deleting the semicolon and adding the phrase, 'for



the space of one year'."

Speaker Redmond: "Representative Stearney. Gentleman has asked leave to table Amendment #28. Any objection? Hearing none Amendment 28 tabled."

Clerk Selcke: "Amendment 29, Griesheimer, amends House Bill 3910 page 24 by inserting between lines 5 and 6 the following and so forth."

Speaker Redmond: "Representative Sangmeister."

Clerk Selcke: "No, Griesheimer."

Speaker Redmond: "Or Griesheimer. Representative Griesheimer."

Griesheimer: "That's Representative Grasshammer here. Thank you, Mr. Speaker..."

Speaker Redmond: "Griesheimer."

Griesheimer: "Thank you, Mr. Speaker, Amendment 29 merely clarifies an issue which has been a little bit perplexing to many judges and parties involved in a divorce. It prohibits the award of alimony within 5 years after the marriage to either party if there are no children. This...this eliminates the situation where you get the shakedown marriage. Where a party gets married, they're married a year or eighteen months and one of the parties tries to take the other party for alimony. I think it's an equitable matter and will add something to the Bill."

Speaker Redmond: "Representative Geo-Karis."

Geo-Karis: "Mr. Speaker, I rise to speak against this Amendment. Supposing that a man is married to a woman who's quite wealthy. Within the first five years he has a terrible accident and she decides to get rid of him and he can't support himself then he will not get any support even if he doesn't want the divorce. I think it's an unfair Amendment both to men and to women and I speak against this Amendment. I don't think we can just make it a time period. Supposing another case where the husband beats up the wife very unmercifully and she's crippled for life and they're only married less than five years, maybe three and a half years. Do we just close out the support factor there? I think it's a very, very bad Amendment and I speak against it."

Speaker Redmond: "Representative Maragos."





Maragos: "Mr. Speaker, Members of the House, I, also, rise in opposition to this Amendment. Ron, I agree with you that there should be some guidelines where a marriage entered into for purposes of taking profit of another with no intent of fully...live up to the vows of marriage are good. But I had a case recently where a party was married four years and because of immaturity of the husband this woman had a difficult time and as result she was not able to...she would not be able in this Amendment to recover anything after she had tried in every way to make this a good marriage. I think that time is a very arbitrary method of standard upon which you should deny alimony or support. But I'll go along with you on some other basis which I think if we can set up some standards other than time now maybe we should put it where a marriage is a short marriage and should not be allowed."

Speaker Redmond: "Representative Marovitz."

Marovitz: "Thank you, Mr. Speaker, will the Sponsor yield?"

Speaker Redmond: "He will."

Marovitz: "Representative Griesheimer, how did you go about picking the figure of five years? Is there some statistics that were used?"

Griesheimer: "Through my experience in the divorce courts and seeing that there's...a figure had to be established, I don't think there's any magic to the five years; however, I would think five years is a maximum figure. If I had my way in these actions, I would think Illinois would be well-advised as a progressive state to completely rid itself of the concept of alimony entirely. And as a practical matter I must advise that this Amendment was introduced as a foot in the door for a later attempt to completely abolish the concept of alimony which is certainly a matter of...of segregating at least one marital partner all the time."

Marovitz: "Mr. Griesheimer, do you know if there's any other state in the Union that have this sort of setup on their books under statutes?"

Griesheimer: "Not to my knowledge."

Marovitz: "It seems to me, if I may address myself to the Amendment, Mr. Speaker..."

Speaker Redmond: "Proceed."



Marovitz: "...That this is a very hard-core way of addressing this problem. There may be abuses and I certainly think we've all heard of abuses of these kinds of problems but to set a hard and fast rule cutting out alimony for any marriage less than five-years duration without children seems to me to be opening up a Pandora's box. There's many problems that anybody who's handled any divorce matters could readily think of and I would certainly oppose this Amendment."

Speaker Redmond: "Representative Stearney to close. Or Griesheimer, pardon me. Griesheimer."

Griesheimer: "Thank you, Mr. Speaker, I'm not going to follow up that comment about Pandora's box. I don't choose to close."

Speaker Redmond: "The question is on the adoption of the Amendment. Those in favor vote aye; opposed vote no. Have all voted who wish? Clerk will take the record. This question there's 11 aye and 51 no and the Gentleman's motion fails. The Amendment is not adopted. Any further Amendments?"

Clerk O'Brien: "Amendment #30, Griesheimer, amends House Bill 3910 on page 23 line 2 and so forth."

Speaker Redmond: "Representative Griesheimer."

Griesheimer: "Thank you, Mr. Speaker, now Amendment 30 I would say is in considerably more serious light than Amendment 29. In short to the attorneys that are present here it eliminates the concept of special equities that's built into this Bill. There's no possible concept in Illinois divorce law that is more inequitable than the concept of special equity. And I would call the attention particularly of those Ladies who pride themselves on the sponsorship of the Equal Rights Amendment. Under Illinois law today a husband and wife who may have been married over 20 years upon the granting of a divorce that the wife can not show that she has specifically contributed cash to the purchase of the assets has absolutely no right in or to those assets. This is a ridiculous interpretation of the law that's been perpetuated by the Illinois courts to the present time. By eliminating lines 3 through 12 on page 23 of House Bill 2910 we in effect abolish the concept of special equities."



in the State of Illinois. I can think of no better way to rid ourselves of an unfair law than to adopt this Amendment. And I would urge its adoption."

Speaker Redmond: "Any discussion? Representative Deuster."

Deuster: "If the Sponsor would yield for a question."

Speaker Redmond: "He will."

Deuster: "The...what you're striking out is an authorization to the court to consider the duration of the marriage. This seems to run just opposite to what you were suggesting in your prior Amendment. How...how do you rationalize this?"

Griesheimer: "My last Amendment failed, Mr. Deuster, and I'm a man of great flexibility."

Deuster: "I see. And what you're striking out is authorization to the court to consider the contribution of each spouse including the contribution of either spouse as a homemaker. What...why do you want to strike that out?"

Griesheimer: "Well, if you read that section in its entirety it's a recitation to some considerable degree of the special equity doctrine in the state of Illinois and I don't know whether you've ever had occasion to deal with that. Recently I did. In fact, I brought it up on the floor of the House when we were discussing the Constitutional Amendment where a party after a marriage of 22 years was not granted any of the marital investment property because the husband put it all in his name and the court refused to look into any of these items. I think this particular section in House Bill 3910 is nothing but a reaffirmation of the court-made law of special equity and I think we have an obligation to ...to completely rid ourselves of it."

Deuster: "Mr. Speaker, just speaking briefly I would speak against this Amendment because I think we ought to leave the provisions in the statutes that give some guidance to the judge and to the parties and everybody who's married to know what their rights are and I think one of those strong provisions is that there's a codification in the existing law to make sure that the judge will consider the contribution made to a marriage and to the acquisition



and improvement of marital property by a spouse who's a homemaker and I urge the defeat of this Amendment for that reason."

Speaker Redmond: "Representative Sangmeister."

Sangmeister: "Well, I think Representative Deuster just hit it on the head. All we're doing here is codifying what is presently case law. We're asking the judge to consider, for example, the contribution of each spouse to the acquisition and improvement of the marital property including the contribution of either spouse as a homemaker. We're asking that the nature and the value of the property be considered; the duration of the marriage and the financial needs and capabilities of the parties. These are certainly things that a judge should take into consideration when he's dividing the property. And on that basis I certainly urge the defeat of this Amendment."

Speaker Redmond: "Question is on the adoption of the Amendment.

Representative Griesheimer, do you care to close?"

Griesheimer: "Yes, Mr. Speaker, I...I would like to comment on this.

I don't think that the prior two speakers know the current state of the...of the law special equities in all deference to their legal abilities. I just recently researched this for a client and absolutely and unequivocally if a woman is a homemaker having raised the children, et cetera, she gets absolutely no credence to the investments in the marital property if it's in the husband's name. And in fact even though this section of the House Bill 3910 makes some reference at...at best lip service to the concept of the judge looking into the status of the homemaker, I assure you that this will guarantee that a woman whose husband places all the property in his name will wind up with nothing except one-half of the marital home. And that's only because it's probably in joint tenancy and that will happen time and time again. And it's grossly unfair generally to the women in these marriages there is no other way to avoid this than to strike this type of interpretation which is the special equity...equities doctrine of Illinois."

Speaker Redmond: "Question is on the Gentleman's motion. The motion.



is move to adopt the...the adoption of Amendment #30 to House Bill 3910. All in favor vote aye; opposed vote no. Representative Geo-Karis."

Geo-Karis: "There is nothing in the prior law to my recollection that covers anything about homemaker and this Bill does cover it and therefore I do vote against the Amendment."

Speaker Redmond: "Good explanation. Have all voted who wish? Clerk will take the record. On this question there's 4 ayes and 52 no and the Gentleman's motion barely fails."

Clerk O'Brien: "Floor Amendment #31, Griesheimer, amends House Bill 3910 on page 3 by deleting lines 20 through 27 and so forth."

Speaker Redmond: "Representative Griesheimer."

Griesheimer: "Mr. Speaker, since this Amendment calls for the re-establishment in the state of Illinois of common law marriage I'll move to table at the present time..."

Speaker Redmond: "Any objections...tabling Amendment 31? Hearing none 31 is tabled. Any further..."

Clerk O'Brien: "Amendment 32, Sangmeister, amends House Bill 3910 on page 2 line 7."

Speaker Redmond: "Representative Sangmeister."

Sangmeister: "Ah, these were Amendments to the act as were requested by the Department of Public Health and...31 has been tabled, I believe. Is that correct? Yes, 31 has been tabled right and the Amendments as you see it are what the Department of Public Health felt should be Amendments to the Bill to put in conformance with their present practices. Ask for its adoption."

Speaker Redmond: "Any discussion? Gentleman has moved for the adoption of Amendment 32. Representative Ewing. Representative Ewing. Will the Gentleman between Mr. Ewing and the Chair please sit down?"

Ewing: "Mr. Speaker, I wonder if the Sponsor will yield for a question?"

Speaker Redmond: "He will."

Ewing: "Would you... could you indicate a little more specifically what the Public Health Amendment does?"

Sangmeister: "Yes, if you will look on page 2 of your Bill on line 7, we say a certificate of each judgement entered under Articles 3, 4, and 5,



shall be furnished, filed with the Department of Public Health. The Department of Public Health testified at the hearing and stated that those certificates and I'm sorry that I can't explain exactly what those certificates are are no longer being submitted anyway, as long as we were going to make an attempt to change the law they wanted that deleted."

Ewing: "Ah..."

Speaker Redmond: "Representative Ewing."

Ewing: "Does this have anything to do with a change in the law which was enacted I believe a year ago which allowed for a doctor to issue a certificate for a couple applying for a marriage license where previously it had only been available from the Director of the State Department of Public Health?"

Sangmeister: "Well, I'm not going to answer that question with a clear yes or no because I'd have to answer very honestly I'm not sure that...I would think not, but I would not want to give you an unequivocal answer because I really don't know the answer to your question."

Ewing: "Well, Mr. Speaker, I think we should have a just a little clearer explanation to this Bill particularly on the point that I've raised raised before we would adopt this Amendment."

Speaker Redmond: "Representative Sangmeister."

Sangmeister: "I'm sorry that I can't do anymore but this is what the Department of Public Health felt would put the present law in conformity with what their actual practice is and that's all I can say at this point. It's their Amendment."

Speaker Redmond: "Question is on the adoption of the Amendment. Those in favor vote aye; opposed vote no. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 29 aye and 2 no and the Gentleman's motion prevails and the Amendment's adopted. Any further Amendments?"

Clerk O'Brien: "Amendment #33 Rayson amends House Bill 3910 on page 18 by inserting between the words 'abilities and this' on line 7 the following."

Speaker Redmond: "Representative Rayson."

Rayson: "Mr. Speaker and Members of the House, this Amendment is in



effect one of the original Committee Amendments which Representative Sangmeister handled earlier on these matters and it merely implements Amendment 10 which was adopted by putting the same language with regard to determination of paternity if the issue arises on temporary matters pertaining to support and custody as it does in permanent matters on a judgement hearing for divorce. And I would move for the adoption of this Amendment."

Speaker Redmond: "Any discussion? Representative Sangmeister."

Sangmeister: "What Representative Rayson said is true. What we're doing is just moving over that same language over into the temporary support where it was in the permanent and I would urge its adoption."

Speaker Redmond: "Question is on the adoption of the Amendment. Those in favor of the Gentleman's motion signify by saying aye. Aye. Opposed, no. The ayes have it. The Amendment's adopted. Any further Amendments?"

Clerk O'Brien: "Amendment #34. Fleck. Amends House Bill 3910 on page 18, line 7 and so forth."

Speaker Redmond: "Representative Fleck."

Fleck: "Leave to table that Amendment, please."

Speaker Redmond: "Any objection? Amendment 34 is tabled. Any further Amendments?"

Clerk O'Brien: "Amendment #35. Chapman. Amends House Bill 3910 on page 4 by inserting between line 26 and 27 the following: 'their social security numbers'."

Speaker Redmond: "Representative Chapman."

Chapman: "Mr. Speaker, Amendment #35 would require that on a marriage license the social security numbers of the spouses will be included. One of the persisting problems that occurs when divorce takes place is that the spouse who is providing for the support of the children has difficulty in locating their other spouse who is also required to contribute to the child support. If the social security number were available this would facilitate locating a spouse in order to collect child support. This is a...a simple change. I understand that it's acceptable to the Sponsor and I'd ask for your support."



Speaker Redmond: "Representative Leinenweber."

Leinenweber: "Question for the Sponsor."

Speaker Redmond: "Proceed."

Leinenweber: "Is it not illegal to trace a person through use of his social security number? Is it not illegal under federal law?"

Chapman: "I can't answer that question, Mr. Leinenweber."

Leinenweber: "Well, Mr. Speaker, briefly on the Amendment, one of the things that people have been crying about, a great amount greatly lately, is the lack of privacy and the use of government...the fear that we'll all live as a government number. This is partially true. Nevertheless it's my understanding that the Social Security Act does provide, at least that modicum of protection, that they will not give out the location of an individual through his social security number and I think to put this in would lead possibly to attempt to subvert the federal law and subvert the right of privacy of individuals and set a bad precedent for use of government filing information and for locating and finding out other things about people. So I would urge the defeat of Amendment 35."

Speaker Redmond: "Question is on the... Representative Sangmeister."

Sangmeister: "Well, I...I really think that the Amendment has some merit from the standpoint that if we can trace people I think we should be able to do that. They should meet their legal obligation. However Representative Leinenweber does raise a question. I really don't know the answer to it either whether it's unlawful by federal act or otherwise to use a social security number. If it is, of course, we shouldn't be doing it. I'm sorry we don't have the answer to the question but the concept of the idea of the Amendment I think is meritorious."

Speaker Redmond: "Question is on the... Representative Geo-Karis."

Geo-Karis: "I concur that...with Representative Sangmeister because after all we are asking for the real and full names of places of residence and if...by the same token we're asking their ages so we are invading their privacy for that too. I think a social security number is very important because there might be children born, parents might be killed in an accident, they might have a common





name and with the social security at least it might trace the right people. I speak in favor of this Amendment."

Speaker Redmond: "Question is on the adoption of the Amendment.

Those in favor indicate... Representative Chapman. Chapman."

Chapman: "In response to Mr. Leinenweber, I understand that there is a federal law now that would require the provision of social security numbers, this can be very helpful if you are trying to get the support of...of the spouse in order to keep a family off public aid. And so I think the...the answer to Mr. Leinenweber's question is that not only is it not illegal but it is a matter where public aid recipients are concerned of federal law. And I...I renew my request for your support."

Speaker Redmond: "Question is on the adoption of the Amendment. All those in favor indicate by saying aye. All those in favor vote aye; opposed vote no. Have all voted who wish? Representative Leinenweber."

Leinenweber: "Mr. Speaker, I'd like to explain my vote. I think this is a horrible precedent to set to turn over to private individuals for their use social securities numbers for...trying to find out where people are. This is a very bad precedent. I wish everybody would reconsider their vote before they...they cast this. It certainly used to be illegal and with ever-spreading big brotherism in Washington I'm not surprised if they did slip through some change recently. But this is a horrible Amendment. This is a horrible practice. If you want to have the government tracing you every day of your life from now then vote aye for this Amendment. If you want some kind of privacy then vote no."

Speaker Redmond: "Have all voted who wish? All voted who wish? Representative Mann."

Mann: "Well, Mr. Speaker, I think it's a bad Amendment, too. I'm very tired of having to list my social security number on every single piece of paper in my day-to-day life. And if you're at all concerned about having data banks existing Washington on a great scale, then you will vote no. This is definitely an invasion of privacy. Enough of it is going on now."



Speaker Redmond: "Have all voted who wish? Clerk will take the record. On this question there's 36 aye and 61 no. And the motion fails. Any further Amendments?"

Clerk O'Brien: "Amendment #36. Stearney. Amends House Bill 3910 on page 22 line 35 and so forth."

Speaker Redmond: "Representative Stearney."

Stearney: "...Speaker, Ladies and Gentlemen of the House, this Amendment is directed solely to the marital property section of this Bill. It has nothing to do with no-fault divorce. This Bill provides that after the date of marriage all property acquired by one spouse shall be designated as marital property and shall be subject to a division and award of the court irrespective of the title or ownership interests. In making such order division now, this Bill says, the court may award all or part of such property of either spouse and based on the following. Well what my Amendment does is delete that language and says that all property acquired by either spouse after the date of the marriage shall be a portion as the court deems equitable. Now the purpose of my Amendment is to provide for the exigency, let's say, where we have a short-term marriage. We have a two-year marriage and one of the, let's say the woman now is divorcing her husband, now under this Bill as it's written, she would automatically share in all property acquired by her husband after the date of the marriage which I think is wholly unfair. This Amendment of mine means that the court will decide what if anything she should be awarded based on a number of factors including the duration of the marriage. But if the Bill remains as is the court must designate all of your property acquired by you after the date of the marriage, even though you keep it in your own name, and it will be put into the pot and divided up accordingly. I think this is unfair. I don't think they should be retained in the Bill and the Bill should be amended to allow the court to appropriate... divide the property on the basis of special equity. Thank you and I ask for your support."

