

HOUSE OF REPRESENTATIVES

SEVENTY-SEVENTH GENERAL ASSEMBLY

ONE HUNDRED SIXTEENTH LEGISLATIVE DAY

APRIL 10, 1972

1:00 O'CLOCK P.M.

THE HONORABLE W. ROBERT BLAIR, SPEAKER

SPEAKER IN THE CHAIR



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

Representative J. Horace Gardner - death;

Representative Henry J. Klosak - illness;

Representative W. J. Murphy - no reason given;

Representative William A. Redmond - no reason given;

Representative Edward J. Shaw - death;

Representative John W. Thompson - no reason given.



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Doorkeeper: "All those who are not entitled to the floor, will you please retire to the gallery. Thank you. All those who are not entitled to the floor, will you please retire to the gallery. Thank you. All those who are not entitled to this House chamber, you will have to retire to the gallery. Thank you."

Hon. W. Robert Blair: "The House will be in order. The invocation this afternoon will be given by our House chaplain, Dr. Johnson."

Dr. John Johnson: "We pray. At the beginning of this session, O God, imbue all of us with the physical, emotional and spiritual strength which we need as we come together in legislative assembly to consider the needs of our state. Grant O gracious father that as we become involved with issues, we do not forget the needs of people. Grant that as we engage in discussion and debate over the problems of our state, we do not forget that we deal with each other as fellow members of the human family. As we seek the interest of those whom we represent, let us not forget the interest of all the people of our commonwealth in their search for order and justice in the common good. As we become involved in the problems and affairs of other men, of citizens, legislators, committee members, administrators, do not permit us to neglect our own needs, for your counsel, your approval and your strengthening grace. Let us put our hand to the plow, O Lord of truth and having done this pursue the tasks before us with steadfastness and high result. Hear



us as we are bold to come before you in the name of our redeemer and Lord. Amen."

Hon. W. Robert Blair: "Roll call for attendance. Richard Walsh, 'Present'. Art Simmons, 'Present'. Messages on the Speaker's table."

Fredric B. Selcke: "Messages from the Governor. To the Honorable Members of the Seventy-seventh General Assembly. I am herewith returning without my approval House Bill 2454 entitled 'An act to amend Section 37 of the Sanitary District Act of 1936, approved July 2, 1936, as amended'. House Bill 2454 provides that the general obligation indebtedness of a sanitary district be assumed by an annexing municipality where the sanitary district is dissolved by operation of law. In this basic purpose House Bill 2454 is identical to House Bill 1635 which I approved on September 8, 1971, and which appears of record as Public Act 77-1491. Therefore no legislative purpose would be served to permit this bill to become law. For this reason, I veto and withhold my approval from House Bill 2454. Respectfully submitted, Richard Ogilvie, Governor. To the Honorable The Members of the House of Representatives, Seventy-seventh General Assembly. I am herewith returning House Bill 3680 entitled 'An act relating to control of the erection and maintenance of billboards and other outdoor advertising devices on lands adjacent to the Federal-Aid Primary System and the National System of Interstate and Defense Highway in Illinois, to provide for the administration thereof, and



to repeal an Act named herein.' Pursuant to the authority vested in me under Article IV, Section 9 (e) of the Constitution of Illinois, 1970, I am returning House Bill 3680 with the following specific recommendations for change:

Amend House Bill 3680, on page 4, by striking lines 7 through 12 and inserting in lieu thereof the following: 'means any area adjacent to the right of way of a Primary Highway not zoned by any county or municipality and which lies within 600 feet of any commercial or industrial activity. All'; and on page 4, lines 27 and 28, by striking the following: 'or pursuant to the provisions of Section 4.09 of this Act' and on page 5, by striking lines 2, 3 and 4 and inserting in lieu thereof the following: 'as industrial or commercial, or both.'; and on page 5, line 10, by striking the figure '4.09' and inserting in lieu thereof the following: '4.08'; and on page 7, line 25, by inserting directly after '(b)' the following: 'on'; and on page 7, line 26, by inserting directly after the word 'Act' the following: 'when'; and on page 8, by striking lines 6 and 7 and inserting in lieu thereof the following: 'sign. Signs of this category may be permitted in areas covered under the provisions of Section 4.04 and 4.05 of this Act, and'; and on page 8 by striking lines 11 and 12 and inserting in lieu thereof the following: 'State, or along Interstate Highways in areas which come within the definition of Section 3.11 of an 'unzoned commercial or industrial area' along Primary Highways; provided however, that'; and on page 9, by striking



lines 9 through 14; and on page 15, by striking lines 14 through 20; and on page 15, line 21, by renumbering Section 16 to Section 15; and on page 15, by adding below line 25 the following: 'Section 16. This Act takes effect July 1, 1972'. House Bill 3680 enacts the 'Highway Advertising Control Act of 1971'. Aside from satisfying our desire to maintain the natural beauty of our roadsides, one of the compelling reasons for enactment of this legislation was to prevent the imposition of a penalty on this State which would have reduced federal highway funds by approximately \$32 million annually. I have been informed in an opinion by the Attorney General that the provisions of Section 4.09 as enacted, constitute 'spot zoning' which has been held unreasonable and discriminatory in Illinois. The Attorney General also states that Section 4.09 violates the requirements of the federal 'Highway Beautification Act of 1965' and defeats 'effective control' of outdoor advertising signs as required by that Act in order to prevent imposition of the penalty. The Attorney General also informs me that Section 15, as enacted, is unconstitutional. Accordingly, the foregoing amendments delete Sections 4.09 and 15. In addition, I am recommending changes in Section 3.11 and 3.12. The bill, as enacted, would permit signs in 'business areas' on interstate highways which are constructed on right of way, any part of which was acquired prior to July 1, 1956. These areas were controlled under Illinois' existing billboard control legislation of 1965. If we now relinquish



control, Illinois will suffer a loss of federal bonus funds estimated to amount to approximately \$2 million. This change will not unduly restrict the outdoor advertising industry because very few, if any, signs would be permitted in this areas under the. . ."

Hon. W. Robert Blair: "One, one one moment. One moment.

For what purpose does the gentleman from Madison, Mr. Kennedy, rise?"

Leland J. Kennedy: "To make a recognition, Mr. Speaker. Ah, it's my privilege if I can have the attention of the House to recognize a friendly neighbor of mine, the Honorable Ralph Tyler Smith, he's over there on the Republican side."

Fredric B. Selcke: ". . .under the other provisions of the Act. The other recommendations recommended amendments are changes in language to facilitate interpretation of the Act and the renumbering of Sections. For these reasons, I here- with return House Bill 3680 with my specific recommendations for change. Respectfully submitted, Richard Ogilvie, Governor. No further messages."

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

Henry J. Hyde: "Mr. Speaker, Ladies and Gentlemen of the House, I now move the House stand in recess for 30 minutes for purposes of a Republican Conference. The Republicans to meet in Room 212 immediately."

