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Speaker Greiman: "The House will be in order. Members will be at their chairs. The Chaplain for today will be the Reverend Randy Perry, Pastor, Gibson City United Methodist Church. Reverend Perry is a guest of Representative Tom Ewing. Will the guests in the gallery rise and join us for the invocation? Reverend Perry."

Reverend Perry: "Oh, Loving God, we thank You for a few hours of rest and for the hope and anticipation that comes with this new day. Amid these lingering Sessions with extensive rhetoric and mazes of printed (tape malfunction), we sometimes forget the importance of what we do here and the number of lives that are affected by the decisions made here, so we seek Your counsel at this time. Be with these Representatives and all who serve in the legislative process. Help them amid their struggles to determine that which is true and just and that which aligns with Your will. Be with their families. So many are estranged by miles or misunderstandings or incessant commitments in the public sector. Give to them reconciliation and nurture. May Your light of love and wisdom permeate this room and this land so that all may find comfort and hope and peace of mind. Amen."

Speaker Greiman: "The Gentleman from McLean, Mr. Ropp, will lead us in the Pledge to the Flag."

Ropp - et al: "I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all."

Speaker Greiman: "Roll Call for Attendance. Mr. Ewing, would you come to the podium, please? 116 having answered to the call of the quorum, a quorum is present. Mr. Piel, are there any excused absences on the Republican side?"

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Piel: "Yes, Mr. Speaker. Would the record show that Representative McCracken is excused today?"

Speaker Greiman: "Let the record so reflect. Agreed Resolutions."

Clerk O'Brien: "Senate Joint Resolution 176, offered by Representative Kubik. Senate Joint Resolution 177, Weaver. House Resolution 1532, Bowman - et al. 1536, Currie. 1537, Masara. 1538, Harris. 1539, Countryman. 1541, Panayotovitch - et al. 1542, Ryder. 1543, Koehler - et al. 1544, Black."

Speaker Greiman: "The Chair recognizes the Gentleman from Lake, Mr. Matijevich."

Matijevich: "Mr. Speaker, the Resolutions have been examined and I move the adoption of the Agreed Resolutions."

Speaker Greiman: "The Gentleman from Lake moves for the adoption of the Agreed Resolutions. Those in favor 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Resolutions are adopted. Death Resolutions."

Clerk O'Brien: "House Resolution 1535, offered by Representative Nash and DeLeo, with respect to the memory of Paul Marcy. And House Resolution 1540, offered by Representative Ewing, with respect to the memory of Gerald L. Stewart."

Speaker Greiman: "Representative Matijevich on the Death Resolution. Mr. Matijevich moves the adoption of these Resolutions. Those in favor 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it, and the Resolution is adopted. General Resolutions."

Clerk O'Brien: "House Joint Resolution 235, offered by Representative Koehler - Parcels - Pullen and Pedersen."

Speaker Greiman: "Committee on Assignment... Resolutions."

Clerk O'Brien: "House Resolution 1545, offered by Representative Braun, with respect to the memory of Sidney Lens."

Speaker Greiman: "The Lady, Ms. Braun, moves for the adoption of

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the Death Resolution. Those in favor say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. The Resolution is adopted. Agreed Resolutions."

Clerk O'Brien: "Senate Joint Resolution 175, offered by Representative Daley."

Speaker Greiman: "The Gentleman from Cook, Mr. Daley, moves for the adoption of this Agreed Resolution. Those in favor say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Resolution is adopted. Committee Reports."

Clerk O'Brien: "The Committee on Rules has met, and pursuant to Rule 29(c)-3, the following Bill has been ruled exempt: House Bill 3657, signed by John Matijevich, Chairman."

Speaker Greiman: "For what purpose does the Gentleman from Macon, Mr. Tate, seek recognition?"

Tate: "Well, thank you, Mr. Speaker. I was rising on a point of order. I was just wondering whether we were just going to sit around all day and wait till 2:30 in the morning again to vote on a 700 million dollar appropriation Bill with five minutes to review."

Speaker Greiman: "Agreed Resolutions."

Clerk O'Brien: "Senate Joint Resolution 155, offered by Representative Black."

Speaker Greiman: "The Gentleman from Vermillion, Mr. Black, moves for the adoption of the Agreed Resolution. Those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Agreed Resolution is adopted. Death Resolutions."