Speaker Redmond: "Representative Sangmeister."

Sangmeister: "Well, this is almost except for one or two lines the



same Amendment that Representative Griesheimer had which we just overwhelmingly defeated. It's going into again what's been codified from case law. And this Amendment should be defeated just like the previous one."

Speaker Redmond: "Representative Hart."

Hart: "I'd like to ask the Sponsor of the Bill..."

Speaker Redmond: "Proceed."

Hart: "...A question. The Bill...the Bill does provide for community property rather than the present way of dividing property, is that right?"

Sangmeister: "Well, not...it all depends on what you mean by community property. We're certainly not adopting the system that we have in California. What...what is the subject and I presume we keep ourselves to this Amendment here that he seeks to have stricken states that the thing the court is to take into consideration. For example, the contribution of each spouse to the acquisition and improvement of the marital property, so right there it's not community property. What we're saying is the court has to take into consideration what each spouse has contributed. Now if the husband owned all the property prior to the time he got married that's one thing that the court's got to consider."

Hart: "I'm not talking about the property that was acquired prior to the marriage, I'm talking about the property that was acquired after the marriage. Does the Bill provides that that property acquired after the marriage becomes automatically community property?"

Sangmeister: "Not automatically. It says the contribution of each spouse to the acquisition, improvement of the marital property including the contribution of each spouse as a homemaker, either spouse as a homemaker. So anything that's acquired afterward the court looks, takes that into consideration but it doesn't make it automatically community property."

Hart: "Well, then, what's wrong with this Amendment?"

Sangmeister: "This Amendment, as it is drafted, is designed to strike out all of the...the various aspects that the court is to consider at the time it's going to divide the property. There are five



different matters, I don't want to read them all here, but the short ones are the nature and value of the property, the duration of the marriage, the financial needs and capabilities of the parties. Certainly, Representative Hart, these are things the court ought to take into consideration. It's Illinois case law now and we're just codifying it."

Hart: "Well that's what confused me because...those are the things that would make the division equitable and that's what the... Amendment appears to me to say instead of eliciting the things that the court should take into consideration, you just say that the court should divide the property in an equitable manner. So I don't ...I don't understand, really, the difference between what the Bill says and what the Amendment says. Can you...can you really distinguished anything other than the specific enumeration?"

Sangmeister: "No, I can't I...I...maybe missing your point. All we are is pointing up those things that the judge is to take into consideration. If you're saying that the net result of his taking into all...into consideration all of these things makes it community property then I think...I...I don't read it that way, Dick."

Hart: "No. I'm...I'm saying that that...that's what makes the division equitable when they take into consideration..."

Sangmeister: "That's right."

Hart: "...All of those things."

Sangmeister: "That's right. So let's not take them out of the Bill with this Amendment."

Speaker Redmond: "Anything further? Question is on...Representative Stearney."

Stearney: "Well, Mr. Speaker, this Amendment provides, deletes the language that all property acquired after the date of the marriage shall be designated as marital property irrespective of how...how title is held. That language is deleted and instead of that is inserted the language that the property shall be apportioned as the court deems equitable. Now what it...what it means is that the present status, the status quo, shall remain; that the court shall consider all the factors that Mr. Sangmeister alluded to instead



of just being codified. But it deletes the pernicious provision that says that all property shall be acquired after the date of the marriage is marital property and therefore ipso facto is put into the great big pie to be divided up regardless of all these other factors. I think we should retain the present system rather than going into this new provision which is and most likely will be defined as community property. And therefore I ask for your support on this Amendment which is reasonable. Thank you."

Speaker Redmond: "Question is on the adoption of the Gentleman's motion to adopt Amendment #36 to House Bill 3910. All in favor vote aye; opposed vote no. Have all voted who wish? ...Voted who wish? Representative Catania."

Catania: "Thank you, Mr. Speaker and Members of the House, again we are talking about deleting this language which says that the contribution of either spouse as a homemaker will be considered by the court. I think as has been pointed out earlier this is extremely significant language and that we are moving in the right direction in finally recognizing in the statute that the contribution of a homemaker is something that's worthwhile, something that should be taken into consideration by the court when the court is making up its mind about who is entitled to the property. A woman who has served her husband and children as a homemaker for many years should not be thrown out and that's what this Amendment does. It throws out the woman who has had no training to work outside the home. It puts her at the mercy of the court with no explicit language in the statute. The way it's written right now it's a very nice statement of her worth in that family and her entitlement to consideration by the court if she has some misfortune to be cast out by her husband after several years of serving with no monetary reimbursement. I ask for your defeat of this Amendment."

Speaker Redmond: "Have all voted who wish? Representative Marovitz. Marovitz."

Marovitz: "Thank you, Mr. Speaker and Members of the House, in explaining my no vote, this the Bill as it stands now was accumulation of



case laws assembled by the Members of the Subcommittee and Judiciary I Committee. Case law that has evolved over a period of years throughout the divorce law. This would leave, as the Bill stands now, would leave discretion with the court to allow for special cases, special equities and specifies what consideration they should...they should take into consideration when making a determination under this particular section of the Bill. And by striking all that language and putting in the minimal language, be apportioned as the court deems equitable, this undoes all the research, codification, case law, that presently goes into the determination of special equities under this section of the law. It's a bad Amendment. It should be defeated and I would hope that we would get some more red lights up there to defeat this bad Amendment."

Speaker Redmond: "Representative Sangmeister."

Sangmeister: "Well, I...I think things have gotten out of focus a little bit on this. First place there seems to be some confusion that this does not apply to individual property; this is under Section B that says marital property. So any spouse that has individual property it is theirs. Any other property shall be designated as marital property and shall be subject to a division and awarded by the court irrespective of title or claim of ownership. Then come all of these different aspects that the court has to consider. So if a person has his own business and he buys it after the marriage as Representative Hart was telling about the court takes that into consideration. If the wife didn't contribute towards that business why I presume the judge is going to take into consideration these factors and not award it to her. So all these factors are taken into consideration and again I reiterate that if it's individual property it's not covered by this and this is the same Amendment that we went through with Representative Griesheimer and I urge a no vote."

Speaker Redmond: "Representative Deuster. Representative Deuster."

Deuster: "Mr. Speaker, Ladies and Gentlemen of the House, if you want to do something to protect a homemaker you ought to vote no on this Amendment because what the Committee has done here is suggest that



the contribution of the homemaker be respected as...there's one thing that we ought to do if we want to preserve and strengthen the institution of the marriage is recognize that the one spouse whatever....sex of the spouse might be is staying home in most cases it's the wife and mother taking care of the children but that contribution ought to be respected and I urge more no votes."

Speaker Redmond: "Anything further? Clerk will take the record. On this question there's 54 yes, 67 no. Gentleman's motion fails. Any further amendments?"

Clerk O'Brien: "Amendment #37..."

Speaker Redmond: "Representative Bradley, for what purpose do you rise?"

Bradley: "Thank you, Mr. Speaker, for the purpose of announcement. The general manager of the House baseball team, Representative Capparelli, asked me to announce that tickets were...the box office was still open right outside the door, it's for charity and Mrs. Chamberlain is sitting there with some extra tickets and anybody that was planning on attending you can run right out there and buy your ticket. Thank you."

Speaker Redmond: "Representative Bradley, there seems some confusion as to whether the game is going to be at Iles Park or at the fairgrounds, can...Representative Capparelli, can you shed any light on that problem? Representative Capparelli."

Capparelli: "We'll be playing at Iles Park; it's 6 o'clock tonight. Yeah, all the ballplayers we'll be calling you in the back room in a little while to give you your uniforms. Thank you."

Speaker Redmond: "Amendment 37."

Clerk O'Brien: "Amendment 37. Amends House Bill 3910 on page 23 by inserting after line 37 ... 'fault of the parties'."

Speaker Redmond: "Representative Stearney."

Stearney: "Well, Mr. Speaker, Ladies and Gentlemen of the House, this... this...this Amendment merely provides that the court in awarding weekly or monthly alimony to either of the spouses shall consider the fault of the party in determining how much to award. I ask your support, favorable adoption of this Amendment."

Speaker Redmond: "Representative Sangmeister."



Sangmeister: "Well, now this is an Amendment that I think we should pay some attention to because I've had some trouble with this myself. If you look at your Amendment it looks like he's again trying to gut the intent of the Bill but he's not. This is under Section 602 which is the alimony. The question on this Amendment is whether or not we should add an additional requirement, consideration for the judge and that is the fault of the party. The point being here, pointblank, is if one of the spouses has been, well, let's put it this way, let's say the wife has been a very unfaithful wife throughout this marriage and she files for divorce and the question of alimony comes up. The husband may be in a position of having to support her with alimony and there's a feeling of a lot people that the court ought to determine what kind of a life she has been leading before that husband has to support her. Now, I'm really not going to take a position one way or the other but I will say that the...the Amendment does have some merit and should be considered by the House."

Speaker Redmond: "Representative Fleck."

Fleck: "Mr. Speaker, Ladies and Gentlemen, I might be echoing the sentiments of Representative Sangmeister but I might go a little further. I support this Amendment and I supported it when it was in this Bill last Session. Presently under the Bill, there are six conditions that a judge may consider in the...determining alimony; length of the marriage, how much work a person has put into the housekeeping into the marriage and various other factors, needs and abilities to pay. But after that they are foreclosed from considering who was the real contributing partner to a successful marriage relationship. They can't consider that. They can't consider whether that should be a valid determination in the amount award of alimony. They are limited by the six factors that are included. Now this would not be the sole factor that if a one spouse might have some fault or wrongdoing that they would be totally eradicated from any of their claims from alimony, all it would say it would be a consideration. It might be a minor consideration. It might be a major consideration depending upon





the degree of transgression but it would be a consideration. I think it's fair. I think it's equitable and I think it opens up the relative merit and demerits of the marriage and the marriage partners for the consideration of the court. And I think it should be presented to this Body as Representative Stearney has and it merits, I think, the support of the Members."

Speaker Redmond: "Representative Leinenweber."

Leinenweber: "Thank you, Mr. Speaker. I'd like to speak in behalf of this Amendment, too. This Amendment...I'll ask you to pay attention to this Amendment if you have any intention at all of supporting the no-fault concept of divorce, at all, if you plan to vote for this Bill you certainly should vote for this Amendment because this Amendment will alleviate one of the major gripes against the Bill and that is the situation where the spouse who has been living a year in open and notorious adultery with his or her paramour can end up getting alimony from the wronged spouse. And any Bill that would...would permit that type of situation in my opinion has got to be bad. This would not necessarily eliminate it but it would make pretty sure that the spouse who is wronging the other spouse will not be able to support his or her paramour off of the alimony paid by the wronged spouse. I certainly urge the adoption of Amendment #37."

Speaker Redmond: "Representative Rayson."

Rayson: "Well, Mr. Speaker, I want to speak against this Amendment."

Speaker Redmond: "Proceed."

Rayson: "Unfortunately Representative Fleck and Representative Sangmeister have left me at this particular moment. In this train of consideration at the discretion of a court the court shall consider certain factors. That doesn't mean they won't consider other factors. They gotta' consider what's just and fair and equitable. When we get to fault at this point of the determination of proceedings it's after the allegations of the proof of the grounds for the divorce whatever they may be, the 11 or 12 grounds on fault, plus this other hybrid that's been kind of bandied about here today. Whether or not it's any of those the court still shall make its



determination. If you try to inject fault at this point it's gonna' be eschewed and it's gonna' mess up the equity of property division. And I suggest that it's a bad Amendment and it follows the other Amendments of Representative Stearney in trying to gut this Bill."

Speaker Redmond: "Anything further? Question is on the Gentleman's motion to adopt Amendment #37 to House Bill 3910. Representative Stearney to close."

Stearney: "I ask for a favorable Roll Call on this particular Amendment."

Speaker Redmond: "Question is shall the Gentleman's motion to adopt Amendment #37 to House Bill 3910 carry? Those in favor vote aye; opposed vote no. Have all voted who wish? Have all voted who wish? Representative Mugalian."

Mugalian: "Thank you...thank you, Mr. Speaker. Just very briefly, I think that this Amendment goes completely contrary to the spirit of no-fault and putting this on will make this Bill virtually useless. I think it's bad enough to have to retain all the other grounds and then to just to add irreconcilable differences. But to put...put this in puts...brings this back to where almost all the work we put into this Bill is going down the tubes. I urge a no vote."

Speaker Redmond: "Have all voted who wish? Clerk will take the record. On this question there's 75 aye and 17 no. And the motion, the Gentleman's motion carries. Any further Amendments?"

Clerk O'Brien: "Amendment #38. Stearney. Amends House Bill 3910 on page 22, line 23 and..."

Speaker Redmond: "Representative Stearney."

Stearney: "Well, Ladies and Gentlemen of the House, this Bill provides under the Section entitled Individual property that any property acquired by you during the marriage in which your other...which your spouse stipulated in writing that you may hold as individual property shall not become community property when you are going through a divorce proceeding. Well this Amendment here deletes certain words, it deletes and...the property of one spouse. So in effect what it means, Ladies and Gentlemen, that if during the



course of your marriage you have the opportunity to acquire property and you don't wish to put it in the name of your wife or your husband you may nevertheless retain...retain the ownership in your name and if by misfortune you happen to go through a divorce proceeding that property will not be considered under the community property, Marital Property Section, and be divided up in half or given half or all or part to the other spouse. I think this is a very fair and reasonable compromise to handling a very thorny issue and that is the division of property. So I would ask for a favorable Roll Call on this Amendment here. Thank you."

Speaker Redmond: "Question is on the adoption...Representative Sangmeister."

Sangmeister: "Yeah, we'd have to oppose this Amendment. This section that he's trying to amend now merely states that the property was... this is one of the things again that the court takes into consideration as to what is individual property. One of the things that the court is supposed to consider, and I say one of the things, is that the property was acquired during the marriage and was stipulated by the spouses and was in writing to be the individual property of one spouse and has been held thereafter separate from the property of the spouse...of the other spouse, so I would presume under that language that if a husband would buy a piece of property or wife in her own name is going to get a deed or a beneficial interest in a trust which is in writing and that's going to be one of the things that the court is going to take into consideration to show that that is the individual property of that respective spouse, and I urge the defeat of the Amendment."

Speaker Redmond: "Representative Stearney."

Stearney: "Well, Mr. Speaker and Ladies and Gentlemen of the House, that is not the situation here. This Bill provides that if your spouse were to agree in writing you may nevertheless hold it as individual property and it shall not be considered community property. Well my Amendment merely provides that if you acquire property during the course of your marriage and you hold it in your particular name, and not holding it in joint tenancy, that property shall be consid-



ered individual property and not community property upon the divorce.

It is the right way to handle this issue and I ask you now for a favorable Roll Call on this particular Amendment. Thank you."

Speaker Redmond: "Question is on the adoption of the Gentleman's motion to adopt Amendment #38 to House Bill 3910. Those in favor vote aye; opposed vote no. Representative Marovitz."

Marovitz: "Thank you, Mr. Speaker, Members of the House, explaining my no vote, you've heard the term community property used here many, many times and as a lawyer that...that word is...a legal word, legal word of ours and it's being used improperly in this debate over and over again. Community property when...when we first heard it in regards to divorce speaks about the kind of community property situation that is presently the existing law in California. This Bill would not create community property in Illinois. Don't let anybody tell you that it would, it would not. It sets up certain things that the judge may and must take into consideration in determining rights but it does not create community property as it is now existing in Illinois. This is a bad...in California, excuse me. It's a bad Amendment and I appreciate all the red votes."

Speaker Redmond: "Have all voted who wish? The Clerk will take the record. On this question there's 22 aye and 56 no. And the Gentleman's motion fails. Any further Amendments?"

Clerk O'Brien: "Amendment 39. Stearney. Amends House Bill 3910 on page 20 by deleting lines 11 through 18."

Speaker Redmond: "Representative Stearney."

Stearney: "Well, Ladies and Gentlemen of the House, this Amendment merely provides that the existing defenses in a divorce proceeding shall remain. In other words, under this Bill as it...as it exists there is no possible way to defend in a divorce proceeding. This here Amendment however provides that if you are sued for divorce you're going to have some means of defending yourself which I think is fair. If the question of your property and the question of who is to get your children is...if...in consider...I think you should have the opportunity to defend yourself on the question of divorce because if the rule...the judge rules against the spouse on the question



of divorce itself they aren't going to get to the question of child custody or property division and I think we should retain the concept that's been in this divorce statute for 150 years.

Thank you."

Speaker Redmond: "Representative Sangmeister."

Sangmeister: "Well, yes, understand that the section that he's referring to we are not eliminating the defenses to the fault grounds. The Bill is very clear, it's only those actions brought under Paragraph B or where a divorce is granted pursuant to Paragraph C of Section 401. That's a no fault or irretrievable different portion of the Bill. We're not eliminating all the defenses and of course, this... it wouldn't make sense to adopt this kind of an Amendment if you're going to have a...a no-fault divorce."

Speaker Redmond: "Question is on the Gentleman's motion. Representative Stearney."

Stearney: "Well, let me give the Ladies and Gentlemen an example here of how inequitable this provision is. I represented a woman who was married to a gentleman for 19 years. Now he ran off with a young woman, now sobeit, but you must remember that the social security laws provide that in order for a spouse to collect social security from the spouse she...he or she must be married to that spouse for 20 years. Now in my situation the woman that I represented did not work, paid no social security. So if her husband were to die at a later date she would get no social security. We defended and because we had a defense we defended successfully the grounds for divorce were stricken, the 20 years have gone by, she's entitled to a...social security now and so she is amenable to the divorce. But if you eliminate all the grounds of defense these inequitable situations are going to arise in the future which we're not considering and we're going to be sorry we passed such a provision.

~~So for these reasons I say to you please give me a favorable vote on this Bill. Thank you."~~

Speaker Redmond: "The question is on the Gentleman's motion to adopt Amendment #39. Those in favor vote aye; opposed vote no. Have all voted who wish? Have all voted who wish? All voted who wish?"