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

Clyde L. Choate: "Mr. Speaker, I would request that the Democratic leaders, members come to Room M-5 for the purpose



of a Democratic conference and I would hope that it would be a short one, but come to Room M-5 as soon as possible so we can get back on the floor."

Hon. W. Robert Blair: "All right, the House will stand in recess until 1:45 P.M."

Recess at 1:22 O'Clock P.M.

Return at 2:00 O'Clock P.M.

Doorkeeper: "All who are not entitled to this House chamber, will you please retire to the gallery. Thank you."

Hon. W. Robert Blair: "All right, when we recessed, we were on the order of business of messages on the Speaker's table and with regard to that we the Clerk has a motion that has been filed and would you proceed."

Fredric B. Selcke: "Ah, Motion. Pursuant to paragraph (e) of Section 9 of Article IV of the Constitution of 1970, I move that the House accept the specific recommendation for change as to House Bill 3680 as set forth in the Governor's message of January 27, 1972, and that the Clerk inform the Senate thereof and request that the Senate concur therein. Dated April 10, 1972. Signed, C. L. McCormick."

Hon. W. Robert Blair: "All right, the gentleman from Johnson, Mr. McCormick."

C. L. McCormick: "Ah, Mr. Speaker, I'd rule under Rule 96 I'd move for suspension and for the reconsideration."

Hon. W. Robert Blair: "All right, the gentleman has moved under the provision of Rule 93 (a) to suspend the provisions



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of 96 of Rule 96, so that this motion may be considered at this time and he's asked for unanimous consent. Is there leave? All right, leave's been granted and would the gentleman now proceed. And this is an important matter, gentlemen, I'd suggest that we hold the noise down."

C. L. McCormick: "Mr. Speaker and Ladies and Gentlemen of the House, as you all know, last fall Illinois was notified by the department Federal Department of Transportation that we had 90 days to institute a bill board control bill in Illinois. Well, the Department of Transportation and our Highway Department drew the bill up that I had before the Transportation Committee and this House passed last year. Now, in the final analysis before it left the House, we made a couple, I believe, or maybe three amendments to the bill in order to work out the compromise necessary to pass the bill and on the floor of the House at that time most of you will remember, I stated that we had reached an agreement on this particular bill and on the two amendments that I accepted against the advice of the Highway Department that we would pass the bill on those grounds and we did, but I also stated at that time that if when we had the hearing before the federal people in December, that if this bill failed to meet the requirements of the National Beautification Act, that we would have to ask the Governor to make the necessary changes in his Amendatory Veto powers under the new constitution. Now, the Highway Department went before the federal people in December, they studied the bill, they had the



Attorney General to analyze the bill and they were both unanimous in their position that we had to delete Section 4.09 and that we had to delete Section 15, the two amendments that we accepted in order for us to qualify under the federal program for \$32.4 million a year. Now then after that hearing they put in escrow Illinois' \$32.4 million, in other words, it's held up now and they gave us until a tentative date of March 31, to comply. The Governor requested of the Department that they allow us more time because we weren't going to be in session and they did. So we're here today to, I hope, to accept the Governor's amendatory veto and make the bill comply with what the federal requirements are. Now, there's only another state in the union now, Texas was the other one and they complied last Friday in a special session of their legislature. The only other state in the union that now they have a bill board bill, but it isn't in compliance and they have already lost their federal allotment for this year and they have taken an appeal to the courts, so Mr. Speaker, I would move that we accept the Governor's amendatory veto."

Hon. W. Robert Blair: "The gentleman from Christian, Mr. Tipsword."

Rolland F. Tipsword: "Mr. Speaker, I'd like to address myself to the bill."

Hon. W. Robert Blair: "Proceed."

Rolland F. Tipsword: "Mr. Speaker and Ladies and Gentlemen of the House, I'm going to support this bill, but I'd like to



tell you why I'm supporting it. I think this bill is a tragedy that this comes before us in the manner in which it comes before us. Now, we stand in the position of losing something in excess of \$34 to \$35 million dollars that are earmarked for highways in the State of Illinois and for incidental costs in regard to the bill board and in making us eligible for these federal funds. Now, I make a mistake when I say making us eligible for these federal funds. To make us eligible for our own money. Illinois has been shortchanged in all of the federal expenditures in relation to the money that Illinois pours into the federal corporate, it in almost every category of federal expenditure. Now, they come to us with a deadline. Secretary of Transportation boldly saying your law doesn't meet our standard, you're not going to get your money back unless you come in by the 15th day of April with legislation exactly or just like I want it. Now, when this bill was passed here, it was indicated to us here or at least we all believed that the bill would meet the requirements of the Department of Transportation. But then we get the bill passed and then Secretary says this isn't enough for me, before you're going to get your tax money back, you're going to have to change that bill, and we have to do it under the artificial deadline set by Secretary Volpe on the basis of what may be an unconstitutional method of doing it because we are doing it by an extended amendatory veto. It may well be that if we wanted to have a good bill and this



exactly same bill with exactly the same provisions in it, we should have a new bill on the floor of this House. In view of the pronouncements that have come from the Supreme Court of the State of Illinois in regard to amendatory veto perhaps this isn't the use of that amendatory veto. I'm going to support this bill, but because I don't want Illinois denied any of these monies, but we are having forced upon us the application of state zoning which we turned down here all of us by huge votes, three and a half to four years ago on a highway study proposal that was presented. We're having forced upon us a binding action upon future legislatures of this State that we accept changes in the federal law automatically of lying in this area, whether we like it or want it in the State of Illinois or not and we are having to bow again to the federal government and to the whim of Secretary Volpe in order to get monies that the people of the State of Illinois are entitled to. Regrettably, we must do this or we are denying to the people the use of their own monies for the highways in the State of Illinois. I'm going to vote for it, not because I don't want the money, but because I view some of these changes with great reluctance, but I'm going to vote for it so that the people of the State of Illinois can have their share of their own money."