Clerk O'Brien: "House Resolution 1546, offered by Representative Myvetter Younge, with respect to the memory of Robert Wilbert Yandel, Jr."

Speaker Greiman: "The Lady from St. Clair, Ms. Younge, moves for

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the adoption of the Agreed... of the Death Resolution. Those in favor say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Resolution is adopted. General Resolutions."

Clerk O'Brien: "Senate Joint Resolution 150, offered by Representative Stephens and Goforth."

Speaker Greiman: "Committee on Assignment. For what purpose does the Gentleman from Cook, Mr. Leverenz, seek recognition?"

Leverenz: "Well, Mr. Speaker, I just wanted to inform yourself and the other Members that all Session, I did not buy Mr. Tate a cigar, and he's been rising more than usual, and I've now sent a Page for a cigar, and that should keep him quiet all day... and one for Mays, too."

Speaker Greiman: "The cameraman up in the balcony, could you not lean over the balcony, please? Always looking after the safety and comfort of the Members. Representative Giglio in the Chair."

Speaker Giglio: "... Calendar announcement."

Clerk O'Brien: "Supplemental Calendar #1 is being distributed."

Speaker Giglio: "Representative Kulas, for what purpose do you seek recognition, Sir?"

Kulas: "I just wanted to see if you were alert, Mr. Speaker. I... I know you're just as big a mushroom as the rest of us, but I'm glad you saw my light anyway."

Speaker Giglio: "When I'm in the Chair, I'm always alert, Representative Kulas. The House will stand at ease and reconvene at 2:30. 2:30. You have an hour to eat lunch."

Clerk O'Brien: "Supplemental Calendar #2 is being distributed."

Speaker Giglio: "Ladies and Gentlemen, the House will come to order. Senate Bill 212 has been on your desk, the Conference Committee Report 1200, since 2:20. And the Democrats will immediately meet in Room 114 for a Democratic Caucus. The Republicans wish to meet,

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Representative Piel?"

Piel: "Yes, we'll have a Republican Conference."

Speaker Giglio: "The Republicans will meet in Room 118. The House will reconvene at 4:00. Democrats meet in 114 immediately, the Republicans in Room 118."

Speaker Madigan: "The House will come to order. The Members shall be in their chairs. The House shall come to order. The Members shall be in their chairs. On Supplemental Calendar #2 there appears a Conference Committee Report on Senate Bill 1200. The Chair recognizes Mr. Greiman."

Greiman: "Thank you, Mr. Speaker. Early in this year and in the late days of last year, it became apparent to people all across this country that there was a problem in the accessibility of insurance in some lines and the affordability of commercial lines everywhere. This Legislature, the Department of Insurance, a Governor's Task Force sought to find out the roots of that problem. In 49 other states, similar activities were pursued. Some said it is some folks in a bunker someplace in Lloyds' of London that set our rates and impact on us here so that when... on oil spills in the Caribbean, a ship goes down in the Persian Gulf, whatever catastrophe might happen, the day care rates are affected in Evanston, Illinois. Some said it is inflation, some said greed, some said the trial lawyers, some said a curious mixture of putting the value on human suffering, some said the jury system, and I could go on and on. Most said the insurance companies. There is fault enough for everyone. And so, we came to this Legislature to see if we could develop a balanced piece of legislation that would make insurance affordable for Illinois businesses, for Illinois people, and accessible to us, so that some of the excesses of the civil justice system might be addressed, so that customers of insurance

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companies might have a fair and reasonable time after they have been cancelled or nonrenewed, to go into the marketplace and secure substituted insurance. We came here and we began a process of negotiation. We wanted to have the broadest kind of opportunity to interface with industry, commercial, manufacturing, lawyers, consumer groups, chambers of commerce and the like. We set up a unique procedure at the Speaker's suggestion that provided broad based groups with negotiators. We spent weeks at the table. We agreed on many, many things. In the end, we could not come to complete agreement, but we agreed on many, many things, and I think we agreed on the basic structure of this Bill. Our first concern was that of local government. Article I of Senate Bill 1200 addresses changes in local government immunity. It is a lengthy Agreed Amendment with the representatives of local government on Amendments to the Local Government and Governmental Tort Immunity Act. This Amendment puts kids back in the parks. It puts Saturday's heroes back in the high school football playing field. And yet, it makes sure that communities will still be liable for wanton and willful conduct that disregards, with conscious indifference, the safety of its citizens. It also sets up a shortened statute of limitations so that claims cannot hang out for long periods of time against local government. It provides insurance carriers who insure municipalities with the kind of immunities that local government is given. It allows judgments that would work a hardship against communities to be deferred over a long period of time, 10 years, in installments. As I said, these agree... these issues were agreed upon over the bargaining table, hard bargaining by the local governments. And now we address next, changes in the civil justice procedure. We concerned