Clerk will take the record. On this question there's 50 aye and 51 no. And the Gentleman's motion fails. Any further Amendments?"

Clerk O'Brien: "Amendment #40. Leinenweber. Amends House Bill 3910 on page 15 and 16 by deleting line 15 through 35 and so forth."

Speaker Redmond: "Representative Stearney. Leinenweber, pardon me."

Leinenweber: "Thank you, Mr. Speaker. This is the one and only Amendment I have filed to this Bill and I think it's relatively important one because it does a rather major thing to the Bill. One of the big arguments made on behalf of no-fault has always been that we ought to take the adversary nature out of the divorce proceeding for a number of reasons. One is the effect on the family and the effect on the children, et cetera, et cetera. Well, I can tell you that this Bill will not take the adversary nature out of divorce proceedings. Amendment #40 very simply throws out the no-fault but keeps in what I consider to be a very meritorious section of this Bill, something that's long been needed in the state of Illinois and that is the agreed divorce based upon no-fault where the parties have filed a stipulation with the court they can get a divorce without the court finding fault and without the necessity of either party testifying as to some fault exhibited by the other. Approximately 99.9% of all divorce proceedings are fought over child custody and/or property division. There 90...the other one-tenth% may or may not be fought over some other reason but 99.9% of all divorces and any divorce lawyer will tell you this does not go on the fact...is not fought over the fact of a divorce but over how the property is to...divided. This Bill won't change the fact that they're still going to fight over property in 99.9% of the cases but what this Bill does, and I think the very, very detrimental part of this Bill, it eliminates...it changes the bargaining position of the respective parties. It takes rights from the wronged and gives these rights to the wrongdoer. Now Representative Stearney and many others have mentioned examples of situations that can arise and will arise under this Bill if it passes into law in the present form. What Amendment #40 does is say that if



the parties can resolve their differences, resolve their differences over child custody and support outside of court then we should not put them through the requirements that they come in court and testify over wrongdoing, have the court down on paper for the all the world to see who exactly is at fault in this...in the case. If the parties can agree, and...and as a practical matter this is what's been going on all along, if the parties can agree to a divorce and agree to a division of the property and the custody of the children then I believe that they ought to be able to get that divorce. Amendment #40 provides that the parties will file a stipulation after 60 days that they have agreed to the divorce and the court shall then award a divorce based not on fault. So I...I think this is a good Amendment, it will provide what I think a lot of people in the Legislature want to provide and that is to do away with the hypocrisy of the prove ups of mental cruelty and physical, and/or physical cruelty, or any of the other fault grounds and will permit parties who've resolved their difference to get a divorce, but will not take away from the wrong party his or her bargaining power in the divorce situation and permits them to be stripped of half or all of their property when they have done nothing to...to incur the... to cause the divorce. I urge the adoption of Amendment #40."

Speaker Redmond: "Representative Sangmeister."

Sangmeister: "Well, I think that was very well explained except to get it down to very simply what Representative's attempting to do here is to make a divorce on the basis of irreconcilable differences only, only where the two parties agree and no other way. This would not allow any person to file individually under those grounds. So what he's saying is the only way you should get a divorce under irreconcilable differences is for both parties to agree. I have to oppose that because I think it is too strong. I can see reasons for his position on it but it would exclude anybody from getting a divorce on the grounds of irreconcilable differences unless the other party agreed to it and that was not the intent of the act and I ask for a no vote."

Speaker Redmond: "Representative Fleck. Fleck. Representative Fleck."



Fleck: "Mr. Speaker, Ladies and Gentlemen of the House, Representative Sangmeister is absolutely correct. This Amendment is merely one large giant step for mankind, it goes absolutely nowhere. It keeps the status quo in the divorce arena. What it does is if a person wants a divorce they're going to get blackmailed by the other party as to whether they're going to agree to the divorce or not. It's the same situation we have now. If a person wants a divorce they're going to get blackmailed under whether the other party's going to agree to a divorce. It does nothing. It solves none of the problems. All it does is maintain a beautiful, lovely status quo and the status quo which I might remind the Members of this Chamber is about 104 years old; that's when we last passed the Divorce Act in this state. So if you want to be in the 20th Century I would urge you to vote against this Amendment."

Speaker Redmond: "Representative Rayson."

Rayson: "Well, Mr. Speaker, I think Representative Leinenweber is using his head. He's moving along in the realities of the day but it's not enough. He...he accuses the present Bill's posture of the adversary proceedings on irreconcilable differences as inadequate though it is but yet as just recently explained it puts the veto power on one side if you don't stipulate. So it really doesn't go to the heart of the matter and the heart of the matter, Gentlemen and Ladies, is are we really going to go in the area where either party may get a irreconcilable difference judgment for divorce? And until such time I think that this would clutter up the record and not be a worthwhile Amendment...we get the full..."

Speaker Redmond: "Representative Maragos."

Rayson: "...No fault."

Maragos: "Will the...Sponsor of the Amendment yield to a question?"

Speaker Redmond: "He will."

Maragos: "Leinenweber."

Speaker Redmond: "He will."

Maragos: "Harry, will this Amendment preclude anybody from...first of all is it not true that the present Bill as standing and even the Bill that is being before us will not amend the other grounds...jeopardize





any of the other grounds for divorce, at the present time, is that correct?"

Leinenweber: "That's correct."

Maragos: "So this in effect is an additional grounds, is it not?"

Leinenweber: "The Bill does, yes."

Maragos: "Now, why...what purpose would your Amendment serve because doesn't the other spouse if they don't agree to the grounds of irreconcilable differences, doesn't the other side, the other spouse, have any right to either file for separate maintenance or use any other grounds in her...in her...in his or her behalf if they want to?"

Leinenweber: "Yeah, but the court can go ahead, all the party...let's say that, the party, husband or a spouse is living in open and notorious adultery for one year; been trying to get a divorce, the wife for whatever reason haven't been able to work out their property settlement quite possibly because the spouse who is...as the victim who is not at fault quite...can't...feels that she's entitled or he's entitled to some kind of financial support from the other party. Now after one year's time the spouse who is living in open and notorious adultery can go into court and file under...under irreconcilable differences and quite probably get a divorce. Now..."

Maragos: "Well, well, wait a minute, you say quite probably, that's why I have to stop you, isn't it a fact that the other spouse who doesn't want it has the other defenses, the other mechanisms which are still in effect; 'cause you're not abolishing the whole act by this, by this Bill, all you're just giving...additional ground plus some other property approaches."

Leinenweber: "Well,...the court can go ahead and find irreconcilable differences. Now, you mention that a party could file for separate maintenance, certainly they could, but they can go ahead after one years' time and get a divorce on the...on the no-fault ground even though the decree of separate maintenance may be in effect."

Maragos: "Well, what...Mr. Speaker, Members of the House, what concerns me about this approach as stated by the previous Speaker is that it puts an additional stumbling block in this whole area. By this Bill we are not eliminating the other 9 or 10 grounds which we have



presently. So the spouse who is being the subject of...of an action...like...mentioned by Representative Leinenweber still has his or her defenses or her counteraction for a fault picture, we're not saying no-fault is an additional ground, it's not the only ground, and therefore I think this is a superfluous amendment and it might endanger the procedures by which we are trying to establish additional grounds. I ask that you not vote for this Amendment."

Leinenweber: "Well, to answer your question we just defeated Representative Stearney's Amendment which sought to provide that the defenses could be interposed in this type of suit."

Maragos: "Well, I don't think you can preclude it by act whether the Amendment's there or not, Mr. Speaker, that's why I ask no."

Speaker Redmond: "Any further? Representative Leinenweber to close."

Leinenweber: "Well, Mr. Speaker, this is not as one of the previous speakers alluded to preserve the status quo. It provides a very, I think, needed change in our divorce law. It does provide that the parties can get a divorce if they can resolve their differences over custody and over property settlement, they can get a divorce without either party being tagged as the one at fault. However, it does preserve to the party who does not want a divorce for whatever reason that right to have his or her marriage kept alive when he has done nothing to cause its dissolution and as far as the blackmail point of view if someone wants a divorce and is not entitled to a divorce then what's wrong with making him pay for it? What's wrong with making him live up to his responsibility, him or her live up to their responsibilities as a spouse and provide for the other one even though...where the other one has nothing wrong? I think this is a fine Amendment and I urge its adoption."

Speaker Redmond: "Question is on the Gentleman's motion to adopt Amendment #40 to House Bill 3910. All those in favor vote aye; opposed vote no. Have all voted who wish? Have all voted who wish? All voted who wish? All voted who wish? Clerk will take the record... On this question there's 53 aye and 59 no and the motion fails. Any further Amendments?"

Clerk O'Brien: "Amendment 41. Sangmeister. Amends House Bill 3910"



on page 5 line 23 and so forth."

Speaker Redmond: "Representative Sangmeister."

Sangmeister: "I suppose I ought to defer to Representative Choate on this particular Amendment, this is the venereal disease amendment that he passed around with an Amendment on it, I don't know if he wishes to speak to it or not. But anyway this Amendment was presented by the Illinois Medical Society, I hope I represent their position correctly. Their position is that under the law they are required to examine parties for venereal disease. As I understand it there are five different kinds of venereal disease but in fact the physicians only examine as to gonorrhea and syphilis therefore they would like to bring the law in accordance with their practices and that's the reason for changing venereal disease to gonorrhea and syphilis. Ask for a favorable Roll Call."

Speaker Redmond: "Any discussion? Representative Choate."

Sangmeister: "I refuse to yield to any questions."

Speaker Redmond: "...Some answers for you...question is on...question is on the Gentleman's motion to adopt Amendment #41 to House Bill 3910. All in favor indicate by saying aye. Aye. Opposed, no. The aye's have it and the Amendment's adopted. Any further Amendments?"

Clerk O'Brien: "Amendment 42. Sangmeister. Amends House Bill 3910 on page 42, line 10 and so forth."

Speaker Redmond: "Representative Sangmeister."

Sangmeister: "Representative Collins, that wasn't appreciated. Anyway Amendment #42 was sent up by the Reference Bureau and all we're doing here is deleting the word 'auditor' and inserting thereof the word, 'comptroller' Move for its adoption."

Speaker Redmond: "The Gentleman has moved for the adoption of... moved that Amendment #42 to House Bill 3910 be adopted. All in favor indicate by saying aye. Aye. Opposed, no. The ayes have it and the Amendment's adopted. Any further Amendments?"

Clerk O'Brien: "Amendment #43. Geo-Karis. Amends House Bill 3910 on page 16 by deleting lines 3 and 4 and so forth."

Speaker Redmond: "Representative Geo-Karis."



Geo-Karis: "I wonder if I could make a query of the sponsor of the Bill?"

Speaker Redmond: "You may."

Geo-Karis: "George, do you have any objections to this Amendment?"

Speaker Redmond: "Representative Sangmeister."

Sangmeister: "Geo', I haven't had a chance because you just filed it this one to really take a good look at it, but I don't see really, if you can explain to me what you are trying to do because you are reinserting the same words that are there now, shall be based on equitable considerations', what's the purpose of the Amendment?"

Geo-Karis: "I think what happened, there was an earlier Amendment that, I think, had taken some of that off and I think at this time I order to move to table this Amendment if you don't mind."

Speaker Redmond: "Any objections on the Lady's motion to table Amendment #43? Hearing none...Representative Geo-Karis?"

Geo-Karis: "I'm a little confused because of all the Amendments, but maybe my Amendment is right after all, and I withdraw what I said. What I'm saying in my Amendment is that if everyone will look at the sentence that it says, 'allowance of alimony, distribution of property shall be based on equitable consideration period', that's what my Amendment says. In the Bill, on line 3, it says...a...in lines 2 and 3, 'distribution of property and allowance of alimony shall be based on equitable consideration without regard to marital misconduct'. What I have done is stricken out the words, 'without regard to marital misconduct'. I think an award of alimony and distribution of property, even under a no-fault divorce, should be based upon equitable consideration. I think the court should be able to look on both sides of the picture and make his determination or her determination. I think if we strike out the words, 'without regard to marital misconduct', we would be fairer to both sides, both men and women, and therefore I ask, respectfully, ask that Amendment #43 be adopted."

Speaker Redmond: "Representative Sangmeister."

Sangmeister: "Well Representative Geo-Karis, what I'm afraid of now in



looking at this is...a...there was...Representative Stearney's Amendment concerning the court considering no-fault as to alimony, I'm not so sure now what you may be doing here, because the Bill says, 'distribution of property and allowance of alimony shall be an equitable consideration', and I suppose the consideration of fault, as far as alimony is concerned, is an equitable consideration so I'm not quite...I'm not sure exactly what we're doing to Representative Stearney's Amendment, maybe he would want to speak to that."

Geo-Karis: "Well, if I can just clarify my own intention on this, my intention was this, that if there is a determination for a irreconcilable difference, for example, and there's going to be a distribution of property and allowance of alimony, I still think the court should do it on an equitable consideration and the court should regard whether there has been any marital misconduct, I mean we may go on the grounds of irretrievable...whatever it is . . . irreconcilable difference, but I think the court should be allowed to waive the equities, this is what I'm driving at and that's why my Amendment strikes out the portion that says, 'without regard to marital misconduct'."

Speaker Redmond: "Representative Fleck."

Fleck: "Mr. Speaker, Ladies and Gentlemen of the House, I believe that Amendment #43 does exactly what Representative Stearney's Amendment #36 attempted to do, that is leave the matter of property disposition up to equitable consideration and if my memory serves me properly Amendment #36 was defeated and on the same basis, I would urge the defeat of Amendment #43."

Speaker Redmond: "Representative Stearney."

Stearney: "Mr. Speaker and Ladies and Gentlemen of the House, I don't believe that Mr. Fleck nor Mr. Sangmeister can rightfully object to Representative Geo-Karis' Amendment. The reason being is that Mr. Fleck did support Amendment #37, which provided now, mind you, that the court could consider in determining weekly or monthly alimony, the fault of the parties. And if you also recall, Mr.



Sangmeister did not oppose that Amendment. Now this here Amendment of Ms. Geo-Karis' goes one step further. All it says now is that in alimony in gross settlement in which property is to be divided, fault there might be considered because of a eliminates the language 'without regard to marital misconduct'. Now I say if the Sponsor of this Bill and Representative Fleck were in agreement and supported the Amendment that provided that fault of the parties could be considered in awarding weekly or monthly alimony, there is no logical reason in which they could deny their support of Ms. Geo-Karis' Amendment and I would ask the Members of this House to vote aye on this Amendment. Thank you."

Speaker Redmond: "The question is on the Gentleman's motion to adopt Amendment #43 to House Bill 3910. It was the Lady's motion. All those in favor vote aye, opposed vote no. Representative Geo-Karis to explain her vote."

Geo-Karis: "I'm still the same person, Mr. Speaker, all I can say is that is exactly the reason I made this Amendment is that the reasons enunciated by Representative Stearney. I ask for favorable consideration. In the case of alimony in gross is very difficult who is going to get the alimony in gross...the bulk amount. If there is fault, I think that should be waived."

Speaker Redmond: "Have all voted who wished? Have all voted who wished? The Clerk will take the record. On this question there are 25 ayes and 39 nos, the motion fails. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Redmond: "Third Reading. Representative Porter."

Porter: "Mr. Speaker, could I request that the Clerk read off for our benefit those Amendments that were adopted to this Bill? So we have a record of it. I don't think there was too many."

Speaker Redmond: "The Amendments are upstairs, I've been advised and we'll have to get it back."

Porter: "Oh, we don't have a list by number of which ones were adopted?"

Speaker Redmond: "Representative Sangmeister says that he'll furnish it. Is Representative Daniels on the floor? House Bills, Third Reading,



appears House Bill 3976. Do you desire to have that returned to the order of Second Reading for the purpose of an Amendment?"

Daniels: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, House Bill 396...3976 was inadvertently filed as a...when it was filed as a Committee Bill, it inadvertently had the Amendment put on in Committee deleted, so the purpose of returning it to Second Reading would be to place the Amendment on 3976 that was adopted in Committee and should have been part of the Committee Bill."

Speaker Redmond: "The Gentleman moves to...have you got the Amendment, Mr. Clerk?"

Clerk O'Brien: "Yes."

Speaker Redmond: "Does he have leave to return it to the order of Second Reading for the purpose of an Amendment? Hearing no objections it will be returned."

Clerk O'Brien: "Amendment #1. Daniels. Amends House Bill 3976 on page 1 by striking lines 8 and 9 and so forth."

Speaker Redmond: "Representative Daniels."

Daniels: "Yes, Mr. Speaker, Amendment #1, which was approved in the Counties and Townships Committee basically adds language that would increase the G.O. Bonds for purchasing lands and fixtures for the purpose of construction or reconstruction of court houses and also increasing it from one cent to two cents. This Bill...this Amendment was approved in the Counties and Townships Committee, and adding this to the Bill was pointed out by Chairman Yourell and approved by our...the Minority spokesman, Representative McMaster, as far as placing this on the Bill and I ask for your adoption of the same."

Speaker Redmond: "The question is on the adoption of the Amendment, all in favor indicate by saying aye. Opposed no. The ayes have it. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Redmond: "No further Amendments. Third Reading. Representative Sangmeister, you didn't want to return 3910 to Second, did you, for an Amendment? The order of business is motions. Representative Lauer."



Lauer: "Mr. Speaker, would you call the House to order and have the Clerk read the motion please?"

Speaker Redmond: "Mr. Clerk, will you read the motion?"

Clerk O'Brien: "Motion. I move that House Resolution 777 be tabled as improper under the rules of the House of Representatives.

John Lauer and Ralph Capparelli."

Speaker Redmond: "Representative Lauer."

Lauer: "Mr. Speaker and Ladies and Gentlemen of the House, the entire House and particularly the Executive Committee has had hanging over it for some weeks the consideration of House Resolution 777. The Committee has wrestled with this Resolution. We have wrestled with proposed procedures as to how the Resolution would be handled. The leadership and staff on the Majority side of the aisle and Mrs. Kent and I and our staff on the Minority side have agonized over the handling of this Resolution. We have to go back to 1905 in order to have any sort of precedence to go by. We find in a careful examination of the House rules a deficiency in the handling of any kind of a Resolution to censure or reprimand a Member of the House. Mr. Speaker and Ladies and Gentlemen of the House, after agonizing for a number of weeks..."