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

Robert S. Juckett: "Mr. Speaker and Ladies and Gentlemen of the House, and my good friend from Johnson County. I'd like



to read a portion of a book and it's called 'Greatness to Spare', and it tells about the heroic sacrifices of the men who signed the Declaration of Independence and it's describing times of the second Continental Congress and it's talking about the opposition of the colonists to the British policy of taxing. The defiance did nothing to prevent the levying, however, when the Assembly refused to go back and vote taxes for salts and beer and vinegar for the troops. Now, this is the Assembly that was elected by the people in the colonies, the Governor using the latent power of the crown simply requisition them. This produced a sudden a sullen silence in New York, but no acquiescence in men like Morris. He was so outspoken against the arbitrary acts of the crown that in 1774 he was not chosen by the Wick Convention to go to Philadelphia and serve in the First Continental Congress. He was considered too adamant and immoderate in his stand for the American principle, the prevailing mood in 1774 was one of protest but also of compromise. Morris, however, was chosen for the second Congress as moods changed. There was one great difference in the new Congress, no one had yet come out for independence in 1775, but the second Continental Congress was agreed that if there were no for or concessions forthcoming, Americans had no choice. And I'd like to read one of the resolutions which was passed by the second Continental Congress. 'That his Majesty's most faithful subject in these colonies are reduced to a dangerous and critical situation



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by the attempt of the British ministry and you might say by the Secretary of Transportation, to carry into execution several unconstitutional and affected acts of the British parliament for laying taxes on America; to enforce the collection of these taxes and for altering and changing the constitution and internal policies of those colonies in violation of the national and civil rights of the colonies. Now, I say to you, Ladies and Gentlemen of the House, are we repeating in 1972 what occurred in 1775 and 1776? Are we in still standing up like the patriots did or are we going to follow the pebble in the sand to the masters in Washington? It's our money to begin with and for every dollar that we get back it only costs us \$1.78. I'd like to read to you a letter to the editor that appeared in the Chicago Sun Times dated Monday, April 10th. It's a letter by A. C. Stone. 'So again Illinois must sit up and beg and jump for a hoop on command from Washington in order to get \$32.4 million in federal highway money. Just exactly how much tax money did we in Illinois contribute last year to the federal government? And now to get some of it back we must comply with Secretary of Transportation, John Volpe's orders. And or else. And also reinforce the cost of removal of present bill boards with more tax money. They call it the Highway Beautification Act of 1965, I call it dictatorship. It was mighty nice years ago when driving on a dark and lonely highway can have a well lighted bill board that also lighted the highway, but now we taxpayers



can pay for that, too, which is costing us more money.' Another letter in the same paper said, 'Take a ride up Route 64 from Illinois to Wisconsin border and you'll get to know how this act applies. They have taken off all the bill boards at our expense and they've raised larger and more gaudy ones off the highway.' And last, I'd like you to remember the House Resolution 506 which was passed on November 13, 1971, and it was passed by this House of Representatives and it said, 'Whereas the United States of America is a union of 50 sovereign states, whereas the State of Illinois is one of those 50 sovereign states, whereas the Government of the United States has only those powers delegated to us by the states in the constitution, whereas authority on matters not concerning the United States as a whole, or relationships between states, that is in a matter of domestic within each state is reserved to the several states, whereas the financial resources of the United States of America are derived solely from the people of the several states, whereas the people of the State of Illinois they are entitled to services from the United States which may supply the funding for and whereas the General Assembly of the State of Illinois for which this body is a member is responsible for the government of the State of Illinois, and whereas certain employees of the government of the . . ."

Hon. W. Robert Blair: "Would the gentleman bring his remarks to a close now, we're you're on 13 minutes, and you're only allowed 10."



Robert S. Juckett: ". . .I am, Mr. Speaker. . .okay. . . resolved by the House of Representatives that we deplore any and all attempts by persons employed by the United States Government, particularly policy or legislation to the General Assembly of the State of Illinois, and to promulgate rules and regulations concerning matters not within the jurisdiction of the United States of America.' Ladies and Gentlemen of the House, I would urge you to follow the resolution which you unanimously adopted and turn down this amendatory veto and let's stand on our own two feet and be legislators and not robots. Thank you."

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

Edward E. Bluthardt: "Well, Mr. Speaker, I would like to move to second that implied motion to secede from this union."

Hon. W. Robert Blair: "The gentleman from Livingston, Mr. Hunsicker."

Carl T. Hunsicker: "Mr. Speaker and Ladies and Gentlemen of the House, I arise to speak to House Bill 3680 and the Governor's veto message of Section 4.09 of House Bill 3680 as referred to it as spot zoning. However, it applies only to zoned counties in such counties, all of the land is zoned. This is not spot zoning, this is total zoning. The action of the United States Department of Transportation is not only high handed and arbitrary, but it directs and in my opinion apparent violation of the law in trying to force the state legislature to abide by their terms to either pass this bill or to or without or to pass this bill or without



the amendment or lose some \$32 million in highway construction. The wording in this law is crystal clear and contains no ambiguities whatsoever. Section 131 of Title 23, U. S. Code, Subsection (d) reads as follows: 'The state shall have full authority under their own zoning laws to zone areas for commercial or industrial purposes and the actions of the state in this regard will be accepted for the purposes of this act'. Now, how much plainer can you state a position than that? Let's stop and consider for a moment what we're doing if we uphold this bill. The legislature will be helping to kill many small business enterprises which are the backbone of this country. Not only those engaged in outdoor advertising in the sign game, but also your local merchants, hotels, motels, restaurants, banks and insurance companies and what have you, which use signs along the highway to attract business. We will also help boost unemployment rate in Illinois. You know something? We gleefully will nibble the bait that's dangling in front of our noses by accepting federal funds and we fail to see the hook that's eventually going to catch us. If we override the veto, the State of Illinois each year will receive funds in gas tax, services aid structures, sales tax for materials, income tax for profit, salary, rentals to real estate offices, plus the increased business resulting from the advertising for the advertisers which in turn helps everybody. Are you going home and tell your local merchants you voted to prohibit him from advertising along



the highway? I for one don't intend to do that. This General Assembly years ago, several years ago, rather, I should say, voted to comply with the Wholesome Meat Act of the federal government, and by doing this which would have bought 50% of the locker plants out of business, because they couldn't afford to the rules and regulations of the act. At the present time, we'd have a number of bills in the House dealing with private ambulance service, which if passed would put many small operators out of business and force this service back upon the public for increased taxation. I am certain I was not elected to help with the dissolution of private industry and enterprise and for this reason I am going to vote to override the veto."

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

Gerald W. Shea: "Mr. Speaker, Ladies and Gentlemen of the House, sometime ago I rose on this floor and objected to the amendatory vetoes of our Governor in this fashion. I don't think that the amendatory veto was ever intended to rewrite legislation. Recently in case before our Supreme Court, they seem to agree with me with regards to the parochial aid bills and left it and somewhat shall we say up in the air. Now, I'm going to support this legislation, but I think it's a far better method of doing it would have been to come in with the fresh bill and pass it so that we will be insured of these funds. But let me tell you I have no doubt in my mind that this bill and the method of its passage will be across the street being looked on by our



Supreme Court before long and I fully intend to support an amendment to our constitution that will take this third branch of government out of business."

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

Peter C. Granata: "Mr. Speaker, I move the previous question."

Hon. W. Robert Blair: "All those in favor say 'Yeas', the opposed 'No', the 'Yeas' have it and the previous question has been moved. The gentleman from Johnson, Mr. McCormick."

C. L. McCormick: "Ah, Mr. Speaker and Ladies and Gentlemen of the House, I think everybody has had their say, nobody has you know asked a specific question, I can answer most anything that they can have said, but I think it has been discussed enough and I would certainly appreciate your vote, your 'Yeas' vote."