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ourselves with frivolous lawsuits, with frivolous pleadings. We were as concerned with the frivolous phony lawsuit that's filed as we were with the frivolous phony answer. In Illinois today, under our current law, only the parties can be held liable for some crazy pleading that's filed. We have taken Rule 11 of the Federal System and we have passed it... we have added it in Illinois so that the parties, the lawyers for the parties, and we have added the insurance carriers, would be liable if they are the suborners of frivolous pleadings, frivolous allegations and if they, in fact, file such frivolous allegations. And it's such that the courts can, in fact, provide sanctions for such frivolity. I would advise you that as recently as last week in the Federal District Court under this very rule, a plaintiff was socked \$11,500 for the filing of a frivolous action. We were concerned with punitive damages. Now, make no mistake that punitive damages do not directly impact on insurance costs. In Illinois, insurance policies do not cover punitive damages. But we wanted to make sure that the punitive damages were not used in every case. It is a serious thing to charge one with willful and wanton disregard for the safety of others. It is worse than just charging with negligence. So we devised a plan that would provide a chilling effect on the filing of frivolous punitive damages. No complaint filed in Illinois can have a frivolous damages count. Only after a hearing, which would be like a probable cause hearing in a criminal proceeding, can there be a count added for punitive damages. And if the jury comes in and says, 'Indeed, we will allow punitive damages,' the court can decide in its discretion how much should go to the plaintiff, how much, perhaps, to his lawyer and not more than in the contract and not necessarily what their contract was either, and how

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much should go to the Department of Rehabilitation Services' doors. So that we could use this kind of money to help profoundly handicapped and disabled people in our state. We believe that this will have... this will take away the kind of leverage that the cases have had in settlement for punitive damages. We addressed comparative negligence. Until 1979 in this state, if the plaintiff was one percent liable, he could collect nothing. Insurance companies fought and others fought to have a comparative form of negligence in this Legislature, and it was the courts that imposed upon this state the so-called 'pure negligence' theory, which meant that no matter how liable, no matter how much at fault a plaintiff might be, he could recover something after reducing his percentage of fault, so that a person who was entitled to a million dollars but was 90 percent at fault would still get 100,000 dollars. We have changed that and said, indeed, that if the plaintiff is more than 50 percent at fault, he will not receive anything, and that the jury... if the jury decides that he is not over 50 percent... that he is over 50 percent at fault, then they will stop and they will say, 'He is over the threshold and he receives nothing.' That is a very big change in the civil justice rules. Next, we addressed the issue of joint liability. I suppose that four months ago in this General Assembly, a discussion of joint liability would be the penalty imposed for a violation of the marijuana statute. But joint and several liability is the law in about 34 states. It means that if you are one percent negligent, you must pay the entire judgment, although you must... you may share it with other solvent defendants. So, the issue is, therefore, if you are with solvent defendants, the joint and several theory means nothing; but, when one defendant is a deep pocket and

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the others are insolvent, then that one defendant must pay all. We have changed that. We have heard from the municipalities, from the retailers, from people all across the state that we are concerned that we are minimally liable, five, 10 percent liable, 15 percent liable, and we're stuck for the whole thing. So we have said that there should be a threshold. If you are 25 percent liable, you are so much involved with causing that accident, so much involved with that injury, that you should respond in damages for the entire amount. But if you are less than 25 percent, then you should pay only your share. We made three exceptions to that rule. We said there should be no medically indigent in this state, and that if you are... and for medical bills, medical expenses, defendants are jointly and severally liable. We said that for environmental cases, because so often there are hundreds of defendants that may, in fact, cause an environmental danger, joint and several remains. And finally, we said because the Medical Malpractice Act was just passed last year, we should see how that works, and we should not touch that. And so, we excluded the healing arts from that. This is a very significant change. The minimally liable are no longer liable for any more than their share. Those people only who have a significant part of the liability will remain liable. One of the issues that was of greatest concern to manufacturers in Illinois deals with product liability. Product liability is strict liability. You do not take comparative fault of the plaintiff against strict liability. We have created a statute, however, which does precisely that. So that now, for the first time in Illinois in product liability cases, you will examine the fault of the plaintiff and the judgments will be reduced accordingly. And that is true in all of the other aspects