Speaker Redmond: "...Representative Walsh."

Walsh: "Mr. Speaker, I would be interested in knowing by what authority the Gentleman or the two Gentlemen seek to table this Resolution. Now I refer you, Mr. Speaker, and your Parliamentarian, to Rule 24, Consideration of Bills. Under (a) each Committee shall consider the Bills and Resolutions referred to it and report one of the following recommendations to the House of which there are twelve. None of which are to table on the floor of the House a Member's Resolution."

Speaker Redmond: "The Parliamentarian advises me that any individual Member has the right to move to table any piece of legislation that is within the possession of this chamber. And in the judgment of the Parliamentarian, he has so advised me that the motion is in order. Representative Walsh."





Walsh: "Mr. Speaker, the Executive Committee has not reported that Resolution to this chamber so it is not within the purview or consideration of this chamber. That Resolution is now in the Executive Committee and shall remain there until that Committee reports it out."

Speaker Redmond: "It has been the practice ever since I've been in the General Assembly, it hasn't been followed quite so regularly lately, for one of the Members to get up and move to table all Bills in Committee that haven't been called. If you recall, it was Representative Granata that used to do that routinely and those Bills were all..."

Walsh: "...if so, sir, he did not do it pursuant to the rules. And this is a matter, I think, that we ought to do pursuant to our rules. That is just simply clearly not an option."

Speaker Redmond: "Representative Maragos."

Maragos: "Mr. Speaker, on the point of order that was raised by the Minority...Assistant Minority Leader, unfortunately, I was not in Committee at the time that this matter was being considered, but if you recall last week when I made a motion that was not adopted by the Committee, I think this motion on behalf of Mr. Lauer is in order because, as initial, the referral to our Committee was out of order in the first place because under the rules, both under the rules of the House that we had before at the time that 777 was originally filed, and under the Roberts Rules of Order, we had no permission or authority to consider this Resolution, unfortunately. As I stated at that time in Committee, and I say again to the sponsor, if he wants to do it under the rules which we may adopt, that it's fine, but at the present time, because of the sanctions involved in that particular Resolution and because of the form of Resolution, we had no authority to even hear or even be referred to us. And that's why I think the motion on behalf of Mr. Lafluer, at the present time, as an individual Member of the House, is in order."

Speaker Redmond: "Representative Duff."

Duff: "Well Mr. Chairman and Ladies and Gentlemen of the House, I am



sorely surprised and disappointed that a motion of this nature could be made to this House without notice, not on the calendar, to the best of our knowledge, except for a very short time ago, nobody was informed of its intention, I agree very much with the Assistant Minority Leader, I refer the Chair to Rule 24(b) 'no Bill or Resolution shall be reported without a recommendation'. I further refer the Chair to Rule(f) which says that 'a Member has a right to a Roll Call in Committee' and I consider along with the Assistant Minority Leader from Cook, the fact that this is unprecedented and under the seriousness with which everybody intends to offer objectivity, I don't think it is fair to this Body to propose a motion at this time of his nature without warning, without discussion, without consideration, and obviously, an affront to the fair treatment this House intends to give to this whole subject. And Mr. Chairman, if nobody else asks for it, I will ask for a Republican conference so this matter can be discussed before the Resolution...before the motion is heard. And I hope the Minority Leader will ask for it."

Speaker Redmond: "Representative Madison."

Madison: "Well Mr. Speaker, I have Rule 24 and I cannot see anything in Rule 24 that sustains the position of the Assistant Minority Leader or the Representative that just spoke. As it has to do with the Bill being reported out with recommendation that has to do with Bills being reported out by Committee, there is absolutely nothing in Rule 24 that precludes a Member from making a motion to table. As a matter of fact, we do it routinely as it relates to our own Bills and if we can table one of our own Bills in Committee on the floor of this House, I don't see anything that precludes a Member from making a motion to table somebody else's Bill while it's in Committee. I think the motion is very much in order."

Speaker Redmond: "The Chair concurs with the Gentleman from Cook."

Representative Madison. Representative Lauer. Representative

Lauer has sought recognition."

Lauer: "Mr. Speaker, if the two Gentlemen from Cook on my side of the aisle will permit me, I will attempt to extricate them from their



thoughts. The Gentlemen are talking about precedent. I would remind the Gentlemen that the Executive Committee has been working virtually without a precedent. This has happened only one time further or before in the history of this State. Since we are working virtually without precedent and since the staff on both sides of the aisle have made every attempt to dredge up every precedent we can, not only from this State, but from other states, it was the decision of the Executive Committee that we should, of necessity, set precedence. And in setting that precedence, if they would further hear me out before they blow their lids, they would find that the purpose of the Committee's action this morning in directing a Member of that Committee to move to table House Resolution 777 was to put the entire question back into a proper procedural context so that it can be handled to the present rules of this House. The House has its own rules and where the rule stands silent on any question, we do have a rule that says 'Roberts Rules of Order, Newly Revised, will stand in rank and will be followed'. Pursuant to the action of the Committee this morning, I have filed this motion to table House Resolution 777. I have also filed pursuant to the proper section of Roberts Rules a Resolution calling for a special Committee to immediately be appointed to investigate the allegations into the conduct of the Member that is mentioned in House Resolution 777. Now I think my action is proper, it may not be immediately timely, but I would submit to the Gentleman that I am not quite as cognizant of the rules and procedures as they are, but since I am not a Philadelphia lawyer, but rather a down-state farmer, and am attempting desperately to make sure that everyone has a proper hearing that is fair to both the accused and to the one who brought the Resolution, it would seem to me that my motion should be in order and that the House would give full cognizance to what is the attempt that is being made on behalf of the entire Executive Committee. I would point out that the vote of the Executive Committee was 20 to 2 that this was a proper action. And since the Committee has had the monkey on its back ever since



this Resolution was referred to that Committee and since every Member of that Executive Committee has thought about it carefully, and I think probably many of us have not spent much time on anything else since this charge was laid to our door that perhaps this motion would be ruled in order and that the House would choose to act upon it."

Speaker Redmond: "Representative Duester."

Duester: "Mr. Speaker, I rise to make a point of order. I would suggest to the Chair and to the Parliamentarian that most of the Members are familiar with Rule 66 which deals with the motions to discharge Committee. Most of us have respect for the Committee structure and the Committee system and we all know that when a Bill was sent to a Committee, it's there, and that Committee doesn't always like the Bills or the Resolutions they get, but normally our Committees face the music, they consider something, they vote it up or they vote it down. They don't dodge it. And in this case, we have a Bill in Committee and if anybody on the Committee or in the House doesn't like the Bill being in the Committee because it's uncomfortable or for some other reason or because it's urgent, they want to bring it before the full House, all they have to do is to file a motion to discharge that Committee, but out of respect to the Committee system, I would think, Mr. Speaker, that the proper procedure where the distinguished Gentleman farmer from downstate is to follow, would be to file a motion to discharge then we can decide whether we want to take it away from the Committee or not. After it is taken away from the Committee, then we can decide the fate of the Resolution on the floor, you can table it, you can amend it, you can send it to some other Committee or we can, as the House can deal with it, but right now, it's in the Committee and it's in the hands of the Committee and if we want to take it out of the Committee, let's have a motion to discharge. I would respectfully suggest that the motion is out of order and the proper motion should be under Rule 66, a motion to discharge."

Speaker Redmond: "Representative Berman."

Berman: "Thank you Mr. Speaker. May I comment on the Gentleman's



motion from this point of view? Many times Resolutions are introduced that first, and I think this was the case, the general Membership of the House is not aware of the substance of these Resolutions, I think that was the case with House Resolution #777. In evaluating the procedures that should be followed in order to get ourselves on the right track, many of us have given many hours of thought to this, in my own opinion, the action of Representative Lauer and Representative Capparelli in presenting two motions today, will put us back on the right track. Number one, what they are doing today is exactly what is called for in our rules by reference to Roberts Rules of Order. What they are doing today is exactly what should have been done the moment that Resolution was filed with the Clerk on the first day of its filing. And I refer you to Roberts Rules of Order that says that, under Chapter 20, 'that any Resolution calling for censure, or disciplinary proceedings in which specific allegations are charged against a Member of the Body, should immediately called out of order and an investigatory Resolution should be offered in its place'. That is what Representatives Lauer and Capparelli are attempting to do today by their motion. We find ourselves in a situation in that Committee in which I sit along with twenty-some others, that if we voted a recommendation do adopt or do not adopt, we are in fact voting on Resolution #777 on its merit and many of us feel greatly ill at ease in being asked to vote on what we view as an improper Resolution to vote on it on its merit. All that we are trying to do here is to comply with the rules and perhaps back ourselves up a little bit time-wise so that we get on the proper track. That proper track would be tabling a motion which is improper as I read Roberts and then the introduction of a proper Resolution that does not have specific charges, but calls for an investigation into non-specific charges. Representative Lauer has indicated that second motion, Resolution, for investigation is on the Clerk's desk and if the motion to table will carry, will be addressed by this Body immediately following. I think this is totally proper, in



order and is the kind of procedure that all of us should abide by in order to preserve the integrity of one seeking a Resolution of censure or inpropriety of a Member. Number two, to safeguard the rights of the accused. And three, to allow this House of Representatives to proceed under established guidelines and I urge that the Resolution be found to be...a...the motion to table be found to be in order and that it be carried and the following Resolution likewise be adopted."

Speaker Redmond: "Representative Schlickman."

Schlickman: "Thank you Mr. Speaker, Members of the House, I arise to oppose this motion to table House Resolution #777. And I do it for a couple of reasons. Number one, the movement has not pointed out where House Resolution 777 is improper. Number two, a majority of the Executive Committee steadfastly has refused to hold a hearing on this Resolution. Well Mr. Speaker, Members of the House, I am a Member of this House. I have rights, I'm entitled to due process, I'm entitled to fairness, and when I offered House Resolution 777, I offered it in accord with the past precedent, the only precedent in this House, and I offered it in accord with the rules of this House. Parenthetically with respect to Roberts Rules of Order, it has been pointed out many many times that those rules cannot be invoked because under them, there is the prohibition against the offering of a Resolution of this type when any non-member is present, that would be unconstitutional under the Constitution of this State. Mr. Speaker, Members of the House, I offered HR 777 and I offered it in good faith. It sat on the Speaker's table for eight days and during that time, I was advised that the Speaker's staff was considering the procedure to follow, determining the precedent here in Illinois, determining the precedent elsewhere. Finally, Mr. Speaker and Members of the House, on May 11, 1976, eight days after the Resolution was offered, the Speaker, consistent with the statement that he had made previously or thereabouts, that this Resolution will be treated like any other Resolution, he referred it to the Committee on Assignment of Bills,



which thereafter, and thereupon, assigned it to the Executive Committee, and what did the Executive Committee do, Mr. Speaker and Members of the House, it studied the matter, and studied it and researched it, and finally, Mr. Speaker and Members of the House, the staff of that Committee came up with a set of rules for the hearing of the merit, the substance of House Resolution 777. I was accorded the opportunity to have a copy and I accepted those rules with certain suggestions for modification or Amendment. The matter then came up for hearing in the Executive Committee and for the first time, Mr. Speaker and Members of the House, for the first time, there was the suggestion of impropriety with respect to HR 777. Mr. Speaker and Members of the House, it is basic, a basic principle of due process, and it's a basic principle of a deliberate Body that you follow procedure and you don't change the horse in the middle of the stream. You don't gear your procedures to individuals and you are fair to everyone who's involved. Now Mr. Speaker and Members of the House, from the very day that I offered House Resolution 777, I was prepared, and I'm prepared today, to appear before the Executive Committee and testify and have other witnesses testify as to the merits of that Resolution. I think it's only fair to all who are involved, to this House, to the people of this State, that this matter be dealt with openly and fairly. Mr. Speaker and Members of the House, if this Body tables House Resolution 777, a tremendous step backwards will have been taken in the State of Illinois. One that this House will regret, one that will be grievously unfortunate because it will inflict unfairness on the individuals, it will inflict unfairness on yourself, and in my opinion, it will be violative of the duties and responsibilities that we have to the people that have represented us. I urge a no vote on the tabling of House Resolution 777 and implicit in that, I plead for a public hearing on the merits of this Resolution."

Speaker Redmond: "Representative Washburn."

Washburn: "Thank you Mr. Speaker, would the sponsor of the motion



yield, one of the sponsors, for a question or two?"

Speaker Redmond: "He will."

Washburn: "Now Representative Lauer, I have understood that you have filed this motion based on the vote in the Executive Committee, based on the fact that House Resolution 777 was not in proper form according to Roberts Rules of Order."

Lauer: "That is correct."

Washburn: "Now what did you say about a second motion that you would file if this one is approved?"

Lauer: "I...I said that I would...that I have filed a Resolution which would conform to the strict interpretation and careful reading of Roberts Rules, Newly Revised, and it now has the number, House Resolution 883, which is a Resolution requesting that a special investigating Committee of six Members, three from the Majority party and three from the Minority, be appointed to investigate allegations involving the conduct of Representative Shea. And which may subject Representative Shea to the disciplinary action of the House. Now I filed that motion, or that Resolution, at the same time I filed the motion to table 777. It seems to me that this is a following of the strict interpretation of Roberts Rules of Procedure with regard to an action that may result in the disciplining of a Member of a Body."

Washburn: "Allright now, further clarification for myself and probably other Members too. If your present motion we're considering now should fail, what's the status of House Resolution 777?"

Lauer: "If it should fail?"

Washburn: "Your present Resolution, or your present motion, which we're considering right now."

Lauer: "Then the action of this morning in the Executive Committee would be nullified and the Executive Committee would then, in its wisdom, and according to such procedures as they may find proper, would again undertake the consideration of House Resolution 777. The Chairman of the Committee, Representative Matijevich, may wish to





comment on that, but it would seem to me, proper, that if this motion does fail, then the Executive Committee will go back and resume its work and consideration of House Resolution 777."

Washburn: "Alright, now supposing that your motion was approved and your Resolution setting up a special six-Member Investigating Committee were, and by the way, that six-Member Investigating Commission, or Committee, in what manner would the hearings be held or what would be the procedure in that special six-Member..."

Lauer: "...I think you'd have to check with the Parliamentarian, but it would be my impression that the action of the six-Member Investigating Commission would be according to Roberts Rules with the exception as Roberts Rules are superceded by the constitutional requirements of the 1970 Constitution of this State."

Washburn: "Now, as Representative Schlickman pointed out in his remarks, he has rights, as does every other Member of this Body, if your motion were approved, now let's take that first. If your motion were approved, what further option would be open to Representative Schlickman, the contents of 777? Could he immediately, or in the next few days, introduce another Resolution that was in proper form according to Roberts Rules of Order and probably have it referred to the Exec. or some other Committee and have it heard? Would that be his privilege? Or option?"

Lauer: "Mr. Washburn, my impression is that if my motion prevails, and if my Resolution is adopted, then Mr. Schlickman would have the option of either accepting the fact that the investigation was going forward under proper procedure in a bipartisan manner, that it was not being whitewashed, that it was going to receive full hearing, under both the provisions of Roberts Rules and the constitutional requirements of the State; second, he could file a new motion in the proper form, under Roberts Rules; or third, he could conceivably elect to wait until the outcome of House Resolution 872, which is now in the Rules Committee, and file again a new motion or Resolution under the provisions of House Resolution 872 and the new rules that if they were adopted by this



House would then prevail."

Washburn: "An 872 was heard, three or four, of about fifteen or sixteen Amendments were heard in Rules Committee and continued until a later date. Alright, you said that if your motion prevailed and your Resolution was adopted, Representative Schlickman would still have, really three options, to go along with your Resolution setting up the six-Member board, hearing board, or the option of introducing a new Resolution, in conformance with Roberts Rules of Order, or waiting until the outcome was known on the adoption of House Resolution 872 and if it were adopted in some form by the rules and in the House, he could introduce a Resolution that would conform with that Resolution, the new rule. Well what would happen, and I think that's true, probably. What would happen though, if your Resolution were adopted, your motion and your Resolution were adopted, and then directing the formation of the six-Member Investigating Committee, and then Representative Schlickman chose to introduce a Resolution immediately, in proper form, or wait until the rule were passed, and introduce one in proper form according to the new rules, you'd have a new Resolution and you already have a special investigating Committee to hear the present contents of 777."

Lauer: "Needless to say, Mr. Washburn, I could not anticipate what the Speaker's ruling would be since that Resolution would first lie upon the Speaker's table and be subject to his disposition. But I would anticipate that the Speaker would, and Mr. Schlickman would, if my motion prevails and if my Resolution is adopted, would accept the sense of the House as to the direction that this House should go to in assuring that the rights of all parties that are involved are to be handled in a fair manner and it would seem to me that perhaps the sense of the Body could be read and accepted by the votes that we're going to take here today unless my motion is, at this time, ruled out of order."

Washburn: "Well, I... I do think, Representative Lauer, that the Executive Committee, has been sincere in attempting to set up procedures as you indicated earlier they had done and I think it's



a feeling of every Member of this Body that the hearing should be conducted in a manner that's fair to both parties concerned and particularly to set a precedent for the...precedent for the future. What I'm trying to get at is to make certain that whether your motion is proper or whether it isn't and you say it's proper according to Roberts Rules of Order, that Representative Schlickman still has one or two or three options open to him to pursue this matter and there could be no...this isn't a delaying tactic it's... it's..."

Lauer: "Mr. Washburn, I assure you this is in no way a delaying action.