Hon. W. Robert Blair: "All right, the question is shall the House adopt the amendment with respect to House Bill 3680? All those in favor will vote 'Yeas' and the opposed 'No'. The gentleman from Madison, Mr. Walters."

Robert J. Walters: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'd like to thank Representative Tipsword I believe in his speech he gave us many many valid reasons why we should vote against this measure. I'd like to bring to your attention a matter in our district that took place several years ago called the Highway Freeze in Madison and St. Clair counties. We had a highway freeze implied upon us by the federal government whereby we received no funds for some three years and they told us we had to



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get in line with Equal Opportunity Employment, etc. We had finally done this as they told us and we still do not have the money. We are ten and a half million dollars short and we did what the federal government told us to and we still do not have the money. This particular measure reminds me of the Implied Consent bill where the federal government stepped in to state legislation and told us we'd better do this or we'd better do that or else. Further, I am a little bit tired of the federal government telling us what to do and also the news media. I think too often we run scared of what the news media says. In my particular area there was a news editorial last week that said about this major tragically legislators may be responding to lobbyist pressures by the bill board industry by dragging their feet. The last statement they said was we would hope the legislature would have enough sense to avoid the bill board lobbyists wins and save the highway aid funds from being cut. I'd like to say right now that the only gentleman I've talked to is our local outdoor advertising man, I have a letter where he asked me to support this bill, so the news media is incorrect again and I'd like to have us stand up on our own two feet and vote 'No'. Thank you."

Hon. W. Robert Bair: "The gentleman from Madison, Mr. Calvo."

Horace L. Calvo: "Mr. Speaker, Ladies and Gentlemen of the House. I would just like to say that I hate to deprive the State of Illinois in looking at the vote board, I don't think I'm going to, of this money. But I have to agree with



Representative Walters. We've never gotten our money from the government, we've never gotten our highway money back, there is some legislation before us to try to help us do this that should come over from the Senate hopefully and if it does, I hope we can all support it, but to protect the people of my district and contrary to the wishes of the bill board people in my district, I have to vote 'No'. Thank you."

Hon. W. Robert Blair: "The gentleman from Vermilion, Mr. Campbell."

Charles M. Campbell: "Mr. Speaker and Ladies and Gentlemen of the House. If I have ever felt in the four times that I have been in this General Assembly that I had to have a gun held to my temple, I felt it today. But I want to say to you that I think if we pass this legislation we're only committing the sin of usurping individual state right powers and I further say to you that we're usurping the rights of the individuals to use their property in the way that they see fit without being uncomfortable to somebody else. Furthermore, we're going to by the use of this legislation, we're going to put several people out of business in the State of Illinois, and I'd like to point out to you that the loss in revenue of other means of taxation over the period of years perhaps is going to cost us considerably more than the \$32 million. I would further like to point out that it's only going to take a special equipped group of people to be able to equip these signs 660 feet away, so you're



going to put the small fellow out of business. We're also going to have to spend in the State of Illinois \$10 million to get the \$32 million, and I point out to you that I think that it's bad legislation and I don't like to have a gun held at my head."

Hon. W. Robert Blair: "The gentleman from Madison, Mr. Kennedy."

Leland J. Kennedy: "Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House. I find that I have to disagree with my two colleagues from my district in the way that they're voting. It's true in what they said that we did have a highway freeze in Madison County and we never did get the money, but then to bite the hand that feeds you isn't sure you're going to get the money and I'm not going to go back home and face my constituents and tell them I denied the right of Illinois to get \$34 million odd dollars when we need a belt line around Alton, we need Route 143 into Wood River, we need a road down to Clark City area and I'm going to support this measure with the whole hope that the federal government will live up to its promise. I agree that all ordinances on state rights but it's a sign of times. Sometime you go back to the Continental Congress I read a book last night about Charles Carroll, he was the last signer of the Declaration of Independence, so we're going to go back that far, I might say to the gentleman that Washington crossed that river, Delaware, in canoes, but in World War II we went across the Atlantic Ocean in jet planes



so let's get with the times and support this bill."

Hon. W. Robert Blair: "The gentleman from Macon, Mr. Borchers."

Webber Borchers: "Mr. Speaker and Fellow Members of the House

I'm interested in preserving state's rights. \$32 million is a hard thing to lose and I'd prefer to take the loss of North Dakota and go into court and fight it out. This is our money. We have a right to it and we should not bow to the federal government. All it does is lead us down that path a loss of the power and structure of the state legislatures of all the states, that including the executive and the judicial. Now, I think we should draw the line somewhere and this is as good a place to start as any. So I think we should vote 'No' and go to court and try to get our money away from them, whether they like it or not.

Thank you."

Hon. W. Robert Blair: "The gentleman from Bureau, Mr. Barry."

Tobias Barry: "Mr. Speaker, Ladies and Gentlemen of the House, the reasons already stated and for the additional reason that I honestly fear state takeover of zoning among our little communities that need the help of signing on occasion, I would like to be recorded as voting 'Present', please."

Hon. W. Robert Blair: "Have all voted who wished? The Clerk will take the record. On this question, there are 135 'Yeas' and 18 'Nays' and 1 'Present' and this amendment having received the required vote is hereby declared passed. Ah, the gentleman from Cook, Mr. Granata."



Peter C. Granata: "The roll, the roll has been announced?"

Hon. W. Robert Blair: "Yes."

Peter C. Granata: "I move to reconsider the vote by which that bill was passed."

Hon. W. Robert Blair: "All right, ah, the gentleman from Perry, Mr. Cunningham, moves that that motion be laid upon the table. All those in favor of the motion to table say 'Yeas', the opposed 'Nay', the 'Yeas' have it and the motion to reconsider is tabled. Now, I understand that the Senate is waiting to receive this matter over there for consideration today, so would the Clerk please send the message forthwith ah to the Senate for their consideration. All right, with introduction and first reading of House Bills."

Fredric B. Selcke: "House Bill 4076, Rayson, et. al. A bill for an act to amend 'The Criminal Code'. First reading of the bill. House Bill 4077, Rayson, et.al. A bill for an act to amend 'The Divorce Act'. First reading of the bill. House Bill 4078, Douglas, et.al. An act to prohibit the ownership or possession of handguns and so forth. First reading of the bill. House Bill 4079, Moore, et.al. Amends 'The School Code'. First reading of the bill. House Bill 4080, Jaffe, et.al. Amends 'The School Code'. First reading of the bill. House Bill 4081, Chapman, et.al. An act for the prevention of communicable venereal diseases through the examination and confinement. First reading of the bill. House Bill 4082, Lauterbach, et.al. Appropriates \$174,800