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of this new law. We changed collateral source, or we provided for collateral source. We said that if you have expenses... medical expenses in excess of 25,000 dollars, they will be reduced from the judgment, and in the proceeding, the Judge will take the money off that judgment. We provided not-for-profit corporations with immunities for their officers and their directors so that we could bring back the notion of volunteerism to this country. We addressed issues of consumers and their insurance companies. We said that when there's a law... when there's a non-renewal or a cancellation, that the insurance companies should provide that insured with a record of his... of his liabilities for the last three years, that he should know the claims against him that were paid, the claims that are pending, a description of them, the 'aggreator' reserves, that if this new insurance carrier or the prospective carriers want more information such as the specific reserves, that they should be able to get them. But that nonetheless, because we did not want to put that in the hands of plaintiffs' attorneys that that was information was not discoverable in a case. We decided that there should be a notice of a termination of line so that when an insurance carrier terminates a line of insurance, it must address and advise the Director of Insurance that we are terminating this line, and it must say whether they are terminating it in other states. They must advise the Department of Insurance whether, in fact, they will remain on such risks in other places so that we can take appropriate action, at least in the area of persuasion, advising them to continue to furnish this kind of... coverage in our state. We changed the new... We changed the notice of cancellation provisions to make sure that an insured has some... more leeway to go out in the

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marketplace and to find substitute insurance. We changed the redlining laws to ensure that redlining would be included in the commercial insurance area. We allowed bankers to provide a pooling for their officers' and directors' liability. We allowed local governments to self-insure and to have insurance pools... that reinsure. We allowed condominiums to go in and develop risk retention trusts and pools. And we developed an Insurance Cost Containment Act, an Act which gives to the Insurance Department of this state the power to get information that has been out of their reach, information as to the profits and the losses, as to the stock transactions, as to every kind of financial information that is necessary, and then we impose upon the Department of Insurance the obligation to analyze to determine whether these rates are fair and equitable, and to advise the public of Illinois whether these rates are fair and equitable. In the Bill are some other items that were put on, and I think have no great problem for anybody. We had no insurance Bills before us, as you will recall, and so we put these issues on. I apologize for speaking at these length... at this length, but it is a long and complicated Bill, and it has been a long and complicated path to get here this day. Senate Bill 1200 is a Bill that will show to the people who give insurance, who write insurance, that we are serious about having a fair and equitable Civil Justice System, that we are serious about making sure that insurance companies compete in the market in a decent way without any kind of obscene profit. This is what we have asked for. This is what we have sought. There are those who would have written this Bill differently, and I understand that. We believe this is a fair Bill. We believe it is a Bill that will be in the best interest of the people of Illinois. I

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ask you to join me in supporting this Conference Committee Report."

Speaker Madigan: "Mr. O'Connell."

O'Connell: "Thank you, Mr. Speaker. A question of the Sponsor."

Speaker Madigan: "The Sponsor indicates he will yield."

O'Connell: "Representative Greiman, this is a long Bill, as you indicated, but if I may ask you some questions to elicit some of your legislative intent. The Section on joint and several addresses the degree of percentage negligence that a multiple tort feasons have. In determining a particular individual's degree of negligence, would you include the particular defendant's superior in a 'respondeat superior' relationship in determining the degree of negligence of that particular defendant? In other words, by reason of agency, do you include the agent's principal?"

Greiman: "They would have the same interest. They would not be considered different tort feasons, so that you would use the same kind of ... "

O'Connell: "So there is no derivative liability."

Greiman: "Right."