I think every Member of this House would like to have the situation handled with all due speed but by the same token I think that every Member of this House would require that in moving with all due speed we do not move with an undue haste. And one of the reasons I filed the motion, one of the reasons I made the motion this morning in the Executive Committee was in recognition of the fact that whether we like it or not the allegations have been made and in further recognition of the fact that any person in public life has certain assets but the paramount asset any Member of this General Assembly or any member in public life does have is his good name and reputation and when allegations have been made we must recognize that the good name and reputation is virtually a nonrenewable capital asset and we must act to make very sure that no Member of this Body or any other Body is deprived of the greatest and most nonrenewable asset without a fair hearing. By the same token I think we all accept the fact that the Member who has filed Resolution 777 is acting in good faith and with good conscience and it seems to me that in order to make very sure that both Mr. Shea and Mr. Schlickman receive fair hearing that both are sure of fair treatment and in order to also assure the people of this state that this House is not going to take an action of protecting its own irresponsibly it would seem to me Mr. Washburn that we must adopt, must approve my motion and adopt my resolution which would require the immediate formation of a six member bi-partisan committee appointed by the Speaker in consultation with you as Minority Leader and get this



into a proper procedural perspective and then move to investigate the allegations and either bring charges in proper form or exonerate the member who has been accused of impropriety."

Washburn: "Well, I couldn't agree with you more. The question before us right now is not whether or not the allegations are true or false, the question before us right now is a proper procedure to follow so that both parties can receive a fair hearing and that the allegations can be proven either true or false whichever the case may be...to be determined by some committee and some group."

Lauer: "This was the purpose of Representative Capparelli and of myself in filing the motion and I think it was certainly the sense of the Executive Committee in their action directing us to do this this morning."

Speaker Redmond: "Representative Berman."

Berman: "Well, Mr. Speaker, I want to underline a fact that was stated but I'm not sure it got proper recognition. The second resolution that Representatives Lauer and Capparelli have filed calls for a full investigation. That resolution has been filed at the request of Representative Shea. He wants a hearing on this. He wants the facts to be brought out. In line with that I want to comment a little bit on the statement of the gentleman from Cook, the sponsor of House Resolution 777. He talked about fairness and due process..."

Speaker Redmond: "Representative Rayson for what purpose do you rise?"

Rayson: "I...I'm going to ask for a point of order. The gentleman has spoken on this matter once and I wonder what are...the Rules are on this particular matter. We had a long colloquy on all sorts of questions by the Minority Leader. He didn't answer the salient question what...what if this motion passed and what if the resolution failed. I...I think the point of order is well taken here."

Speaker Redmond: "Bring your remarks to a close Representative Berman."

Berman: "Thank you, Mr. Speaker, the only way that we're going to get on the right track and get everything back to where it ought to have been before a Member was publicly maligned I don't care if it sat on the Speaker's desk for 8 days or 80 days; there was press conferences and specific charges made in the opening resolution."



That is out of order by Roberts..."

Speaker Redmond: "Representative Walsh, for what purpose do you rise?"

Walsh: "Mr. Speaker, this gentleman's remarks are inflammatory and have no business here. We're on a motion to table which is not debatable, I thought. Now you recognized those people..."

Speaker Redmond: "You are correct Representative Walsh. I've recognized a lot of people. Representative... Representative Mugalian."

Mugalian: "Mr...Mr. Speaker, Ladies and Gentlemen of the House, I think that this motion is a disservice. A disservice to the Sponsor of H.R. 777; to our colleague who is named therein; to the General Assembly and most importantly to the people of the state of Illinois. The adoption of this motion will mean a whitewash. It is a cover-up. A refusal to face up. A transparent announcement that the Legislature will not..."

Speaker Redmond: "Representative Capparelli, for what purpose do you rise?"

Capparelli: "Think the motion is debatable is it?"

Speaker Redmond: "Believe it is debatable we're unable to find anything to the contrary in the Rules. Representative Mugalian, proceed."

Mugalian: "Thank you, Mr. Speaker, I was saying that the adoption of this motion would be a transparent announcement that the Legislature will not concern itself with the ethics of its Members. ...May I finish, Mr. Speaker?"

Speaker Redmond: "Representative Matijevich, proceed. What purpose do you rise, Representative Matijevich?"

Matijevich: "Point of order. Under the Roberts and laying on the table, it's not debatable. I may agree with what the Member's saying but I want to say that I've always tried to operate under the Rules and under Roberts you might at the table on page 18 and 19, Parliamentarian, it is not debatable."

Speaker Redmond: "On second thought it would appear that the motion to table is not debatable. The...difficulty here is that in Roberts they refer to a motion to postpone indefinitely. And a motion to postpone indefinitely is final action. A motion to table is not final action because a motion can be made to take it from the table. So there is a little difference between Roberts and ours. Representative Bluthardt, for what purpose do you rise?"



Bluthardt: "Well, a point of order, Mr. Speaker, I think that you've ruled that...originally that this motion was debatable and as a result of that a lot of inflammatory statements have been made on this floor that I personally disagree with, or at least I'm not yet willing to accept those statements as facts and I think inasmuch as you allowed it to go this far, out of fairness and justice to all of this House, you ought to permit it to be debatable at this time."

Speaker Redmond: "Parliamentarian is helping me immensely. He's suggest that now it should be debatable in the light of what has preceded. So Representative Mugalian can... Representative Matijevich."

Matijevich: "I'll withdraw my point of order, I did it in good conscience and I'll..."

Speaker Redmond: "Thank you very much. Representative Mugalian, conclude, please."

Mugalian: "Thank you, Mr. Speaker. I hardly got started but I will conclude as quickly as I can. H.R. 777 has been in this Chamber for over a month; manuevers surrounding it have been clumsy and some believe predictable and accompanied by pious platitudes. I want this to be clear I make no judgement and intend no judgement on the merits of the resolution. But, Mr. Speaker, I have read the resolution, H.R. 777, anyone in this Chamber could have done so and I believe many have. Its contents have been fully reported in the news media. I believe that H.R. 777 states a prima facie case. The resolution is very simply stated. This motion is a cop-out. This motion will vindicate neither the Sponsor of H.R. 777 nor the esteemed Majority Leader. What it will do if passed..."

Speaker Redmond: "Representative Stone, for what purpose do you rise?"

Stone: "Mr. Speaker, what is the motion before the House?"

Speaker Redmond: "Motion to table."

Stone: "Mr. Speaker, I raise a point of order. The gentleman is not speaking to the motion he's speaking to the resolution and I believe that in fairness to all parties he should stick to the motion to table and not talk about the resolution."



Speaker Redmond: "Confine your... "

Stone: "I think the order should...the motion...the point of order should not have to be made again."

Speaker Redmond: "Confine your remarks to the motion before the House, Representative Mugalian."

Mugalian: "Thank you, Mr. Speaker, I shall do so. What the adoption of this motion will do, if passed, would be to indict and convict the Illinois House of Representatives. We shall stand convicted of placing ourselves and beyond the standards of conduct except those provisions of the criminal code. We will be saying that in the General Assembly anything we do is all right until and unless some state or federal prosecutor should obtain a criminal indictment. There is a code of conduct and principles of ethics for Legislators in our Illinois statutes. H.R. 777 clearly relates directly to that statute. The adoption of that motion will mean that we consider ourselves above that law."

Speaker Redmond: "Representative Bluthardt."

Bluthardt: "Thank you, Mr. Speaker and Members of the House, as I said earlier the statements made by the last spokesman which apparently were prepared long in advance are just what I was afraid would happen to this House as result of the present motion to lay upon the table. I wanted to...to satisfy myself that this was not an effort whitewash the contents of the resolution filed by Representative Schlickman. As a result I wanted to ask a few more questions of the Sponsor regarding his motion to table. And one was, if I may ask it Mr. Speaker, one was why - or wouldn't the Sponsor of 777 have the right to amend his resolution in the Executive Committee hearings, when it was determined that that resolution in form did not comply with the requirements of Roberts Rules of Order?"

Speaker Redmond: "To whom are you directing inquiry?"

Bluthardt: "Sponsor of this motion, Mr. Lauer."

Speaker Redmond: "Representative Lauer."

Lauer: "Mr. Bluthardt, there was no indication made by the Sponsor of the resolution that he would be willing to amend the resolution



to the extent that would be required to bring it into conformance with Roberts."

Bluthardt: "Well,..."

Speaker Redmond: "Representative Schlickman, for what purpose do you rise?"

Schlickman: "Well, I suppose the only way I can rise is on a point of privilege inasmuch as I was referred to in debate and I might in so doing be responsive to the gentleman."

Speaker Redmond: "Proceed."

Schlickman: "Mr. Speaker, Members of the House, I have consistently taken the position that Roberts Rules of Order are not applicable to this Body and I was vindicated in that position when the Executive Committee Subcommittee came up with a brand new set of rules conceding that Roberts Rules were not applicable because of the contrariness to public policy and, I think, the inappropriateness of those rules. Finally, to be responsive, Mr. Speaker and Members of the House, if it was such a good idea to amend the resolution to provide for the establishment of a special investigative committee that could have been done by the Executive Committee in its own committee. They got the votes, I don't."

Speaker Redmond: "Representative Deuster."

Deuster: "Mr. Speaker, I rise for a point of order under this nature.

I would like to appeal to the Sponsor of this motion who has indicated over and over again that we should avoid precipitous action that because this subject has come upon us and the motion has come upon us with no notice to the rank and file, with great surprise, and a subject that is difficult for all of us to consider that I would respectfully suggest that I...and ask the Sponsor if he would at this time allow us, this is the time, too, Mr. Speaker and Ladies and Gentlemen of the House, when I think that we...beside avoiding precipitous action ought to allow cool heads and careful thought to prevail, I would respectfully suggest to the Sponsor that in the interest of careful and cool consideration of this difficult subject that it be taken out of the record and that we have a...the House recess for the purpose of a Republican conference at this time. I think it would help us all do the right thing and I think all who





involved in this want the right thing to be done and I make that request in the nature of...having risen for a point of order because I think it would contribute to a careful consideration of the subject and will contribute to the harmony and the good name of this House. And so I urge the Sponsor to allow us to take it out of the record and I request my Minority Leader to consider having a Republican conference at this time."

Speaker Redmond: "Representative McGrew."

McGrew: "Thank you, Mr. Speaker, I have a parliamentary inquiry."

Speaker Redmond: "State your inquiry."

McGrew: "Would it be in the proper perspective to move the previous question on a non-debatable motion?"

Speaker Redmond: "It will a little bit later on. Representative Kempiners."

Kempiners: "Thank you, Mr. Speaker. Much of what is being discussed right now I think can be resolved or at least I'd like to shed some light on it because I was concerned in Rules Committee this morning which is considering another resolution which would design rules for the situation we're in. I think that this motion while sincere is probably not necessary because my concern is what would be the status of House Resolution 777 if the House were to adopt House Resolution 872. The response was at the time that the House Resolution 872 was adopted House Resolution 777 would then follow the course prescribed by that new resolution and that new House rule. Now it's my understanding that the Sponsors wants to file this motion on 777 so that he can conform with what will be the new rule. And I am saying here now, according to what we heard in the Rules Committee this morning, that motion is not necessary because House Resolution 777 will automatically go into that position once the new rule is adopted."

Speaker Redmond: "Representative Mann."

Mann: "Will the Sponsor yield to a question? On that vote of 20 to 2, was that particular meeting posted and was there an opportunity for witnesses to testify including Representative Schlickman?"

Lauer: "Representative Schlickman was heard, the motion was made before



witnesses were heard because we felt that the motion was at that point timely before witnesses were heard. We did not wish to have additional allegations brought out in the Executive Committee when we felt that the resolution should not be heard at this time by the Executive Committee as things presently stand."

Mann: "I don't understand. What's the net effect of what you're saying?"

Lauer: "The...the net effect of what I...what I was saying was that the Committee did not feel that it was timely to hear witnesses other than the maker of the resolution. And we..."

Mann: "You're talking about...."

Lauer: "And we..."


Mann: "You're talking about H.R. 777?"

Lauer: "Yes."

Mann: "Then, they did not have an opportunity?"

Lauer: "No."

Mann: "All right, Mr. Lauer, I know you to be a responsible Member.

I have served with Representative Shea for ten years. I know him to be a responsible Member. I think that the most responsible action that you could take out of respect to Representative Schlickman, yourself and Representative Shea would be to allow H.R. 777 to go to the Executive Committee and permit the Sponsor of the resolution to do whatever he wants in terms of introducing a new resolution. In other words, I do not think it is in the best interests of Representative Shea to proceed today on a motion which has not received due process. Mr. Speaker, I would like just a couple of minutes to state my view here. I know what it feels like to be censured; even  have a resolution of censure lodged against you because in 1969 I went to the Kickapoo Rock Festival in Kickapoo, Illinois, and a censure motion was offered against me which was debated on the floor because it did not have sufficient votes to pass. I know what Representative Shea feels. And I think the best way for this House to handle this matter is not to rush through at this time. It would give me very, very painful duty to have to vote no now because I will not be voting no on the merit. I will be voting no on a procedural matter, on a matter of due process. And so I think, Representative



Lauer, in your hands is the key to this situation. You can remove it from a carnival atmosphere and permit testimony by all concerned and I'm sure, or relatively sure, that the same results obtained in the Executive Committee will obtain again but it will be done in the atmosphere of due process."

Speaker Redmond: "Representative Porter."

Porter: "Would the Sponsor of the motion yield for a question?"

Speaker Redmond: "He will."

Porter: "Representative Lauer, you said that there is House Resolution 883 has been filed with the Clerk."

Lauer: "It has."

Porter: "And that's available for immediate hearing if this motion, is that correct?"

Lauer: "That is correct."

Porter: "Have that copies of that resolution be distributed to all Members?"

Lauer: "I am unaware, Mr. Porter, whether it has or not. And it was my intention to request that the Clerk be instructed to read the resolution."

Porter: "Has there been a supplemental calendar printed containing that resolution so it could be heard and have you file a motion necessary to suspend the appropriate rules?"

Lauer: "It was my intention to file the motion to suspend the appropriate rule as soon as my current motion was adopted by the House."

Porter: "Is there any necessity for the adoption of your motion in regard to 777 prior to hearing 883? In other words, couldn't you hear 883 first and establish procedures that would give Representative Shea a fair hearing and then move to table 777?"

Lauer: "Mr. Porter, in my perusal of Roberts Rules newly the proper order is the filing of motion which finds 777 improper and the immediate introduction of the resolution requesting the special investigating committee. That is the sequence in Roberts as I read it."

Porter: "Well, Mr. Speaker, and Ladies and Gentlemen of the House, it seems to me that we're being asked to table a resolution that makes very serious allegations against a member of this House without any



assurance that he's going to have a fair hearing before any sort of body and it seems to me the appropriate way to proceed would be to see a copy of 883 to see whether the proceeding...the tribunal that you intended to set up is the one that is fairly structured and what sort of road is it going to take and what can they do. I don't know any of those things now and I'm sitting here and asked to consider a resolution to put this on the table..."

Lauer: "Point of order."

Porter: "...And I will say to you now that I...I won't vote for this motion until I see a copy of that resolution at least and until a special order of business is established for it."

Speaker Redmond: "Representative D. L. Houlihan."

Houlihan: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I stand here in support of Representative Lauer's motion and I would like to emphasize the point that I think has been made very clearly by Representative Berman but seems to be getting lost here in this debate. There are going to...there is going to be a tandem resolution if this motion to table be adopted. Now it seems quite clear to me and I have spent a considerable amount of time reading whatever rules we have or simply to determine what those rules are that govern us. It seems quite clear that House Resolution 777 is violative of the only rules we have, Roberts Rules of Order, in several, several particulars. It also seems clear that under Roberts that the procedure would be that we must follow because these are the only rules that we have; that we move to table House Resolution 777. It also seems clear that we must forward with an investigation and the resolution that will be immediately followed by Representative Lauer, and this is being done at the request of the accused, is that there be a special investigative committee formed and that we get on and determine these matters. And we have spent a great deal of time attempting to get this thing straightened out procedurally and we are not moving forward substantively. Now that is the purpose of his motion. I would ask your support of it so that we get this thing back on track as far as rules are concerned and that I ask you also to support the resolution that will come immediately thereafter



calling for an investigative body to determine these charges."

Speaker Redmond: "Representative Ryan."

Ryan: "Thank you, Mr. Speaker, will the gentleman yield?"

Speaker Redmond: "He will."

Ryan: "Representative Lauer, just to refresh everybody's memory in the Chamber, can you tell me what transpired in the Committee hearings today?"

Lauer: "In the Committee hearing today?"

Ryan: "Yes. What was the action taken on this resolution today in Committee."

Lauer: "The Committee took as a regular order of business, House Resolution 777. The Chairman, Mr. Matijevich, called upon Representative Schlickman for a presentation of House Resolution 777 to the Committee. Mr. Schlickman made his presentation. At the conclusion of that presentation I moved that a Member of the Committee be directed to file a motion to table House Resolution 777 as improper under Roberts Rules, which rules prevail in this situation in this House. That motion carried by a vote 20 to 2."

Ryan: "Well, then, by your actions here at this time, you are following the dictates, or the mandates, of that Committee? Is that correct?"

Lauer: "That is correct."

Speaker Redmond: "Representative Schlickman."

Schlickman: "Well, my name was used, Mr. Speaker. I'd simply like to respond that the action of the Executive Committee today by a 20 to 2 vote was simply to direct a member of that Committee to offer a motion to table H.R. 777 period. There was no vote by the Executive Committee today as to another resolution setting up a special investigating committee."

Speaker Redmond: "Representative Ryan."

Ryan: "Well, I'm not through, Mr. Speaker. I don't know whether it's... presentive...well, I didn't mean to imply, I was talking about the action that's on the floor now in regards to House Resolution 777. I think it's very clear, Mr. Speaker and Ladies and Gentlemen of the House, that every Member of this Chamber is eager to get this thing resolved. Representative Shea and every Member of this



Committee. And the longer that we bicker and bicker and carry on the more political it's going to be as transpired in the last 20 minutes here: The Minority spokesman in the Executive Committee has taken upon himself evidently because of lack of somebody else in the Committee to do it are following the mandates of that Committee by a vote of 20 to 2 to move to table this resolution. Now I don't see any reason why we shouldn't move on with the order of business at hand. I want this thing resolved fairly and openly in the best manner possible and I'm sure every Member of this House does. And the longer we stand here and talk about procedure and rules and Roberts Rules the longer we're going to have trouble getting this thing resolved and it's going to be July 1st and we're not going to be here. And so I support Representative Lauer's motion and would suggest to you, Mr. Chairman, that you move the business of this House in that order."

Speaker Redmond: "Representative McGrew. Representative McGrew."