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to the ordinary and contingent expenses of the State Civil Service Commission. First reading of the bill. House Bill 4083, Jones, et.al. Appropriation for the Department of Aeronautics. First reading of the bill. House Bill 4084, Conolly, et.al. Appropriation for the Illinois Commerce Commission. First reading of the bill. House Bill 4085, Regner, et.al. Appropriation for the Illinois Law Enforcement Commission. First reading of the bill. House Bill 4086, Telcser, et.al. Appropriation for the Governor's Office of Human Resources. First reading of the bill. House Bill 4087, Kleine, et.al. Appropriation to the Illinois Arts Council. First reading of the bill. House Bill 4088, Hall, et.al. Appropriation to the Department of Audits. First reading of the bill. House Bill 4089, Rose, et.al. Appropriation to the Liquor Control Commission. First reading of the bill. House Bill 4090, Granata, et.al. Appropriation for the ordinary and contingent expenses of the Medical Center Commission. First reading of the bill. House Bill 4091, Genoa Washington, et.al. Appropriation to the Fair Employment Practices Commission. First reading of the bill. House Bill 4092, Graham, et.al. Appropriation to the Human Relations Commission. First reading of the bill. House Bill 4093, McAvoy, et.al. Appropriation to the Commissioner of Banks and Trust Companies. First reading of the bill. House Bill 4094, Madigan. Appropriates for the ordinary and contingent expenses of the Bureau of the Budget. First reading of the bill. House Bill 4095,



Madigan. Appropriation to the Department of Financial Institutions. First reading of the bill. House Bill 4096, Sevcik, et. al. Appropriation to the Department of Personnel. First reading of the bill. House Bill 4097, Sevcik. Appropriation to the Illinois Veterans' Commission. First reading of the bill. House Bill 4098, Sevcik. Appropriation to for the payment of state contributions of Illinois Group Insurance. First reading of the bill. House Bill 4099, Epton. Appropriation to the Department of Insurance. First reading of the bill. House Bill 4100, Shapiro, et.al. Appropriation to the Board of Vocational Education and Rehabilitation. First reading of the bill. House Bill 4101, Granata, et.al. Appropriation to the Board of Trustees of the General Assembly Retirement System. First reading of the bill."

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

Peter C. Granata: "I move that House Bill 4101 be advanced to the order, read a first time and advanced to the order of second reading without reference. All this does is make the small transfer within our retirement system from one fund to another."

Hon. W. Robert Blair: "All right, is there leave? All right, all right, second reading."

Fredric B. Selcke: "House Bill 4102, Shapiro. A bill for an act to make an appropriation to the ordinary and contingent expenses of the Department of Public Health. First reading



of the bill. House Bill 4103, Sevcik, et.al. Appropriation for the Illinois Legislative Investigating Commission.

First reading of the bill. House Bill 4104, Pappas. Amend 'Safety Glazing Materials Act'. First reading of the bill.

Hon. W. Robert Blair: "The gentleman from Rock Island, Mr. Pappas."

Pete Pappas: "Mr. Speaker, I would move to suspend Rule Number 38 to have House Bill 4104 read a first time and moved to second reading without reference to committee. I have cleared this with both sides of the aisle and this bill merely amends the Safety Glazing Act provides that the act to be applicable to installations made after October 1, 1972, instead of January 1, 1972. The reason for it is the manufacturers are not able to buy enough glass in quantity to be able to produce the product."

Hon. W. Robert Blair: "Is there leave? All right, second reading."

Fredric B. Selcke: "House Bill 4105, Schlickman. Amends 'The Vehicle Code'. First reading of the bill. House Bill 4106, Schlickman. Amends 'The Municipal Code'. First reading of the bill. House Bill 4107, Schlickman. Amends 'The County Act'. First reading of the bill. House Bill 4108, Schlickman. Amends 'The County Supervisors Safety Act'. First reading of the bill. House Bill 4109, Kosinski. Amends 'The Uniform Hazardous Substances Act'. First reading of the bill. House Bill 4110, Fary, et.al. Amends 'The Criminal Code'. First reading of the bill. House Bill 4111,



Fary and Janczak. Authorizes the Department of Revenue to issue licenses to certain non-profit organizations for conducting raffles and chances. First reading of the bill. House Bill 4112, Shapiro. Makes an appropriation to the Board of Vocational Education and Rehabilitation. First reading of the bill. House Bill 4113, Bradley, et.al. Amends 'The State Finance Act'. First reading of the bill. House Bill 4114, Dyer, et.al. Amends 'The Municipal Code'. First reading of the bill."

Hon. W. Robert Blair: "For what does the gentleman from McLean, Mr. Bradley, rise?"

Gerald A. Bradley: "Mr. Speaker and Ladies and Gentlemen of the House, I would like to ask for suspension of House Rule 38 involving House Bill 4113 that was just read for the purpose of moving it to second reading without reference. This bill amends 'The State Finance Act'. I've talked with members on both sides of the aisle, have their consent, it makes it possible that to make payments in retroactive pay that the state employees deserve that would have become effective September 1, 1971 through December 1, 1971, but due to the federal wage freeze, the auditor was unable to make payments and we would like to move it to second reading."

Hon. W. Robert Blair: "All right, leave? Second reading."

Fredric B. Selcke: "House Bill 4114, Dyer. Amends 'The Municipal Code'. First reading of the bill. House Bill 4115, Houlihan. Giving the power to the two year travel



agency and passenger carrier study commission. First reading of the bill. House Bill 4116, Friedland. Amends 'The Revenue Act'. First reading of the bill. House Bill 4117, Shea, et.al. Amends an act in relation to the performance of medical or surgical procedures on minors. First reading of the bill. House Bill 4118, Shea. Amends an act in relation to revise the law in relation to the construction of the statutes. First reading of the bill. House Bill 4119, Shea. An act in relation to the revision and renumbering of multiple forms of laws passed by the General Assembly. First reading of the bill. House Bill 4120, Shea. Makes a deficiency appropriation to the Legislative Reference Bureau. First reading of the bill. House Bill 4121, Shea. Appropriates \$878,000.00 for the ordinary and contingent expenses of the Legislative Reference Bureau. First reading of the bill. House Bill 4122, Shea. An act repealing acts and parts of acts superseded, made obsolete or repealed by and amended by the General Assembly. First reading of the bill. House Bill 4123, Randolph. Creates the Illinois Bicentennial Commission. First reading of the bill. House Bill 4124, Shapiro. Amends 'The Use Tax Act'. First reading of the bill. House Bill 4125, Wall. Amends the Sanitary District Article of 'The Illinois Pension Code'. First reading of the bill. House Bill 4126, Wall. Amends the Chicago Sanitary District Article of 'The Illinois Pension Code'. First reading of the bill. House Bill 4127, Wall. Amends the Chicago Sanitary District Article of the