O'Connell: "On the issue of jury instructions and comparative negligence, you provide that there will be a modified comparative negligence in that a defendant... strike that... a plaintiff who is more than 50 percent negligent is barred from recovery. Why do you provide that jury instructions to that effect would be provided at that time it's given to the jury?"

Greiman: "It seems that it would be a silly act to not trust jurors with the kind of basic threshold knowledge they need. If you do not give that kind of information, the jury goes into the jury room, decides that Plaintiff X is 70 percent at fault and then is forced to proceed to analyze his lost wages, his medicals, his pain and

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suffering, his future and past losses and all the kinds of things the jury decide, then they come out and they say, we find for the defendant... we find for the plaintiff but he's 60 percent liable, and they say all that you've done the last three days in the jury box is meaningless. It makes no sense to do that. We think juries are smart enough. Now obviously, the other side of the coin is that juries will, hearing that 51 percent and the person's out, will somehow change their views. But we had, for a long time in this state, a law that said one percent and you're out, and nobody that would oppose this thing bled or cried very many tears about that issue."

O'Connell: "Why then, on the issue of determining the several... degree... degree of negligence amongst tort feasons, why is there not jury instructions as to the effect of the degree of culpability of the multiple defendants?"

Greiman: "The reason for that is that we want... we would hope that a jury would find negligence based on the facts and not based on the economic realities of who's going to pay and who can't pay, and that's why. We believe that it provides a purity in that jury room not to know who can pay and who can't pay."

O'Connell: "With regard to the Section on punitive damages, you provide for a hearing prior to pleading punitive damages. During the course of that hearing, are there limitations as to what can be presented to the court to show whether or not you have established sufficient facts to show a likelihood of finding punitive damages?"

Greiman: "No, what we... That's left to the discretion of the court. The court can... could call for more evidence, the court could suggest that affidavits would be sufficient, probably, that on the contrary, an evidentiary hearing would be appropriate. Some things, obviously, are

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Irresistible, that punitive damages are appropriate and the courts would be given that kind of discretion. I would hope the courts, frankly, and if my intent means anything, I would tell the people... the men and women who will be interpreting this, that I think we want punitive damages to be strictly construed. We want them to be used only in cases where, in fact, they are appropriate."

O'Connell: "On the issue of product liability, under the existing law, in order to show that there is contributory negligence on the part of the plaintiff, you must show that the plaintiff knew about the dangerous condition of the product. Is that still the law?"

Greiman: "Yes, that would still be the law."

O'Connell: "Are there any common law rules in product liability cases regarding the proving of a defense which are changed by Section 2-1107.1 of this Bill?"

Greiman: "No, there are not."

O'Connell: "The Section on frivolous pleadings. Let me give you an example and tell me if that would not be indicative of how the new application of Rule 11 in the Federal Courts to the State Courts would apply. I've been advised by individual businessmen that many times in a product liability case, the mere fact that their name happens to be listed in the yellow pages is... is reason for the... for them being brought into a case, even though there is no discovery to show that there is a nexus between that particular manufacturer of a product and the plaintiff's injury. Could the bringing in of defendants in a case under those auspices lead to a frivolous pleading?"

Greiman: "I think it could. I believe that... "

Speaker Madigan: "Mr. Greiman, excuse me. Ladies and Gentlemen, could you give your attention to Mr. Greiman and Mr. O'Connell? Thank you."

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Greiman: "I believe it could. I think that what this imposes is a pre-filing diligence and requires the appropriate... an appropriate investigation that would be meaningful to ensure that defendants who have no nexus with the cause of action ought not to be joined as parties."

O'Connell: "I recently received a call from a day care center operator who indicated that she had been unable to find a policy that would afford her coverage for her legal expenses in a case. We have, in this Conference Committee Report for Senate Bill 1200, an Article 26 which provides for legal expense insurance that allows a qualified person to obtain a limited insurance license without obtaining an insurance producer's license to sell legal expense insurance. Could a situation such as the day care operator who can't find coverage that would include such coverage, could they find relief under this particular Article?"

Greiman: "I believe that's right."

O'Connell: "May I just ask a couple more questions on the punitive damages Section, which are on page 21 to 23 of the Bill? Does the Bill change the law on punitive damages other than pleading it?"

Greiman: "No, it does not. It does not create any new cause of action for punitive damages."