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

Speaker Redmond: "Gentleman has moved the previous question. The question is shall the main question be put. All in favor indicate by saying aye...Representative Schlickman. All those in favor vote aye; opposed vote no. Representative Ryan."

Ryan: "What are...what are we voting on here, the previous question?"

Speaker Redmond: "The previous question."

Ryan: "All right."

Speaker Redmond: "Have all voted who wish? Take the record, Mr. Clerk.

This question there's 128 aye and 9 no and the motion carries. Representative Lauer to close."

Lauer: "Mr...Mr. Speaker, Ladies and Gentlemen of the House, if I may have your attention for only a moment. There have been requests for conference; there have been requests that we are following in the proper procedure. We are in a situation that is virtually without precedent and I would hope that the House would accept the Executive Committee's recommendation that we proceed in this manner with regard to the fact that the resolution was introduced by me. In my reading of Roberts of the maker of the motion to



table I must introduce the resolution and subsequent to that Mr. Shea also requested that I introduce the resolution. Mr. Speaker, I renew my motion and would respectfully ask for an affirmative Roll Call vote."

Speaker Redmond: "The Gentleman has moved that House Resolution 777 be tabled. The question is on the Gentleman's motion. All in favor vote aye; opposed vote no. Representative Choate. Representative Choate."

Choate: "Trying to turn me. Is this the motion to table, Mr. Speaker?"

Speaker Redmond: "This is the motion to table."

Choate: "Well, Mr. Speaker, Ladies and Gentlemen of the House, I want to preface my remarks by saying that I have not talked to the Sponsor of this motion one iota prior to listening to his comments here. But I want to make a couple of comments in explaining my yes vote. We might as well reconcile ourselves to the extent that this is not going to dry up and blow away. I share the concern of the Sponsor of House Resolution 777 not being consulted about this motion and I think he should have been but first things are first. The resolution is over a month old. We're still having committee hearings. We're attempting to resolve some rules to be applicable to this House for future Sessions and future Legislatures. I share the concern of the Sponsor of the resolution; I also certainly can share the uncertainty and the concern of the accused. The only thing that I think is happening here today is that we're going to speed up if this motion is adopted resolving the matter before this House and we're going to speed it up in a more bipartisan manner. The Executive Committee certainly is controlled by the majority party. The resolution that is going to follow this motion if it's adopted, if I understand it correctly, is going to ask for a bipartisan committee appointed by the Speaker, a suggestion that I made some weeks ago. If I understand it correctly there's a time certain for this Committee to report back to the House of Representatives. I haven't heard anything said here today that will deny anyone including the Sponsor of the resolution or the accused in permitting them in having witnesses before this select



committee and that is right. They should be allowed to bring witnesses before this select committee. But let's don't lose sight of the trees because we're looking into the forest so to speak today, my friend, because the rules that are being considered by the Rules Committee and the action that are being partaken in by this House of Representatives is not only going to reflect on the Sponsor of this resolution, Representative Schlickman, it's not only going to reflect on the accused, Representative Shea, but it's going to be here for every other individual Member of this Legislature and it's going to be here for all Members of this Legislature...future legislative session and legislators. The reason I'm voting and forgetting what I have always maintained to be done courtesy to the sponsor of a piece of legislation; the reason that I'm voting to table is a select committee on a bipartisan basis can be appointed by the Speaker; can get to work; can retain the personnel that they need; have the witnesses bring the Sponsor and Representative Shea in, get the thing settled once and for all and I vote aye."

Speaker Redmond: "Representative Totten."

Totten: "Well, thank you, Mr. Speaker, Members of the General Assembly.

I rise to explain my vote. There are two things that bother me with the motion before us. One, is that we are first using the rules to table another Member's resolution or bill. I think that's a dangerous precedent to follow. Secondly, for the life of me if the Executive Committee wants to consider doing this in another manner, why didn't the Executive Committee rather than waste the time of this House amend the resolution that they are intending to introduce subsequent to this action in Committee and they could have done that and saved us a lot of time and for those two reasons I'm going to vote no."

Speaker Redmond: "Representative Madison."

Madison: "Thank you, Mr. Speaker. Mr. Speaker, I had my light on before the previous question was moved and I'm sort of at a dilemma on how to vote, not that my vote is going to make any difference here. So in order that I would know how to vote through an explanation





of vote I'd like to ask the Sponsor of the motion a question and maybe through an explanation of his vote he can respond. My question is simply this, Representative Lauer, if your motion to table House Resolution 777 is adopted and the subsequent action taken on Resolution 883 and that resolution fails what will then be the status of the subject of House Resolution 777?"

Speaker Redmond: "Representative Lauer."

Lauer: "Mr. Speaker, in explaining my vote and with reference to the last gentleman's question, I have not anticipated that if my motion prevails that my resolution would fail. As my resolution is presently drawn, House Resolution 883, it would require a vote of 118 members in order that these hearings be in Executive Session. If that resolution were to fail I would immediately file a motion...a resolution for the appointment of the investigating committee whose deliberations would not be held in Executive Session. I think in order to protect the confidentiality and the sensitivity of this sort of situation that we should make sure and because of the bipartisan nature of the investigating committee I would feel that we would depoliticize the question. And I would hope that my motion would prevail and then that House Resolution 883 would be adopted by about 177 to zip."

Speaker Redmond: "Representative Washington."

Washington: "Ah, very briefly in explaining my vote, Mr. Speaker, Members of the House, I wish to echo the remarks very clearly set out by Representative Chaote. I'm voting aye because for the first time I think we see a clear path ahead of us. What apparently has been lacking in this whole debacle procedure-wise is not necessarily a lack of purpose but a lack of precedent. I don't see anything untoward in what the Executive Committee has...has done. They were given a situation by us and told to resolve it and lo and behold when they got into the issue they found out that it not...it was not as simple as they thought it was. Roberts Rules of Order by virtue of our rules are incorporated into our rules and they were bound since our rules don't cover this kind of thing, they were bound to follow them. Once they got into



them they ran into a tremendous roadblock and so they came back to us for guidance and I don't think we gave it to them. We criticized them; we got rather political and we got somewhat heated so they went back embank and discussed it some more and now they've come up with a suggestion which to me is very clear. They maintain that 777 is defective. I'll take their word for it. They say it can be cured by tabling it and coming back with a resolution which will do the job. They further state that they will propose to set up a bipartisan committee to hear this case. So we've got precedent; we've got the issue; we've got the personalities all in the pot boiling and hopefully we can come up with something reasonable. I don't think we should back up from what they have suggested. A vote of 20 to 2 to me is very compelling and notwithstanding that I might have some trepidations about it I have to believe that these people on that committee are honorable people trying to resolve a problem have come up with their best suggestion. If the best is not good enough it's just not good enough. I happen to think it will probably work. I don't think we should back up from this; I think we should support the Executive Committee. Mr. Lauer has made some promises here, the only reason that he would fall down on that promise is that we did not support him. Obviously we're going to table this, the next vote is to adopt his resolution. I think we're on the road. I don't think we should cast aspersions on the Executive Committee. I don't think we should imply directly, indirectly or even remotely that they have done is wrong. I think we should get behind them and make it abundantly clear that we want this matter cleared up because it involves the integrity of two men in the House. I vote aye."

Speaker Redmond: "Representative Deuster."

Deuster: "Well, Mr. Speaker, Ladies and Gentlemen of the House, we have a subject before us that's unusual. Way back in 1905 a Democrat, I believe he was from Chicago by the name of Frank Hummerbird, gave a speech in which he suggested to a group of law students votes were being bought and sold down in Springfield and then he repeated that later and because that was such a



shocking suggestion what they did is they brought him before the House and they adopted a resolution overwhelmingly, they just threw him out as a member because way back in 1905 obviously that would suggest there's anything wrong with the House ought to be thrown out on the person's ear. Perhaps, perhaps, if the Members way back in 1905 had been a little more thoughtful about the good name and the integrity of the Illinois General Assembly we might not have some of the problems...troubles of a different nature that we're having right now. I know that Representative Washington said obviously this is going to be adopted and there's not much point in, I suppose, speaking against it. But I'm just wondering and I think it's wrong. We had a distasteful bill sometime ago decriminalizing marijuana and as I remember and everybody thought well it would be a good opportunity to give it a good kick so we struck the enacting clause. I can't think of an anymore dramatic way to kick a subject and dismiss it without any thought than to just table the Bill. We could strike the enacting clause, maybe, or table the Bill but I...I think it's an insult and I would join Representative Totten in expressing the reason for my no vote is we have a committee structure; we have members of the committee; all of us on committees have tough subjects and I would think that the Committee would have...instead of suggesting this is to be brought out and laid out in front of us so everybody could relieve themselves legislatively by voting on the subject that they could simply amend the resolution and I would strongly urge a no vote although I'm sure it's going to fall on a great majority of deaf ears that we ought to let the Committee work this thing. They could very simply substitute a committee bill."

Speaker Redmond: "Representative Schraeder."

Schraeder: "Mr. Speaker, Members of the House, let me say this. I'm not trying to change anyone's vote except I want to make it very clearly known what my viewpoint is. I think this House of Representatives is on the verge of doing something great or doing something much less than that. We are on viewpoint now of every citizen of the state of Illinois. A resolution was adopted by a Member



of this House of Representatives within the rules as it now exists. In the due course...process of the rules of the House the Speaker has assigned it to the Assignment of Committee. And in doing that the Assignment Committee assigned it to the Executive Committee for action. It seems to me that that set of rules still in existence at this very moment should be the prevailing side on the salvation or the dissemination of this particular resolution, 777, and for us now to say by a motion that's being presented by one Member of this House that that should be moved...and move to table is completely out of order. I have confidence that the Executive Committee can hear this, 777, with justice for both parties and I would say that that's where it should be done and that's why I'm voting no."

Speaker Redmond: "Representative Duff."

Duff: "Thank you, Mr. Speaker. Mr. Speaker, I'm absolutely sure there are people both red and green lights who are...have the very, very best of intentions on this subject and I don't want to speak at all to the merits of Resolution 777. But I think the people who sponsored the motion have done no favor either to the Sponsor of the resolution or to the subject of the resolution because of the inevitable, inevitable I think misintrepretation of the action of the House. I think that there are two important things here which go way beyond, believe it or not, 777 and the other substantive matters that we're talking about. One of them of course is that this combination of motions will remove the sponsorship from one Member to another in...regardless of the procedural intention. The initial sponsor will not any longer have control over his own resolution and he should be required to carry the burden of that whether it is in his favor or disfavor, again not speaking to the merit. But more importantly, Mr. Speaker, this kind of a motion which I think is absolutely unprecedented in this Body does do an injustice to the Body itself in this regard. If this kind of motion can carry then it can be presented toward any motion, you know, toward any bill or resolution filed. It can carry forth to any bill or resolution on the assignment of bills committee; it can reach into the Rules



Committee and it can reach into any substantive committee and any one of you Members in the future could be subjected to have their bill never being heard on the merit—to the public never having an opportunity to comment on it. I don't vote on this Mr. Speaker in anyway, shape or form on the merit but in favor, I hope, of both the Sponsor of the resolution, the subject of resolution and all of these members I think this unprecedented action is a grave error which this House will come to regret on other subjects in the future."

Speaker Redmond: "Representative Dunn. J. Dunn."

Dunn: "Thank you, Mr. Speaker, I realize I shouldn't take the time of the House because we have a lot of votes on the board but I feel compelled to say a couple of things and that is that should this motion to table lose my understanding that House Resolution 777 would go back to Committee and also there's been a statement or two made here today that House Resolution 872 is meant to be a vehicle to set forth ground rules for conducting hearings and pursuing the subject matter of the substantive resolution. It's also been stated that those ground rules can be applied to a resolution filed before the ground rules came effective and that if I understand things correctly should the ground rules become effective a previously filed resolution would pick up a ...exactly in the posture where it was when the ground rules were adopted. So I think that if this resolution were sent back to Committee there is a possibility of an amendment. There is a possibility of the original sponsor proceeding on his resolution. There is a possibility of fair and equitable ground rules for the conduct of the hearings on the resolution. On the other hand if we proceed in the fashion that we are proceeding now, we are taking this resolution from its original sponsor who is not going to have the opportunity to present his resolution for a hearing before a committee and before this body. We are going to change the sponsorship. We are going to do all that on a motion to table which I also understand only takes a simple majority. We have a lot of votes on the board for this motion but what about the next



time something like this comes up? Will we able and will we be willing to take the same action on it, seven to six vote on the floor of this House with a 170 people or a 160 people abstaining someday. I think we should all think about that and for all those reasons I vote no."

Speaker Redmond: "Representative Rayson."

Rayson: "Well just briefly to explain my vote...no vote, Mr. Speaker, in large part the concern I raise has been expressed here. Representative Duff, Representative Totten, Representative Dunn, but I do have a few more concerns. In all of this kind of skeletal procedural stuff in its great choreography nothing has been addressed to the question of whether or not the subsequent resolution will fail. Either the power structure is so ingrained around here that this never enters their head or it was so ingrained with the idea of having such a nice fancy bipartisan committee that we'll have all the sheen imaginable so the House will good eventually ...is all set. The point is that in Committee Representative Schlickman made a...remarks on his resolution when apparently there...courtesy remarks there was no subsequent remarks given to the witnesses and I feel that the Committee itself could have fashioned this but I'm sort of at loss that we're going in directions which are unbeknown at this point and I wish we could have done the work in Resolution 777."

Speaker Redmond: "Representative Grotberg."

Grotberg: "Well, thank you, Mr. Speaker, Ladies and Gentlemen of the House. Very briefly in explaining my aye vote it comes to my attention, Ladies and Gentlemen and Mr. Speaker, that the...the words about the sacredness of the rules of the House, I don't think I've been in Session one day when we haven't suspended them. I think this is the 160th day in Session this Session when we very graciously for the sake expediency suspend rules and therefore I submit to you that the sacredness of the rules are really at the will of the House. And I think the rule of the House may well be put to task today to relieve both the accuser and the accused that are going to be dealing with the motion that we are about to pass in that



111.

I think the accuser wants to follow the rule; the accused perhaps wants speedy justice. I would remind this House also that we spend our time down here griping about the judicial system of the state of Illinois in trying to bring swift and speedy justice to the people of Illinois and we get a chance here to speed it up through this process I see nothing wrong with that at all. And I have no feeling either way on this matter because both parties in their turn have helped me kill some of my good legislation and some of them helped me pass some of my bad legislation so I want you to know that I'm completely neutral as far as the parties are concerned. But the will of the House is the rule book of this House. And I think that's what we're talking about."

Speaker Redmond: "Representative Griesheimer."

Griesheimer: "Thank you, Mr. Speaker, I'd like to rise to explain my vote not that it's going to materially affect the outcome but I think we're dealing with a very basic if not a moral issue here. We're living under the umbrella still cast by the Watergate incident in Washington and no matter what the implication is by this motion it will truly be interpreted as a cop-out by this Legislature. If we by any circumstance thereafter exonerate the man who was accused today, no matter what we do or how we have done it we will be accused of having swept something under the rug. There is no short cut to justice and this short cut should not be taken by this House today. I think we must of necessity follow the pattern that's been established. I can attest to the fact that the Chairman of the Executive Committee who happens to be one of my running mates has agonized over this like no man in this House. I've seen it personally in his face and in his actions in our district. I see no reason at this point to remove this from his control and from his Committee's control. We have an orderly process and no amount of jaw beating or jawboning takes this from their hands. And therefore I feel compelled to vote no."

Speaker Redmond: "Representative Washburn."

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

In explaining my vote I'd like to point out that I think this is



the first time in seventeen months that I've rejected the suggestion of a Member to hold a conference. But since this matter first came before us several weeks ago I'm sure that every Member of this Body, excuse me, wanted to keep it as far removed from politics as possible. And I would like to point out the vote not necessarily the 106 to 42 vote but I would like to point out that the green lights and the red lights are almost equally divided between Republicans and Democrats. Thank you."

Speaker Redmond: "Representative McGrew."

McGrew: "Thank you, Mr. Speaker, I move to suspend Rule 56-B, the explanation of votes."

Speaker Redmond: "Middle of the Roll Call. Resume that after the Roll Call. Have all voted who wish? Clerk will take the record. Question there's 114 aye, 45 nay. Gentleman's motion carries and the resolution is tabled. Representative Lauer, for what purpose do you rise?"

Lauer: "Mr...Mr. Speaker, pursuant to what I indicated earlier I now move that the appropriate rule be suspended for the immediate consideration of House Resolution 883."

Speaker Redmond: "We've got a little trouble with the machine. Does the Gentleman have unanimous consent to use the Attendance Roll Call on his motion? Hearing no objections. Representative Lauer."

Lauer: "Mr. Speaker, would you have the Clerk read the resolution?"

Speaker Redmond: "Mr. Clerk, will you read the resolution? 883."

Clerk Selcke: "House Resolution 883. Lauer, Capparelli. Be it resolved by the House of Representatives the 79th General Assembly, State of Illinois that its special investigation committee of six members, three from the majority party and three from the minority party be appointed to investigate allegations involving the conduct of Representative Gerald W. Shea which if true may subject Representative Shea to disciplinary action by the House of Representatives and be it further resolved that the special investigating committee is authorized to meet in Executive Session. And be it further resolved that the special investigating committee is directed to report in writing, report of its writings and recommendations





together with either a statement of charges, specifications or resolution of exoneration, such report to be filed with the Clerk not later than June 21st 1976."

Speaker Redmond: "Representative Lauer."

Lauer: "Mr. Speaker, Ladies and Gentlemen of the House, as I told you in the discussion of my motion to table House Resolution 777 that I had filed a resolution that would be in strict compliance with the strictest interpretations of the proper procedure under Roberts Rules under which this House presently find itself in the current situation. I think that this resolution is entirely appropriate and I move for the adoption of House Resolution 883 and solicit your positive vote."

Speaker Redmond: "Representative Schlickman."