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'Illinois Pension Code'. First reading of the bill. House Bill 4128, Fleck. Amends 'The Litter Control Act'. First reading of the bill. House Bill 4129, Burditt. An act to provide for the ordinary and contingent expenses of the Pollution Control Board. First reading of the bill. House Bill 4130, Burditt. Makes a supplemental appropriation to the Pollution Control Board. First reading of the bill. House Bill 4131, Burditt. Provide for the ordinary and contingent expenses of the Institute for Environmental Quality. First reading of the bill. House Bill 4132, Merlo. Amends an act requiring all owners of high rise apartment buildings to post appropriate instructions relating to fires, and to prescribe penalties for the violation thereof. First reading of the bill. House Bill 4133, McClain. Appropriates \$90,000.00 to the Department of Transportation. First reading of the bill. House Bill 4134, Clabaugh. Makes appropriations to the Board of Trustees of the State Universities Retirement System. First reading of the bill. House Bill 4135, Wall. An act to provide for the ordinary and contingent expenses of the Department of Registration and Education. First reading of the bill. House Bill 4136, Sevcik. An act to prohibit the employment in this State of aliens who are in the United States illegally. First reading of the bill. House Bill 4137, Regner, et.al. A bill for an act creating a Legislative Council of Economic Advisors. First reading of the bill. House Bill 4138, Schneider. A bill for an act to amend 'The



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School Code'. First reading of the bill. House Bill 4139, Burditt. Make an appropriation for the ordinary and contingent expenses of the Environmental Protection Agency. First reading of the bill. House Bill 4140, Lehman. A bill for an act making an appropriation to the St. Louis Metropolitan Area Airport Authority. First reading of the bill. House Bill 4141, Borchers. A bill for an act to amend 'The Revenue Act'. First reading of the bill."

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

Henry J. Hyde: "Well, Mr. Speaker, Ladies and Gentlemen of the House, by way of an announcement I would like to point out to the membership that we still have a rather large calendar before us and you gentlemen and ladies, in reverse order of importance, who have bills on the calendar ought to be moving them and if you will ask the Speaker inform him as to what bills you have and what you want done with them, we can get to work cleaning up the calendar. It would be unfortunate to leave these bills just sitting on the calendar and try to move them in the last few days, so if you have bills on the calendar that you want the action taken on, please advise the Speaker."

Hon. W. Robert Blair: "With leave of the House, we'll go back to introductions. For what purpose does the gentleman from Cook, Mr. Regner, rise?"

David J. Regner: "Ah, Mr. Speaker, Ladies and Gentlemen of the House, I just want to call attention to the members of the House, House Bill 4137 which has just been introduced



as you know we were mandated by the new constitution to the General Assembly to estimate revenue. This is commission on Council of Economic advisors, which this bill would create. This is an all important matter, I do feel that it deserves and needs committee review and action and so that we can act on this matter as soon as possible to get it out of the House and over to the Senate, but I just did want to call it to the attention of the Members of the House that this bill is being introduced at this time."

Hon. W. Robert Blair: "I'm sorry, did you ask for it to be suspension of Rules for it to be advanced or not? No, oh, all right. For what purpose does the gentleman from Cook, Mr. Shea, rise?"

Gerald W. Shea: "Ah, Mr. Speaker, Ladies and Gentlemen of the House, I think that a bill of this nature has a very laudatory purpose. As you know, I have a resolution on the Speaker's desk that I will talk at or talk to at the appropriate time, but I would like to find out if I might what as I read this bill, it talks about in terms of 45 days before the session convenes and 45 days after the session convenes about reports to be adopted by the General Assembly and if I understand the schedule correctly that the Speaker gave me, eight weeks from now we intend to be out of here, eight or nine weeks and in that time we have to act on about \$6 billion in appropriations and it would seem to me that we wouldn't even know how much we have in revenue under the bill until two weeks before hand and I think that



this is a lauditory purpose and certainly will help effectuate the constitution, but it looks like to me that this will not really take effect until fiscal '74 until rather than fiscal '73 and I will ask for the support of my resolution from your side of the aisle. Thank you."

Hon. W. Robert Blair: "All right, resolutions. Agreed resolutions."

Fredric B. Selcke: "House Resolution 428, Hart, et.al. Ah, 528, excuse me. House Resolution 529, DiPrima, et.al. House Resolution 530, Arrigo, et.al. House Resolution 531, Terzich, et.al. House Resolution 532, Roscoe Cunningham, et.al. House Resolution 533, Choate, et.al. House Resolution 534, Choate, et.al. House Resolution 535, Blair, et.al. House Resolution 536, Choate, et.al. House Resolution 537, Choate, et.al. House Resolution 538, J. J. Wolf, et.al. House Resolution 539, Hyde, et.al. House Resolution 540, Day, et.al."

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

Henry J. Hyde: "Ah, Mr. Speaker, House Resolution 528 commends the Illinois Manufacturers' Association for the service it rendered through its publication and request the I.M.A. to reconsider its decision to stop publication. House Resolution 529 congratulates Marie E. Schalk on her 80th birthday. House Resolution 530 commends Mrs. Serafina Ferrara as recipient of the Italics Club, 1972 Woman of the Year Award. House Resolution 531 commends The Yugoslav Benevolent and Pleasure Club on its fiftieth anniversary.



House Resolution 532 congratulates the Lawrenceville Township High School Indiana upon winning the 1972 Illinois Class A High School Basketball Championship, or Indians, I'm sorry. House Resolution 533 commends the City of Carbondale on its selection by the National Municipal League as an All-American city. House Resolution 534 congratulates Miss Janet Lynn of Rockford, Illinois, on her rallying exhibition in figure skating competition at the Winter Olympics in Sapporo, Japan. House Resolution 535, I would ask leave to read at this moment."

Hon. W. Robert Blair: "Proceed."

Henry J. Hyde: "Gentlemen, this resolution. . ."

Hon. W. Robert Blair: "This is a death resolution, I would suggest that the Members direct their attention to it."

Henry J. Hyde: "'Whereas, The House joins with family and friends in mourning the untimely March 30, 1972, death of Miss Jane Ann Soderstrom, 23, daughter of Representative and Mrs. Carl W. Soderstrom of 1001 Riverside Avenue, Streator, Illinois; and Whereas, Jane Ann was born just twenty-three short years ago on March 11, 1949, in Streator, Illinois, graduated as valedictorian of the 1967 class of Streator High School, received her Bachelor's Degree from the University of Illinois in June of 1971 and was to have received her Master's Degree in Guidance Counseling this year from that same great University; and Whereas, Jane Ann is survived by her parents, a sister, Mrs. Jack (Virginia) Pace of Shawnee Mission, Kansas, three brothers, Dr.



Carl Soderstrom, Jr., of Rochester, Minnesota, Robert, a senior at the University of Michigan Medical School, Ann Arbor, and William, a freshman medical student at the University of Illinois, Urbana, her grandparents, Mr. and Mrs. Arley Merriner, and several nieces and nephews; therefore, be it Resolved, By the House of Representatives of the Seventy-seventh General Assembly of the State of Illinois, that we deeply regret the passing of this fine young woman and extend our heart-felt sympathies to all those who knew and loved Jane Ann Soderstrom; and, be it further Resolved, that a copy of this resolution be presented to Representative and Mrs. Carl Soderstrom.' House Resolution 536 commends Anne Henning on her superb goal in bronze medal winning performance in the Winter Olympics in Sapporo, Japan. House Resolution 537 commends Miss Dianne Holum for her magnificent skating victory in the olympics. House Resolution 538 I would yield to the Honorable Jacob Wolf if he is on the floor, if he may read 538, Mr. Speaker."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. J. J. Wolf."