O'Connell: "Are the purposes for which punitive damages paid, are they changed at all?"

Greiman: "No, they remain the same."

O'Connell: "Is there any precise formula under which punitive damages are apportioned, under this Bill?"

Greiman: "There is not a formula, but I believe there are some... some guidelines for a court to consider. For example, was the action of the defendant which was so grievous and so... or so egregious aimed at a particular plaintiff, or was it aimed society as a whole? Obviously, the drunk driver who

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hits a pedestrian is really aiming, in a sort of generic sense, at that defendant, while the manufacturers of the Dalkon Shield or the Pinto Ford that went out with... where the people knew to a certainty that they would kill or injure, that's a different kind of punitive damage."

O'Connell: "So, in other words, could one apply the reasoning that a special duty is owed to an individual plaintiff, that that individual might obtain the majority or all of the punitive damages for himself?"

Greiman: "Well, that would be up to the court, but clearly, the Judge would decide... or would take into consideration the special relationship... special damages that a particular plaintiff was entitled."

O'Connell: "Does... Does the pleading restrictions, in your opinion, would it place a chilling effect on bringing punitive damages actions?"

Greiman: "I hope so. I think so."

O'Connell: "On the issue of governmental tort immunity, does this Bill provide for any new... strike that... isn't it true that presently, a municipality may issue a judgment bond to raise money for tort judgments without referendum?"

Greiman: "That's right."

O'Connell: "So, this Bill does not create any new changes in a municipality's or a local government's ability to raise money for payment of a tort judgment."

Greiman: "That's correct. On the contrary, it makes it a little easier, because it provides for installments to be laid out."

O'Connell: "Mr. Speaker, may I address the Bill? To the Bill. I... I would like to simply say to the Members of this Body that may have not been participants in the drafting of this 26 Article, 152 page Bill, I would like to say to those that issued some concern about not being involved in the

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process that we feel that we did our best to draft something that could be discussed on the floor, that could take into consideration the vast complications and avoid a good deal of political rhetoric that might have existed on this very esoteric and crucial set of issues. We did bring in, through the Speaker's Office, though the Governor's Office, the individual industries that are most affected by this Bill. I, as for one who participated, can assure you that their interests were incorporated into this Bill. Not everyone is happy with the Bill, which is, as has often been indicated, probably the best reason for passing it. The Bill, however, should be read and understood under a basic premise, and this may be my own personal premise, but it's based upon six months of reading and listening to experts in the field. I do not believe that the changes that we make in the tort system today will bring down insurance premium rates, certainly not in the near future. I am for one who believe that the complexity of the investment practices of the insurance industry is the major reason for the recent crisis of premium rates and availability. I've been laboring under a very big misimpression. It was my belief that the reason for the increase in premium rates was simply because, in the early 80's, the insurance companies had been investing their portfolios in high interest bearing rates, and because the interest rates were so lucrative, that they were competing for the premium dollars to pour back into the interest yielding accounts. Unbeknownst to me, and as explained to me by people who are familiar with the industry, that wasn't necessarily the case. In actuality, the... many of the old line insurance companies who had a major portion of the insurance market were in very poor investment portfolios. Seventy-five percent of the municipal bond

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market is owned by the insurance industry. In the early 80's into the mid 80's, the bond market was an extremely depressed state. The insurance companies had no choice but to continue on. They couldn't get out. In order for them to redeem a bond, they would have redeemed at perhaps 60 cents on the dollar, which doesn't necessarily give them the comfort of having a secure financial situation. Their long term debt situation forced them to stay competitive with those companies who had a diversified portfolio and were able to subsidize their low premiums with high interest bearing accounts. This has contributed to the premium crisis more than the tort system because once the interest... the investment practices ended this cycle of depression, then they could find relief in... through their premiums. Further complicating the situation is the problem with reinsurance. During the 1970's, reinsurance was a very easy entry, a very easy commodity for many non-insurance corporations that wanted to get into financial services market. And many of them did, further exasperating the competitive nature of the reinsurance industry. Well, since the '70's, many of these companies have decided to get out of the market, and those old line re-insurance companies, many of whom are foreign, are left with a very precarious situation in that their own currency in relation to the dollar is in a state of disarray, and the investment cycle of the primary insurers has spilled over into making their own investments and their own predictability even worse. But that's not to ignore the tort system, because there have been abuses in the tort system, and those abuses are precisely what we've tried to address in the Bill. There have been worse case scenarios presented to us during the past year about the comparative negligence situation. We've addressed that by eliminating