Schlickman: "Well, Mr. Speaker, Members of the House, as I commented a couple of days ago with respect to amendment and I apply that to the resolution there's some good news and there's some bad news. The good news is the certainty of a hearing; the bad news is the secrecy of the hearing. Now, Mr. Speaker, Members of the House, I hope you will look at this resolution and you will read it because it is absolutely devoid of due process. It provides for no rules for the conduct of the investigation. It sets forth no rights of the accused and the accuser using other words. Mr. Speaker, Members of the House, the element of publicity is what keeps people honest. It's the element of secrecy without rules that rightfully gives grounds for the conclusion of a whitewash and sweeping under a carpet. I think this resolution is extremely unfair to both myself and to the other gentleman. Finally, Mr. Speaker, Members of the House, this resolution does something which the Speaker himself has wanted to avoid until this time and what he has wanted to avoid was to find six angels. Six persons who were willing and able to assume the awesome responsibility that is contained in this resolution to meet in secrecy and to treat equally and fairly the parties involved. I think, Mr. Speaker, Members of the House, if we adopt this resolution we will be adopting one of the most unfortunate precedents ever adopted here in the



Illinois House of Representatives. And it's on that basis, and that basis alone, that I will be voting and I solicit a no vote."

Speaker Redmond: "Representative Berman."

Berman: "Well, thank you, Mr. Speaker. I rise in support of the Resolution. I would point out that the previous speaker seems address this in a vacuum. That is not the context in which House Resolution 883 is presented to us. There are rules, Ladies and Gentlemen, there are guidelines, there are laws for proceeding. Those laws are set forth with great particularity in Roberts Rules of Order which are applicable to our rules and procedures in this House. Roberts Rules call for a hearing in Executive Session. This Resolution and the request of Representatives Lauer and Capparelli asks that this Resolution be adopted with a sufficient vote of 118 members so that Roberts can be followed. That is the law that we have here and that's what's being asked that we...that we follow. Now let me go one step further. Because of the improper way that this has proceeded so far there is no confidentiality. There is no secrecy. The charges have been voiced in the media so I would point out to you that this Resolution is phrased with great particularity. And I would point out to you that it does not mandate, it does not mandate, closed Sessions. It says that the Committee is authorized to meet in closed Session. And I believe it's been the position of the accused that because of the way this...these charges have been brought so far that it will probably be at his request that it will be an open Session. But the reason that we are phrasing Resolution 883 in this manner is to comply, is to comply with Roberts Rules of Order. And let me point out to you that we are setting a precedent. We are setting a precedent. We hope...Mr. Speaker, could I have a little order?"

Speaker Redmond: "Give the gentleman order."

Berman: "We would hope, Ladies and Gentlemen of the House, that if in the future a resolution dealing with improper action by a Member of the House is brought that the rights of the accused will be filed and the rights of confidentiality as set forth in Roberts will be



followed and that we won't find all of the accusations plastered on page 1 but that there will be a calm, deliberate, fair deliberation of charges. That is what 883 is setting forth as a precedent. In fairness to Mr. Shea this precedent of 883 has already gone by the boards so I think that he probably will act responsibly and ask that it be held open. But for anyone of us that may come down the line we should have the option of the safeguards of confidentiality and that is the reason why 883 is phrased just this way. It is not mandated that it be closed; it is authorized and it allows the kind of confidentiality that I think each of us are entitled to as public office holders not to have our reputation besmirched by irresponsible actions by any other member of the body but rather a calm, deliberative due process deliberation as to charges of impropriety. I urge an affirmative vote on 883."

Speaker Redmond: "Representative Leinenweber."

Leinenweber: "Mr. Speaker, Members of the House, I'd like to remind the Body that Section 4-C of the Legislative Article, Article IV of the Constitution, requires for closed Session two-thirds of the Members elected to the House to determine that the public interests so required. There is no such finding among the...in the Resolution, House Resolution 883 I would suggest that without a specific finding that the public interest requires a closed session that House Resolution 883 would...violate the constitution and I don't think that that would be a delegable right to give to a special investigating committee. "

Speaker Redmond: "Will be the ruling of the Chair that this Resolution takes 89 to adopt and 118 to adopt to authorize closed sessions. So if it passes with less than 118 it has to be open session. Representative Rayson. Rayson. Rayson. Hello."

Rayson: "Mr. Speaker, I raise a parliamentary inquiry at this point. The gentleman who spoke about...confidentiality and all that talk about that this Resolution was quite particularly drawn I...I raise this point. If this committee of six investigates allegations, what allegations. We just killed any...there's no allegations at all present. There's no authority for this commission to investigate



anything. I'm wondering, Mr. Speaker, if this is a worthy subject for which we should vote at this time on this Resolution."

Speaker Redmond: "Who are you questioning?"

Rayson: "I'm asking you, sir."

Speaker Redmond: "The form...the form of the Resolution is substantially in accord with suggested forms of resolutions in Roberts Rules of Order."

Rayson: "Well, I raise the question. It says to investigate allegations. I'm asking if the Speaker knows there are allegations which are ascertained for which this commission can operate from under the authority given by this Resolution?"

Speaker Redmond: "Suggestion in Congress of the United States they're investigating allegations that appeared in the newspaper. I don't think that there's any question that there allegations public... Representative Epton."

Epton: "You're not suggesting that our conduct is in any manner, shape or form similar to that of Congress?"

Speaker Redmond: "Not all of us."

Epton: "I accept your apology."

Speaker Redmond: "Representative Duff."

Duff: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House, I'm at loss to understand why the Representative from Cook, the Representative from Arlington Heights now opposes this motion. I stood beside him perhaps for different reasons in his opposition to the motion to table but if he wants to talk about a whitewash then I have not used his name in debate. If he wants to talk about a whitewash, if this motion doesn't pass, is there anybody in this House floor who doesn't believe he'll pick up the newspaper tomorrow morning and say the Legislature tabled 777 and then refused to do anything about any further action. I was against tabling 777, to be sure, but if we don't act now it will be totally ludicrous. I would further suggest that it isn't fair to say that the Speaker can't find six angels in this House because Mr. Speaker I suspect that it is not fair for anybody to stand up on this House floor and suggest that he is the only angel. We all seek perfection equal



to any other Member in this House I'm sure. And if...and if one would feel there cannot be six members found then why would one feel that there could be 89 good solid honest votes of 89 angels? I think it's unfair to the body to presume that. I also feel that there is a precedent, Mr. Speaker, for having closed meetings without a 118 votes and I refer you to the action of the Audit Commission with the premission of the House when the investigation was held as to who should be investigated in private for the selection to that role."

Speaker Redmond: "Representative Houlihan, James."

Houlihan: "Well, Mr...Mr. Speaker and Ladies and Gentlemen of the House, will the Sponsor of this Resolution..."

Speaker Redmond: "He will."

Houlihan: "Representative Lauer, what is your interpretation of the section which indicates that the Special Investigating Committee is authorized to meet in Executive Session?"

Lauer: "I think the...the question of my opinion, Mr. Houlihan, is moot because the Speaker has already ruled."

Houlihan: "Mr. Speaker, could you reiterate that ruling as to the..."

Speaker Redmond: "I would say a closed session."

Houlihan: "Closed to whom? Closed to public public?"

Speaker Redmond: "Right."

Houlihan: "Would that include the press?"

Speaker Redmond: "Yes."

Houlihan: "Would that include us Members who are not assigned to that committee?"

Speaker Redmond: "I would...I would...this is subject for further research but offhand I would think yes. It would seem to me that since there are three members from each side...Representative Deuster."

Deuster: "Yes; my point of order is that although we all have great respect for the Speaker this is a resolution that has been produced by a committee. I don't think the presiding officer should be engaged in the debate or discussion of what the resolution means. I should think members of the committee would respond as to what the



resolution mean."

Speaker Redmond: "I think your point is well taken."

Deuster: "Thank you."

Speaker Redmond: "Representative Catania."

Catania: "Well, thank you, Mr. Speaker..."

Speaker Redmond: "Representative Lauer, for what purpose do you rise?"

Lauer: "Point of...point of order, Mr. Speaker..."

Speaker Redmond: "State your point."

Lauer: "It would seem to me that Mr. Houlihan is dealing in conjecture..."

Speaker Redmond: "Representative Houlihan...we've taken care of that.

Representative Houlihan."

Houlihan: "Mr. Speaker, I...I would like to have resolved what the meaning of the Executive Session is and in fact I believe that there are Members here who would like to vote for this resolution including in fact some of those very involved with this issue but would not want to vote for it if it authorized Executive Session. And I wondered if Representative Lauer might consider an amendment to his resolution to delete the provision for closed Executive Session?"

Speaker Redmond: "Representative Lauer."

Lauer: "Again, I...I would say that the...that the Speaker has made his ruling that it takes only 89 votes to adopt the resolution and that the only way that the Executive Session would be authorized would be if the resolution passes by 118 or more votes."

Houlihan: "Ah, Mr..."

Speaker Redmond: "Representative Houlihan, this may explain it, it's according to Roberts Rules of Order 'Executive Session and general parliamentary usage has come to mean any meeting of a deliberative assembly or a portion of meeting at which the proceedings are secret'."

Houlihan: "I'm sorry, Mr. Speaker, you tailed off at the end there."

Speaker Redmond: "At which the proceedings are secret. That's the definition of an Executive Session in Roberts Rule of Order."

Houlihan: "I understand secret, secret to all the members."

Speaker Redmond: "Well, I would think that it's the... Well this probably is something for the membership to determine. Offhand I would think that it's...that it's secret to the committee and the witnesses that they call. Representative Porter."



Porter: "Will the gentleman yield?"

Houlihan: "Mr. Speaker. Mr. Speaker."

Speaker Redmond: "Representative Porter."

Porter: "Will the gentleman yield?"

Houlihan: "Mr. Speaker."

Porter: "...For a question? Representative Lauer, let me ask a couple questions. First..."

Speaker Redmond: "Representative...pardon me, Representative Porter. Representative Houlihan."

Houlihan: "Mr. Speaker, I had not finished with my discussion."

Speaker Redmond: "Proceed."

Houlihan: "Mr. Speaker, I'd like to ask a point of parliamentary inquiry. What would I have to do to offer an amendment to delete the executive section...executive session provision of this resolution?"

Speaker Redmond: "You'd have to file a...the amendment same as you would any other amendment. Parliamentarian has advised me that the purpose of secrecy is so that the rights of all people are preserved and if any member if in fact the committee would permit them, that member would be bound by secrecy the same as any other member. Representative Choate."

Choate: "Well, Mr. Speaker, Ladies and Gentlemen of the House, just a note to those who are members of the bar on the floor of this House and talk about confidentiality and secrecy and those who might have members of the bar in their family, how many of them are aware of the judicial inquiry board. How many of them are aware that we fund the judicial inquiry board and we have since its inception. And under testimony before the House Appropriations Committee this morning the Executive Director was asked about this very question that you're debating now and under the questions of Representative Ryan and other members of the Committee he's flatly stated that any charges brought on any of the judiciary in this state would be investigated by that agency and, no, there would not be any public consumption as far as that testimony is concerned. No, it would be wrapped entirely in secrecy. Now this has been going on in the judiciary ever since the inception of the so-called Judicial



Advisory Board. Now you want to know about secrecy, if it's good enough for the judges then it's good enough to protect the integrity of a member of this body."

Speaker Redmond: "Representative Tuerk."

Tuerk: "Mr. Speaker, I have a parliamentary inquiry at this stage."

Speaker Redmond: "State your...please."

Tuerk: "I wonder if this resolution, the questions could not be divided.

The reason I raised the parliamentary inquiry is there...apparently many members of this House that would support the resolution but there may be others who don't necessarily agree with the Executive Session aspect of the resolution. Could the points be divided to vote on the resolution and then the Executive Session aspect?"

Speaker Redmond: "I believe that if you want to bring that matter before the House you should move to divide the question and take a vote on it and let the judgment be the judgment of the House and not the judgment of the Speaker."

Tuerk: "Well, I would so move then, Mr. Speaker, unless I have to have it in writing and I'll reduce it to writing in just a moment."

Speaker Redmond: "Gentleman has moved that the question...the adoption of House Resolution be divided. Representative Berman."

Berman: "I raise a point of order on that motion, Mr. Speaker. I submit that the motion to divide is out of order. We have a resolution which is, which must be viewed in its entirety. The...the Speaker has ruled that the vote which will pass or that will be taken on this resolution will determine whether under the Constitution the total resolution can be put into effect or not and it is not...there are not two separate issues here. The resolution calls for a executive session, it is strictly a question of the vote that will be cast out as to whether it will or can or cannot be held in executive session. I...I raise the point of order on the propriety on the motion to divide."

Speaker Redmond: "Representative Matijeveh. Matijeveh."

Matijeveh: "Mr. Speaker, Ladies and Gentlemen of the House, I...I was going to make that same point of order. I was going to speak on the particular resolution but I would also like to join with





Representative Berman that the only way that that can be done is through an amendment to the resolution but this resolution can not be divided. It's not a motion, it's the...it's a motion to adopt which cannot be divided and I'd like the rule - have you rule on that with Representative Berman - and then I'd like to speak to the resolution."

Speaker Redmond: "Representative Flinn. Representative Matijevich, I thought you were finished."

Matijevich: "Well, we moved-Representative Berman and I made the point of order which you haven't ruled on that this matter can not be divided that it's got to be up or down on this resolution."

Speaker Redmond: "It's the ruling of the Chair that the matter can be divided."

Matijevich: "Can?"

Speaker Redmond: "Can."

Matijevich: "I thought, Mr. Speaker, the only way to divide is by a resolution, I mean an amendment to the resolution."

Speaker Redmond: "Well, the motion to divide...the motion to divide... motion to divide placed the manner in which the question is to be divided."

Matijevich: "The question is...the question is a motion to adopt. How can you divide that?"

Speaker Redmond: "Representative Tuerk has moved to divide."

Matijevich: "You can't divide a motion to adopt."

Speaker Redmond: "Representative Deavers."

Deavers: "Mr. Speaker in defense of Representative Matijevich, there can be no way that you can divide a question when all you have is the whole. The motion is to adopt. There's no two separate motions."

Speaker Redmond: "Representative Skinner, for what purpose do you rise?"

Skinner: "Point of order, Mr. Speaker, I would suggest that both members have an alternative course of action besides speaking against your motion, they may rule to overrule the Chair. Move to overrule the Chair, that is."

Speaker Redmond: "I think you're correct. Representative Flinn. What purpose do you rise?"



Flinn: "Well, Mr. Speaker, I'd like to talk on the motion of Representative Tuerk. I don't think it's a valid motion. This resolution was filed in accordance with the Roberts Rules of Order and in this case since our rules are absent on this subject matter this would defeat the Roberts Rules of Order to divide the question and not a secret meeting."

Speaker Redmond: "Representative Simms, for what purpose do you rise?"

Simms: "Mr. Speaker, I rise on a point of order. The Chair has made a specific ruling, the gentleman is arguing with the Chair and not addressing himself to the motion that Representative Tuerk has made."

Speaker Redmond: "Please come to order. The Chair has rules that the question is divisible. Now the correct procedure is to move to appeal the ruling of the Chair. Now, Representative Flinn. Representative Flinn."

Flinn: "Mr. Speaker, as much as I respect you and your rulings I so move."

Speaker Redmond: "Representative Matijevich."

Matijevich: "Mr. Speaker, the motion to adopt and you've ruled already the motion to adopt takes 89; it takes the two-thirds to adopt with Executive Session. If you divide, what is it going to take, a simple majority to divide?"

Speaker Redmond: "It would take 89 simple majority to divide and then that part of it that refers to the Executive Session would take 118 and the other, the adoption of the motion would take 89."

Matijevich: "Well, I think the whole matter can be resolved. If you don't get a two-thirds on the motion to adopt it can not be in Executive Session."

Speaker Redmond: "Well, the question before the House is the gentleman's motion to appeal the ruling of the Chair. Representative Lauer."

Lauer: "Mr. Speaker, I move that motion lie on the table."

Speaker Redmond: "Gentleman has moved that the motion to appeal the ruling of the Chair lie on the table. Is that correct?"

Lauer: "No. The...the original motion, Mr. Speaker, to divide."

Speaker Redmond: "You can't now because I have made a ruling on it and Representative Flinn has moved to appeal the ruling of the Chair so the posture of the matter before the House now is..."



Lauer: "I withdraw my remarks, Mr. Speaker."

Speaker Redmond: "Okay. Representative Keller."

Keller: "Yes, Mr. Speaker, didn't Mr. Tuerk...he made a motion to divide, I mean..."

Speaker Redmond: "That's correct."

Keller: "He...he didn't ask for a ruling he just...he just asked for a motion and I think that would require 89 votes."

Speaker Redmond: "I rule...I ruled that the...the question was divisible. and Representative Flinn has appealed my ruling and I would like to put the question. Representative Flinn."

Flinn: "Well, Mr. Speaker, I don't contribute to the confusion that's already on this floor but since...since Representative Lauer has offered to make a substitute motion or the motion to table, in view of that I'd like to withdraw my motion if that puts us back to Tuerk's motion."

Speaker Redmond: "Representative Lauer."

Lauer: "Mr...Mr. Speaker, has the motion to overrule the ruling of the Chair been withdrawn?"

Speaker Redmond: "I believe you have withdrawn your motion to overrule the ruling of the Chair. Now Representative Tuerk, have you made a motion to divide? If you haven't will you do so?"

Tuerk: "I have not made it in writing, I have made it orally to divide the question..."

Speaker Redmond: "Representative Lauer, you desire to have that motion lie on the table, is that correct?"

Lauer: "I move to have that motion lie on the table."

Speaker Redmond: "The question is on Representative Lauer's motion to lie Representative Tuerk's motion to divide on the table. All in favor of laying it on the table vote aye; and the opposed vote no. All voted who wish? Have all voted who wish? This takes 89 votes. All voted who wish? The Clerk will take the record. On this question, 99 aye and 43 no and Representative's Tuerk to divide lies on the table. Representative Porter for what purpose do you rise?"

Porter: "Well, we're back now on the original resolution and I think



I had the floor last before the motion was made..."

Speaker Redmond: "I think you're correct."

Porter: "Can I go on with my question?"

Speaker Redmond: "Proceed."

Porter: "Representative Lauer, the resolution says that there'll be a committee of six members shall be appointed. Be appointed by whom?"