Jacob John Wolf: "Mr. Speaker, Members of the House, I'd like to proceed to read this resolution. 'Whereas, for our most highly respected colleague the Honorable Ronald K. Hoffman, it is the best of times and the worst of times, for he has just celebrated his 40th birthday on April 5, 1972, and looks undaunted at the inevitable approach of 'middle age'; and Whereas, To make his happiness complete he will seek



reelection to a third term in the House in the new Sixth Representative District; and Whereas, While some members of this body approach middle age and reelection with a grim bitterness, the Honorable Ronald K. Hoffman maintains an unruffled calm and a wonderous serenity that only arises from inexhaustible reserve of true grit; and Whereas, We sincerely appreciate the dedication, hard work and steady manner in which he contributes to the advancement of the work of this body; therefore be it Resolved, By The House of Representatives of the Seventy-seventh General Assembly of the State of Illinois; that we congratulate our colleague the Honorable Ronald K. Hoffman on the celebration of his 40th birthday; that we wish him happiness and long life and we assure him from our collective wisdom that life begins at 40; and that a suitable copy of this preamble and resolution be presented to the Honorable Ronald K. Hoffman. And I have a present, the House Majority Whip, Art Telcser has a bottle of Geritol which we'd like to present to our colleague on his 40th birthday."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Ron Hoffman."

Ronald K. Hoffman: "Thank you, Mr. Speaker, thank you, Representative, I'd just like to assure you and the members of the House that the endless flow of bloody Marys established at Apartment 119 will be there. Thank you."

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

Henry J. Hyde: "Ah, Mr. Speaker, continuing with the Agreed



Resolutions, House Resolution 539 congratulates the wrestling team of East Leyden High School. House Resolution 540 congratulates the Peoria Manual Rams and coach Richard L. Van Scyoc. House Joint Resolution 118 memorializes Congress to increase its efforts concerning the influx of illegal aliens into the United States. I now move adoption of the agreed resolutions, Mr. Speaker."

Hon. W. Robert Blair: "All those in favor of the adoption of the agreed resolutions say 'Yeas', the opposed 'No', the 'Yeas' have it and the agreed resolutions are adopted. For what purpose does the gentleman from Jackson, Mr. Williams, rise?"

Gale Williams: "Mr. Speaker, I would like to have unanimous consent to table House Bill 1970. I am the chief sponsor of that bill."

Hon. W. Robert Blair: "All right, that's on postponed consideration, the gentleman have leave? All right. House Bill 1970 will be tabled. The gentleman from Cook, Mr. Hyde."

Henry J. Hyde: "Mr. Speaker, Ladies and Gentlemen of the House, I omitted mentioning we don't have a resolution for him, but today's Romie Palmer's 51st birthday and I think he ought to have a round of applause for that traumatic event."

Hon. W. Robert Blair: "Further resolutions?"

Fredric B. Selcke: "House Resolution 541, Lindberg. House Joint Resolution Constitutional Amendment Number 12, Hirschfeld, et.al. House Joint Resolution 116, Chapman, et.al.



House Joint Resolution 117, Shea, et.al."

Hon. W. Robert Blair: "The gentleman from Cook, Mr. Shea, for what purpose do you rise?"

Gerald W. Shea: "Mr. Speaker, ah, I'd request, would the Clerk read House Joint Resolution 117, please?"

Hon. W. Robert Blair: "All right, the Clerk said he'd be pleased to accommodate the Minority Leadership."

Fredric B. Selcke: "House Joint Resolution 117, Shea, et.al. 'Whereas, Article VIII, Section 2 (b) of the Illinois Constitution of 1970, which section became effective on January 1, 1972, requires that 'Appropriations for a fiscal year shall not exceed funds estimated by the General Assembly to be available during that year.'; therefore Be It Resolved By The House of Representatives of the Seventy-seventh General Assembly of the State of Illinois, the Senate concurring herein, that pursuant to the mandate of the Illinois Constitution there is hereby created a Joint Committee On State Finance which shall make specific and detailed estimates of the funds to be available for appropriation for fiscal year 1973 and which shall report its estimates to the House of Representatives and to the Senate no later than April 25, 1972, whereupon the House and the Senate by joint resolution shall adopt the estimates of the joint committee or modify such estimates as may be appropriate; and Be It Further Resolved that the Joint Committee On State Finance shall consist of 5 members of the House of Representatives, 3 to be appointed by the Speaker and 2 to



be appointed by the Minority Leader thereof, and 5 members of the Senate, 3 to be appointed by the President Pro Tempore and 2 to be appointed by the Minority Leader thereof.'

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

Gerald W. Shea: "Mr. Speaker, under House Rule 51 I would like the Speaker to find that a demonstrable emergency and to by-pass committee and let this resolution come to the floor for an immediate vote. What this does is allows the General Assembly to determine the amount of revenue that will be available for appropriations. On March 1, 1972, when the Governor presented his message to this House and Senate, he stated that there was \$6,038,000,000.00 available in revenue, but requested appropriations in the amount of almost \$6,300,000,000.00, knowing full well that the General Assembly could not appropriate monies in that amount, I think that we must determine how much is available as the legislative body appropriations, and therefore, we're going to have to determine in what areas of the appropriation those monies are going to be cut out in some \$250,000,000.00. I feel that we are going to spend a short time down here from the schedule that I've gotten from the Speaker, some eight or nine weeks, and I think it's important that the earliest date possible both the House and the Senate follow a constitutional mandate in determining the amount of revenues available for appropriation."

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

David J. Regner: "Ah, Mr. Speaker, Ladies and Gentlemen of the



House, earlier this afternoon I introduced House Bill 4137, ah which created the Council of Economic Advisors to do this revenue estimating which Representative Shea is speaking. Ah, I think both of these, this bill of mine and his resolution should be considered before the designated committee ah and get the feelings of that committee in the House to which is the better method, the House Bill 4137 does set up a permanent council to do this job rather than just a one shot deal and I would urge that we do not advance this resolution for at least for immediate consideration."

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

Henry J. Hyde: "Well, Mr. Speaker, Ladies and Gentlemen of the House, in response to the first political salvo of this session, I join the distinguished Chairman of the Appropriations' Committee in urging that no demonstrable emergency be found by the Speaker in that House Joint Resolution 117 be referred to the appropriate committee because the ambiguities in the constitution are sufficient enough to request some study, ah, the problem of the General Assembly estimating revenues is a complicated one and fraught with political and legal consequences and I don't think anything of this nature should be ramrodded through the legislature or this House of Representatives. Now, we have committees, if they are to mean anything, if they are to have any viability at all, this resolution along with Mr. Regner's bill ought to be submitted to the appropriate committee for judicial study and a decision that will serve the requirements of the



constitution and the people and so I urge the gentleman's motion to be defeated."