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50 percent of... requiring that a plaintiff be free of at least 50 percent negligence. We have been told that punitive damages has been a tool under which individual plaintiffs have leveraged settlement, and we have addressed that by providing for a very restrictive method of pleading. We have told that the individual park districts could not open up their playgrounds, so we have addressed that by providing for extensive immunity for park districts under the Governmental Tort Immunity Act. We have been told by municipalities that were in a situation that required them to purchase commercial insurance that they lost their governmental tort immunity... immunity through the purchase of commercial insurance. We have provided in this Bill that the insurance companies that provide the insurance also obtain the tort immunity that that local government had. We've been told that the abuses in product liability have been such that have created such an unpredictable and large... and judgment... large situation. We have addressed that at the request of the business community so that the same comparative negligence restrictions and joint and several restrictions apply to product liability also. And perhaps most of all, the worst case scenario that we've been presented with are the minimally culpable individual defendants who end up paying 100 percent of the award, primarily the local government, perhaps the retailer that are just there, and they have the deep pockets, and they end up paying. We have said anyone less than 25 percent is a minimally culpable defendant and they should not be required to pay all. So, as to non-economic damages or as to all damages other than medical, they're only severally liable. We've addressed that abuse. With the exception of medical costs, we do not believe that a medically indigent individual should end up

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paying all or any of this medical cost rendered... by an injury rendered by any defendant. We've made a restriction in there that provides for that medically indigent plaintiff to get relief. In the 'Alvis versus Rebard' case in a dissent by Justice Ryan, he points out why the Legislature is in a much better position to address the complexities of something such as this. In discussing the change from contributory negligence to comparative negligence, he indicates that it is the paramount role of the Legislature as a coordinate branch of our government, to meet the needs and demands of changing times and legislate accordingly. I believe that the problem with the courts creating laws is that they're presented with a factual situation under which they cannot change, and that the law is applied to this particular, perhaps polarized, factual situation and it sets the trend and sets the precedent for any other case that comes before this... or that particular court. What we have done is, we have singled out the abuses of the tort system and addressed them, single issue by issue, and provided for equitable, just relief. We have not made everyone happy. We may not have made everyone happy with the manner in which we've come to what we consider an equitable solution, but it is a solution, and it is an equitable one, and I would heartily recommend that we adopt the Conference Report on Senate Bill 1200."

Speaker Madigan: "Mr. Tate."

Tate: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. In the spring of 1985, property and casualty insurance, the insurance industry reported a record loss of 3.8 billion dollars. In the spring and summer of 1985, all of us heard from our constituents complaining about policy cancellations, about nonrenewables, about large premium

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increases from the commercial liability insurance consumers. In the fall of 1985, the Illinois Coalition on the Insurance Crisis, the ICIC, was formed to represent the interests of businesses, local governments, professionals and other commercial liability insurance consumers. November 14th, 1985, November 14, 1985, each and every Member of this Illinois House adopted a Resolution that would provide for a Joint Insurance Task Force to study and issue a report on this issue. Between November of 1985 and January of 1986, the Department of Insurance conducted hearings throughout the state on this issue. In February... February 6th of 1985, the Illinois House Joint Task Force conducted its first hearing. We heard from 400 different Illinois consumers on the subject of liability insurance. February 10th of 1986, the Governor of this state, here in this chamber, called on this chamber and announced his support for changes in the doctrines of joint and several liability and in comparative negligence and support for caps on non-economic damages. April 1 of 1986, Republican Members in the Illinois House, as well as the Illinois Senate, introduced a comprehensive package of 11 Bills aimed at addressing the problems of... of the insurance affordability and availability crisis. Not one of those Bills, not one of those Bills ever passed the Illinois House Rules Committee. In April of 1986, the ICC-ICIC Bills were heard in the Rules Committee. Not one of those Bills, not one of those Bills ever passed the Rules Committee, was ever assigned to an Illinois House Committee. April 23rd of 1986, Democratic Members of the Illinois House Task Force released a Majority Report which was prepared with no input from Republican Members and which makes no recommendation for this legislative action and for this General Assembly. The following week,