Lauer: "The present rule indicates that the Speaker appoints the members in consultation with the Minority Leader as to who those members of the minority party will be."

Porter: "All right, now this, this seems to provide a committee that's very much analogous to a grand jury in that they are to investigate in secret and then come back and file a report with the Clerk not later than June 21. What happens if after they make their investigation they come out with a statement of charges and specifications as stated in the resolution and that's filed with the Clerk. Then what?"

Lauer: "Then, Mr. Porter, I presume that the additional provisions found in Roberts Rules for the holding of a hearing by a select committee or by the House as a whole would prevail."

Porter: "What if we have in the meantime adopted House Resolution 872? Would that apply or not?"

Lauer: "I...I do not think it would however I am sure that that would be subject to a ruling by the Chair and I would not attempt at this point to surmise what that ruling would be."

Porter: "Then what we've done here is we've created a...a form of grand jury to investigate charges against one of our members and when they have completed their investigation they...we will then be back operating under Roberts Rules of Order just as House Resolution 777 would have been? We...we just put a step in between?"

Lauer: "Mr...Mr. Porter, I have not stood on this floor and said that Roberts Rules were the best rules, they are far from perfect in the particular situation in which we find ourselves however they are the only rules which under our current rules we may operate within the scope and under their aegis. The purpose of House Rule 872 which is being considered by the Rules Committee was to try to in all



future situations take us out of this vise in which we presently find ourselves. So it would seem to me that...that once again we are caught in a bind of our own making because we did adopt that provision which requires Roberts Rules but we can't get out of it at this point in time."

Porter: "Well, Mr. Speaker and Ladies and Gentlemen of the House, I think it's entirely proper that we do have an investigation of this type that it's done through a special investigating committee of this type and that if we have assurances as we do have now that there will be a complete report and if there's necessary a follow-up under the rules of the House I assume that this is the best we can do to protect the rights of the accused and while I would have done it differently in reference to House Resolution 777, I think that the only alternative that we have now is to adopt this resolution and get on with this investigation."

Speaker Redmond: "Representative Keller. Representative Keller."

Keller: "Yes, Mr. Speaker and Ladies and Gentlemen of the House. I think we all know what this resolution is going to do and I'd like to move the previous question."

Speaker Redmond: "Gentleman has moved the previous question. The question is shall the main question be put. All those in favor will indicate by saying aye. Opposed, no. The ayes have it. Representative Luaer...or Deuster. State your point."

Deuster: "Mr. Speaker, Ladies and Gentlemen of the House, there is an amendment to House Resolution at the Clerk's desk and I would inquire from the Speaker as to what is the proper time to consider the amendment?"

Speaker Redmond: "What is...what is..."

Deuster: "The purpose of the information of the members the amendment strikes the second resolution clause or the secrecy provision of the resolution."

Speaker Redmond: "Representative Matijevich."

Matijevich: "Mr. Speaker, I think that was resolved by the motion to divide and I think that now would be out of order."

Speaker Redmond: "I think Representative Deuster that if this



Resolution could be adopted you could still submit that Amendment."

Deuster: "Mr. Speaker, normally we don't adopt something on First Reading or take final action until we've considered amendments. Amendments come before final consideration and I would think that the consideration of the Amendment is in order and with respect to the observation made by the distinguished gentleman from Lake County, Mr. Matijevich, I...I do believe that the...the motion to divide was not clear and..."

Speaker Redmond: "Representative..."

Deuster: "...This is specific, this is not the same question."

Speaker Redmond: "Representative Mulcahey. Representative Mulcahey. Representative Madison."

Madison: "Mr. Speaker, when this House gave Representative Lauer unanimous consent for immediate consideration of this Resolution it had the effect, Mr. Speaker, of moving this Resolution to Third Reading and there is no place for amendments on Third Reading."

Speaker Redmond: "Gentleman...the question is on the adoption of the Resolution. Those in favor of the adoption of the Resolution vote aye and the opposed vote no. 89 votes to adopt and 118 to adopt with the Executive Session provision. Representative Geo-Karis."

Geo-Karis: "Mr. Speaker and Ladies and Gentlemen of the House, I agonized over the prior motion to table because I felt a Sponsor should control their own however this is very clear from your ruling and this particular House Resolution 883 is even more severe in penalties than 777 because 777 only calls for a reprimand but this Resolution calls for greater disciplinary action. And this is a far stronger Resolution in my humble opinion than 777 and I vote aye."

Speaker Redmond: "Representative Simms."

Simms: "Well, Mr. Speaker, in explaining my vote I support the Resolution but I do have some serious reservations to the Executive Session for this reason...hoping it will not get 118 votes, I'm going to vote present."

Speaker Redmond: "Representative Deuster. Deuster."

Deuster: "Mr. Speaker, my light should be off."

Speaker Redmond: "Representative Duff."



Duff: "Well, Mr. Speaker and Ladies and Gentlemen of the House, I really feel there's some misunderstandings of...about the values of Executive Session. Some of us might feel the pressure for example of the media in some newspapers or some radio stations that we shouldn't vote for this kind of amendment. I would like to remind the House that there is a real value, a very real value on occasion for having confidentiality. We all know that there's a very valid reason for confidentiality within the grand jury even though it cannot always be achieved totally and perfectly and when it can't it's because of the pressure of the media usually. We all know that in common life, in human nature, it's oftentimes very, very difficult to get people to be involved, to be willing to be witnesses. They might be a friend or an enemy of one or another party. They might feel, not even really be, but feel intimidated on one position or another. They might in fact on occasion by one party or another, one individual or another, one newspaper or another, one political entity within their home district or another feel intimidated or pressured if they are not allowed to speak fully and freely to the merit of the matter before them. I think that there are both pros and cons to the problem. But we do have a precedent. I reminded the Body before, do you recall the precedent in this House when the Body itself wanted a thorough secret investigation which could not do damage or injury to the reputation of anybody which would be unintentioned when we picked an auditor general. We had thorough, thorough inches, pages, thousands of pages worth of investigation done into the background of all the individuals involved. And that was kept secret and it was done secret by a motion of this Body. And incidentally, it was done secret by a motion a whole lot less than 118 votes. I'm not for secrecy I'm simply for fairness as this Body examines itself and I have confidence that the Body can do this portion of its responsibility fairly."

Speaker Redmond: "Representative Ebbesen."

Ebbesen: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, I'm going to change my no vote to aye. There's one thing that has bothered



me and that's...about the Executive Session but as I read it says resolved that the special investigating committee is authorized to meet in Executive Session but it...isn't mandatory 'cause they could perhaps make that decision to open it up. They probably won't but at least that option is there and for that reason because I'm not against the Resolution itself and what it attempts to accomplish therefore I would encourage others to go from no to aye and make this the unanimous resolution."

Speaker Redmond: "Representative Matijevich."

Matijevich: "Mr. Speaker and Ladies and Gentlemen of the House, I explain my vote only because as Chairman of the Executive Committee, I want to say that I have been consistent throughout. I voted against the prior motion because I felt, and I was one of two on the Executive Committee, I felt the Schlickman Resolution could be amended to place it in proper order and I want to say now that Representative Schlickman was not right when he said he followed prior precedent. The 1905 Resolution against...Representative Cumerford called for a special committee to investigate. In the Resolution it called for that. House Resolution 777 goes right from the whereas clause into a resolve that there be a reprimand. That is a vast difference from the precedent in the 1905 case. I want to explain my vote because I still do not like this procedure as precedent because it still could call for a two tier. In other words that a special investigating committee be followed if it so recommends and another committee probably would thereafter be a hearing process. I think it can all be done by one committee. A select committee. I think that's the best precedent to follow. Those of you who are troubled by the Executive Session, I'm not troubled by that and I don't think there's anybody in the House anymore than I have fought for open meetings and the open meetings act. But I think that many of us think that lawmakers, public officials are not second class citizens. I think that we feel that this is a matter that if there are frivolous charges and I don't, say that in this regard, but since this is a precedent that if there are frivolous charges that a investigating body to make a





fair hearing into the matter may have to go in secret session. I think that you've got to understand that you may have to protect a witness, a witness who in order to protect that witness you have to go to secret session. Many of you, many of you who now say that we shouldn't go in secret session are those who find for grand jury proceedings to protect the innocent, to protect the innocent to make sure that some part of that procedure be in secret. And I think that this is really no different than that that because you have to worry about the fact that a possibility could result that an innocent, innocent person could be harmed. His reputation his... his life, his life's work could be jeopardized if his...if he's not protected properly. So I wanted to explain that part of my vote because I feel throughout, and as Chairman of the Executive Committee I've been consistent and all I've wanted to do is protect everybody's rights."

Speaker Redmond: "Representative Campbell."

Campbell: "Well, Mr. Speaker, Ladies and Gentlemen of the House, I just wanted to get up and say that this isn't unusual to have an Executive Session. This Body gave us the authority and the Legislative Advisory Committee when we were looking into Medicaid and various investigations along that line so it is certainly no precedent and I think it should be done."

Speaker Redmond: "Representative Skinner."

Skinner: "Mr. Speaker, I don't rise to make any very large point I just wish to point out especially to the press that this Resolution gives everyone in the state of Illinois more information than the Judicial Inquiry Board does. Now at least we know who's being investigated. I would suggest that we do not know which judges are being investigated. We do not know which judges mysteriously resign for personal reasons as a result of the Judicial Inquiry Board action. I think we should know at least that. I, however, don't feel I can vote for this Resolution because when the Open Meetings Act is interpreted by local governmental officials as....they virtually always forget that it's permissive. They say, oh we're going to consider personnel we have to go into Executive Session."



There's some good parts to this Resolution and some bad parts. At this point I don't see how anybody's reputation can be hurt more than it already has been. It's all been in the press."

Speaker Redmond: "Representative Schlickman."

Schlickman: "Thank you Mr. Speaker and Members of the House. I rise on two bases, one a point of privilege and two, to explain my vote. With regards to the point of privilege the Gentleman from Lake previously stated that I was relying upon the Comerford Resolution and that's right but not for the entirety of House Resolution 777. The major criticism of that Resolution was the specificity and I have pointed on innumerable occasions that the specificity in House Resolution 777 was not as specific as that contained within the Comerford Resolution. The only difference between the two is that I relied upon the standing committee structure of this House whereas the Comerford Resolution made provision for a special investigating committee. Finally, Mr. Speaker, Members of the House, in explaining my vote something that hasn't been brought out with regards to Roberts Rules to further demonstrate is not being applicable to a situation like this. We're going to have a secret meeting and under Roberts Rules of Order heresy evidence is allowed. Now, Mr. Speaker, Members of the House, I don't think that's right. In fact when I appeared before the Executive Committee I offered, strike that, I offered last week an amendment to the proposed rules of the House with regards to this...very...proceeding. To make sure that the rules of evidence would be the rules of...of criminal proceedings making it more strict for the protection of the accused. Thank you."

Speaker Redmond: "Representative Epton."

Epton: "Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I had hoped to avoid speaking on this. Everybody has said everything which can be said however as an attorney I am somewhat disturbed by the fact that so many of those who are voting no are members of the legal profession. I know this, that if any of us had a client who were in a position similar to this we would fight and fight to the best of our ability to have a full and complete hearing in secrecy so that that individual's reputation would not



be besmirched without going into the background of why we're here at this stage the fact remains that I, if I were to be accused, would want a secret hearing and I have enough confidence in this Body that regardless of what the media may or may not do, regardless of whether it turns out to be a whitewash or blackwash or a greenwash, the fact is if we don't have enough confidence in our own Membership we really don't belong to be seated here. I think there should be a closed hearing. As a matter of fact one of the greatest crimes today is being committed in the United States is the constant leak of information from the grand jury through the media, through the radio stations, through the printed, the electronic word in England we certainly can't profit too much from the English, I hope my wife will forgive me, but the fact remains that they have enough sense to withhold information until after the verdict comes in. In this case let our peers try one of our own. Let him have his day in front of that group rather than in front of the media which has already made up its mind to hang the individual and then accuse us of a whitewash. I think that all those lights should be green."

Speaker Redmond: "Have all voted who wish? Clerk will take the record. On this question there's 142 aye, 13 no. The Resolution is adopted. The appointments, thank you very much for giving me this nice job, the appointments will be made before we recess at the end of the week. Any volunteers? Representative Washburn."

Washburn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Listen, Mr. Speaker, from time to time would you relate us the score of the House-Senate ball game?"

Speaker Redmond: "Representative Capparelli. You had a motion Representative Capparelli? Representative Capparelli has moved that the House do now adjourn in five minutes. Representative Madigan."

Madigan: "Mr. Speaker, the Rules Committee will not meet this evening but will meet at 10 o'clock tomorrow morning in Room 122-B."

Speaker Redmond: "Any other announcements? Representative Lechowicz."

Lechowicz: "Thank you, Mr. Speaker, the Appropriations I Committee will



meet tomorrow morning at 9 o'clock in Room 118 and Appropriations

II will meet on the House floor at 9 o'clock. Thank you."

Speaker Redmond: "Any further announcements? Representative Merlo. Merlo."

Merlo: "Mr. Speaker, Members of the House the Insurance Committee will meet tomorrow morning at 10 o'clock in B-1."

Speaker Redmond: "We got the Second Special Session. Representative Shea."

Shea: "Mr. Speaker, I move that the House do now stand adjourned until 1 o'clock tomorrow afternoon."

Speaker Redmond: "In five minutes, is that what you said? Now we're going to handle the Second Special Session."

Shea: "Well, why don't we recess this for...until after the end of the Second Special Session?"

Speaker Redmond: "You've heard the motion. All in favor indicate by saying aye. Aye. Opposed. The House stands in recess 'til after the Second Special Session."

Shea: "Now we're back in Regular Session, Mr. Speaker?"

Speaker Redmond: "Regular Session come to order."

Shea: "Mr. Speaker, I move that the House do now stand in recess; that the Clerk be allowed to read in Committee Reports First Reading and other ministerial tasks of the Clerk's office and when he is through that the House do stand adjourned until 1 o'clock tomorrow afternoon."

Speaker Redmond: "You've heard the motion. All in favor indicate by saying aye. Aye. Opposed, no. The ayes have it. The motion carries."

Clerk O'Brien: "Message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives the Senate has concurred with the House in the passage of the Bills of the following titles to-wit: House Bill 3273 passed by the Senate June 8, 1976. Kenneth Wright, Secretary. A message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives the Senate has passed the Bill of the following title and passage of which I am instructed to ask concurrence of the House of Representatives to-wit: Senate Bill 1976, passed by the



Senate June 8, 1976. Kenneth Wright, Secretary. Message from the Senate by Mr. Wright, Secretary. Message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives the Senate has concurred with the House passed the Bill of the following title to-wit: House Bill 3343 together with an amendment passed by the Senate as amended, June 8, 1976. Kenneth Wright, Secretary. Message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives the Senate has concurred with the House in the passage of the Bill of the following title, to-wit: House Bill 3344 together with amendments. Passed by the Senate as amended, June 8, 1976. Kenneth Wright, Secretary. Message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives the Senate has concurred with the House in the passage of Bills of the following title to-wit: House Bill 3383 together with an amendment. Passed by the Senate as amended. June 8, 1976. Kenneth Wright, Secretary. Message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives the Senate has concurred with the House in passage of Bills of the following titles, to-wit: House Bill 3815 together with an amendment. Passed by the Senate as amended. June 8, 1976. Kenneth Wright, Secretary. Committee Reports. Representative Maragos, Chairman of the Committee on Revenue to which the following Bills were assigned. Action taken June 8, 1976, reported the same back with the following recommendations: Do Pass House Bill 3966. Do Pass as amended House Bill 3932 and 3965. Representative Garmisa, Chairman of the Committee on Transportation to which the following Bills were referred, action taken June 8, 1976, reported the same back with recommendation: Do Pass as amended House Bill 1815. Representative DiPrima, Chairman of the Committee on Veteran Affairs Registration and Regulations to which the following Bills were referred, action taken June 8, 1976, reported the same back with the following recommendation: Do Pass as amended House Bill 3933. Representative Matijevec, Chairman of the Committee on Executive to which the



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following Bills were...following Bills were referred, action taken June 8, 1976, reported the same back with the following recommendation: Do Pass House Bill 3366. Representative Garmisa, Chairman of the Committee on Transportation reported the following Committee Bill for introduction: House Bill 3980. Action taken June 8, 1976. Representative Garmisa, Chairman of the Committee on Transportation reports the following Committee Bill for introduction: House Bill 3981. Action taken June 8, 1976. Introduction to First Reading. House Bill 3980, Committee on Transportation. A Bill for an act requiring the Illinois Commerce Commission to conduct a study relating to transportation of hazardous materials over railways. First Reading of the Bill. House Bill 3981, Committee on Transportation. A Bill for an act making appropriation to the Illinois Commerce Commission. First Reading of the Bill. No further business, the House now stands adjourned until tomorrow 1 o'clock.p.m."



Speaker Redmond: "The Second Special Session come to order.

Representative Shea."

Shea: "Mr. Speaker, I move that the Attendance Roll Call of the Regular Session this date be used as the Roll Call of the Second Special Session of this date."

Speaker Redmond: "Any objections? You've heard the motion, all in favor indicate by saying aye. Aye. Opposed no. The ayes have it and the Roll Call of the Regular Session be used as the Roll Call for the Second Special Session. Representative Shea."

Shea: "Does Mr. Kempiners have a motion?"

Speaker Redmond: "Representative Kempiners."

Shea: "You don't want to call this today, Bill? Mr. Speaker, I move that the Second Special Session now stand adjourned until after the Regular Session Thursday afternoon."

Speaker Redmond: "Representative Kempiners. Kempiners."

Kempiners: "Mr. Speaker, would it be possible to adjourn until like Tuesday afternoon rather until after the Regular Session?"

Speaker Redmond: "Representative Shea."

Shea: "Bill, why don't you and I get together so we can find a time to call your motion, huh?"

Kempiners: "I...I thought that's what we've been doing for the past week and a half."

Shea: "Okay. I move that we do now stand adjourned until Thursday..."

Speaker Redmond: "All in favor indicate by saying aye."

Shea: "Aye. Thursday afternoon after the Regular Session."

Speaker Redmond: "Motion carries."