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

Gerald W. Shea: "Well, Mr. Speaker, it is in within the power of the Speaker to find that that demonstrable emergency arises or not and that will not go to a vote before this body. Ah, that portion of it, but I ask that this resolution be considered by this body now after your finding of a demonstrable emergency. Certainly as I said, Representative Regner's bill has some laudatory purposes to it and I full well attempt to go to that committee and listen to the explanation of it. But this section of the constitution became effective January 1, 1972. The bill, as I read it, talks about in terms of 45 days before the session starts and 45 days after the session convenes. Well, gentlemen, we're way past those deadlines now and these studies should have been undertaken by the General Assembly 45 days prior to the time we came back, if I read that bill correctly. All I'm asking is that the Speaker find it a demonstrable emergency in the interim of this more or less transitional period and so that we may get down with the business in determining how much money we have for appropriations. Now, it seems funny to hear the Majority Leader to talk about the first political salvo prior to this session. Maybe I read this resolution wrong, but I don't see anything political in it. I see that we in the General Assembly are going to stand up and do our jobs as legislators and follow the



mandate of our constitution. Now, if this is political, then maybe I'm in the wrong business."

Hon. W. Robert Blair: "All right, ah, the gentleman I think misspoke himself in his original request, he referred to Rule 51. I take it you don't mean Rule 51?"

Gerald W. Shea: "Rule 53, Mr. Speaker."

Hon. W. Robert Blair: "Okay. Now, with regard to your moving in on the provisions that 93 (a) to suspend 53 (a)? No?"

Gerald W. Shea: "No, I my first request as I read Rule 53 and I might quote from it, 'all resolutions and petitions except death, congratulatory and adjournment resolutions, and those affecting the rules shall consist of an original and four copies and shall be referred to the appropriate committee without debate'. . ."

Hon. W. Robert Blair: "I guess we're . . .to that anyway. . ."

Gerald W. Shea: "' . . .except that as hereinafter provided and in the case of demonstrable emergency, a resolution may be advanced by the House to the Speaker's Table without reference to committee.' Now the Speaker has determined on prior occasions that it is in the sole discretion of the Speaker to to determine when that demonstrable emergency arises. Now, I've asked the Speaker to find if there is a demonstrable emergency and to then move the resolution to the House floor for an immediate vote."

Hon. W. Robert Blair: "All right, I understand that. Now, my ruling with regard to that request is as follows. The words contained in 53 (a) that say that hereinafter provided re-



fer to Rule 93 (a) and that is followed by in the case of demonstrable emergency and my rulings in the past have been that you first have to move to suspend under the provisions of 93 (a) the provisions of 53 (a) under the provision that thereafter provided before we get to the consideration by me as to whether or not there is a demonstrable emergency. The gentleman from Cook, Mr. Shea."

Gerald W. Shea: "Well, then, Mr. Speaker, to either get to the question you saying there is or is not a demonstrable emergency, it's your opinion that I'd have to under 93 (a) suspend 53. . ."

Hon. W. Robert Blair: "Well, I think that that's your motion, yes, and ah. . ."

Gerald W. Shea: "Well, that was going to be my next one if you didn't find it a demonstrable emergency, because if I suspend the rule then it would be up to this House to ah to determine it, so then Mr. Speaker, under that ruling I would now move under Rule 93 (a) to suspend the provisions of Rule 53 (a) and move for immediate consideration of House Joint Resolution 117."

Hon. W. Robert Blair: "All right, you've heard the gentleman's motion on the provisions of 93 (a), this requires 89 votes or two-thirds of those voting on the motion. So all those in favor of the passage of the gentleman's motion to suspend will vote 'Yeas' and those opposed will vote 'No'. Have all voted who wished? The Clerk will take the record. On this question, there are 81 'Yeas' and 78 'Nays' and the



motion has failed to receive either 89 votes or the two-thirds of those voting on the issue, is hereby declared lost. Now, does the gentleman desire further recognition?"

Gerald W. Shea: "I assume, Mr. Speaker, you are now going to assign it to a committee?"

Hon. W. Robert Blair: "Yes, I'll be assigning to a committee, yes."

Gerald W. Shea: "It's my understanding and the ruling of the Chair was that unless I could either suspend Rule 53 (a) or get a determination under 93 that you will not rule on the demonstrable emergency, is that correct?"

Hon. W. Robert Blair: "No, the pattern that I've established and followed in the past on this issue, this is a ruling and we voted on the question of whether or not the rule would be suspended and you don't do it as hereinafter provided in the questions, but to think about whether it is demonstrable emergency and I'm prepared to rule on that request now that in light of the bill that Representative Regner has introduced that I have heretofore referred to the Appropriations Committee, I do not deem that there is a demonstrable emergency with regard to your resolution, but I do think that there's a demonstrable emergency with regard to Representative Regner's bill, so I hope you will join with us in passing it out of committee. Further resolutions?"

Fredric B. Selcke: "House Joint Resolution 119, Sevcik, et.al. House Resolution 542, Clabaugh, et.al."

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



Thaddeus S. Lechowicz: "Thank you, Mr. Speaker. A point of information."

Hon. W. Robert Blair: "State your point."

Thaddeus S. Lechowicz: "What committee was that resolution assigned to?"

Hon. W. Robert Blair: "Appropriations. Ah, the resolution? The resolution of Shea was will be referred by me after the session to Appropriations."

Thaddeus S. Lechowicz: "Thank you, Mr. Speaker."

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

Gerald W. Shea: "Ah, Mr. Speaker, might I ask the Chairman of the Appropriations' Committee if he would set an Appropriations' Committee meeting immediately after adjournment so that we may go into these bills and ask leave if he will consider setting an Appropriations' Committee meeting, I would then move for leave of this House to hear both my resolution and his bill without the seven day notice."

Hon. W. Robert Blair: "For what purpose does the gentleman from Cook, Mr. Phil Collins, rise?"

Philip W. Collins: "Ah, I suggest that the motion is out of order, Mr. Speaker."

Hon. W. Robert Blair: "I agree. All right, with leave of the House, we'll go back to introduction of House Bills."

Fredric B. Selcke: "No further bills."

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

Henry J. Hyde: "Ah, Mr. Speaker and Ladies and Gentlemen of the House, I now move that this House do stand adjourned



until 11:00 A.M. tomorrow morning."

Hon. W. Robert Blair: "All those in favor of the motion to adjourn say 'Yeas', the opposed 'No', the 'Yeas' have it and this House will stand adjourned until 11:00 A.M. tomorrow."

Adjournment at 3:24 O'Clock P.M.

4/10/72
/skn.



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