dered agreement impossible in the limited time available.

The bill finally reported to the House by the Judiciary Committee was considered basically unsound by this committee. We accordingly opposed its enactment and, fortunately for Illinois industry, it failed of passage.

The situation with respect to the liability of employers for occupational diseases has undergone radical change during the past year. The decision of the Supreme Court in April, 1935, holding portions of the existing Occupational Diseases Act unconstitutional, and the subsequent decision of the Appellate Court in July, 1935, holding that no common law right of action exists in this state for occupational diseases, stopped the flood of damage suits against employers. As a result of these decisions hundreds of silicosis claims have been filed with the Industrial Commission on the theory that under further court decisions such claims would be held compensable under the existing law. No one is in position to predict with certainty the outcome of these claims. The situation, therefore, remains chaotic. No intelligent person considers that such a situation will be permitted to continue. Constitutional laws providing a logical solution can, will, and should be enacted. Unconstitutional laws should and must be eliminated.

The governor, recognizing the widespread interest and gravity of the situation, in the early part of September, 1935, arranged for a conference of representatives of labor and employers under the chairmanship of Hon. Peter J. Angsten, chairman of the Illinois Industrial Commission. This conference was called by the governor for the purpose of endeavoring to develop agreed legislation providing for the prevention of, and compensation for, occupational diseases.

Ever since the Workmen's Compensation Act was placed on the Illinois Statute Books in 1913, it has been customary for representatives of labor and industry to undertake to agree to such amendments in said act as seemed necessary or expedient for consideration at succeeding sessions of the legislature. These joint conferences through the years between representatives of labor and industry on the subject of proposed changes in the Workmen's Compensation Act were ordinarily initiated by the Illinois Industrial Commission. Accordingly, pursuant to such custom the Occupational Diseases Committee of the Association when it had completed the first draft of a proposed bill recommending changes in the law relating to that subject matter submitted a copy of such measure to representatives of labor for their consideration. This was done early in 1935, shortly after the Illinois General Assembly had convened in regular session. This action was taken with the hope that an agreed bill might be worked out and enacted at the said regular session. The representatives of labor, however, introduced their own bill bringing all so-called occupational diseases under the Workmen's Compensation Act under what was commonly referred to as the "Wide-open" clause. There was no definition of what constituted an occupational disease. If such a measure had been enacted into law, Illinois employers would have been obligated for claims for so-called occupational diseases which were not in fact related to employment. We would have had a recurrence of conditions which existed in New York State, where, under a law enacted there comparable to the so-called "wide-open" proposal just referred to, many New York employers were obliged to close down their plants and many others were unable to secure insurance except at prohibitive rates.

The Illinois Manufacturers' Association was, therefore, obliged to introduce its own occupational diseases bill. Both measures, i.e., the so-called "wide-open" bill, sponsored by organized labor, and the measure sponsored by our Occupational Diseases Committee were referred to the Judiciary Committee of the House of Representatives and by that committee to a sub-committee.

The committee has had a large number of meetings. In fact the committee has met almost continuously since the date upon which it was called together by the Industrial Commission in September of last year. As indicated above, the bills were not in final form for submission to the Legislative Reference Bureau until the night of Tuesday, February 4th.

The decision of the Supreme Court of Illinois holding portions of the Occupational Diseases Act unconstitutional in effect invalidated the principal features of the Illinois Act pertaining to rules and regulations providing for "Health, Safety and Comfort" in Illinois industry. The proposed legislation relating to that subject, which is a part of this program and a digest of which is subjoined, represents the conclusions of the committee as the most practicable and least objectionable plan that is available under all existing circumstances.

The changes in the Blower Act, which are also contemplated by this series of bills, are the result of extensive study by a group of engineers identified with representative member firms. It was the conviction of the members of that group that the present laws relating to that subject are indefinite and involved and could not, in many instances, be conformed to in practical operation. This proposed measure relating to this subject is intended to more clearly define the rights and liabilities of employers in connection with this subject matter, pending further treatment of this subject by the Industrial Commission pursuant to the authority given to the Commission under the terms of the Health, Comfort and Safety Act.

As indicated above, the various measures included in this proposed legislation are the result of extended consideration of our Occupational Diseases Committee over a period of several years. In this activity we have had the assistance of all of the other principal employing groups in Illinois, all of whom we are informed are in sympathy with and have endorsed this program.

This legislative program has also received the careful consideration of the Illinois Industrial Council and our Board of Directors and has the unanimous approval of both of those groups. We shall be glad to undertake to answer inquiries from our members regarding any features of this program upon which they desire additional information.

Digest of Bills

The following is a brief digest of the five Bills:

1. The first Bill is for a Workmen's Occupational Diseases Act.

This is a Bill covering the subject of liability of employers for injuries or deaths resulting from diseases. It provides for an elective compensation liability, with a liability for damages imposed on non-electors.

Section 3 of the Bill provides for liability for damages to an employe who has sustained injury to health, or death, by reason of a disease contracted or sustained during the course of his employment and proximately caused by the negligence of the employer, unless the employer shall have elected to pay compensation as provided in Section 4 of this Bill. In connection with the liability for damages of non-electing employers, the Bill provides that the violation by any employer of any effective rule or rules made by the Industrial Commission pursuant to the Health and Safety Act, or the violation by the employer of any statute of this State intended for the protection of the health of employes, shall constitute negligence. This Section further provides for the period in which actions for damages must be commenced and removes the common law defenses of the employer.

Section 4 provides that any employer may elect to provide and pay compensation according to the provisions of this Bill for disablement or death resulting from occupational diseases. The Bill provides for the method of making the election, and further provides, that employers electing may have the right to elect out from under the Act on October 1st, 1937, and on each October 1st for four years thereafter, providing, however, that an employer who has elected to come under the compensation provisions of the Act, then has elected not to be under them, and has subsequently elected again to come under the Act, shall not have the right to any further elections.

The employes of any employer who has elected to be bound by the compensation provisions of the Act have the right not to be so bound. Unless an employe files notice to the contrary within thirty (30) days after the election by the employer, he shall be deemed to have accepted the compensation provisions of the Act.

The Bill defines an occupational disease as follows:

> "Section 6. In this Act the term 'Occupational Disease' means a disease arising out of and in the course of the employment. Ordinary diseases of life to which the general public is exposed outside of the employment shall not be compensable, except where the said diseases follow as an incident of an occupational disease as defined in this section.
>
> "A disease shall be deemed to