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Republican Members issued a Minority Report which did, in fact, contain recommendations on the issue of affordability and availability for this crisis that we've been addressing. In May of 1986, the Speaker started a series of closed door summit hearings with the various interest groups, but which included no House Republicans or Legislators from the Senate. May 21st of 1986, the Illinois Senate adopted eight significant tort reform Amendments to Senate Bill 2263. The following day, Members of this chamber voted to postpone consideration on three different vehicle Bills until June 12th. May 23rd, the following day, the Senate passed Senate Bill 2263 by a vote of 44 to 7, a Bill that would abolish joint and several liability, that would modify the doctrine of comparative negligence, that would place limits on punitive damages, that would create a product liability law and that would place limits on attorneys' contingent fees and provide penalties for frivolous lawsuits and allow evidence of collateral source payments and tort actions. June 3rd of 1986, June 3rd of 1986, the Illinois House Rules Committee again denied the rights of Members of this chamber to hear a Bill through the normal process, the normal process of this chamber. They again denied that Bill from leaving the Illinois House Rules Committee. However, June 11th of 1986, Senate Bill 1200, a regulatory Bill dealing with regulatory measures that only addresses the issue of insurance regulation, somehow, that Bill was assigned to the Insurance... to the Judiciary Committee, a Judiciary Committee assigned a Bill to hear an insurance regulatory measure. That Bill was passed out of the Illinois Judiciary Committee and then assigned to the floor. Democratic vehicle Bills have been tabled, thereby denying the Members of this House a right, a right that each and

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every Member was elected by their constituents, a right to hear Amendments, to modify a Bill, to offer their point of view. Those rights were again denied. June 25th, again another day when this House, by the Majority Party of this House, deferred hearing on yet another opportunity to hear the Bills. June 27th, 1986, Members of the Illinois House almost had an opportunity to finally vote on the Bill, but again, that opportunity was denied. Mr. Speaker, I guess I'd have to address my remarks to you. There are many classes, many high school students, classes from all over the State of Illinois that come down to visit Springfield, Illinois, to learn about the form of government that we're participating in. You, Mr. Speaker, I think you... you sometimes pass out a sheet to those students to educate those students on the process, the Democratic process that we're in in Springfield today on how to pass a Bill. Nowhere in that explanation that is provided, have I ever seen the process that provides for a series of events that denies Members the opportunity to hear a Bill in Committee, to offer Amendments to a Bill, to offer Members an input and offer Members the opportunity to represent their constituents. Nowhere have I ever seen, in those forms that you pass out, that type of government. Mr. Speaker, I guess today what we're really discussing is the integrity of this process. This process has been made a sham of today by the opportunity denied of the Members. Yes, this Bill, this Bill may have some good portions in it. This Bill, obviously a hundred and fifty page Bill that is voted on the last day of the Session, at 5:20, the crisis that has cost Illinois consumers their jobs, the right to their livelihood, the right to put food on their table, Mr. Speaker, the right to enjoy their park districts, the right to provide services from their municipal governments from

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their units of local government, those rights, up until this point, the last day of the Session, have been denied today. Mr. Speaker, I will give you credit for the solution to this... to this issue, because this is the First Conference Committee Report. This is your Conference Committee Report, but Mr. Speaker, I hope that the Members of this General Assembly remember this day, because we'll be back here a year from now, a few years from now and when this crisis is greater because of the sham that you've put together with this Bill. When this crisis is greater, we can also, I hope you will take credit for the disaster that you have given the people of Illinois."

Speaker Madigan: "Mr... Mr. Daniels."

Daniels: "Well, Mr. Speaker, Ladies and Gentlemen of the House, I talked to you today about opportunities come and opportunities pass, and today is one of those days that we, in the General Assembly, have had an opportunity to help the backbone of our economy and the economy of this state. We have had an opportunity to deal with a crisis that has been brought to us, not unique to Illinois, but a crisis that has been brought to the individuals citizens of each and every state of this country. Small businessmen and women, large corporations, individuals that have to buy liability insurance or homeowners' insurance or the like, all these people are affected by a modern day crisis in insurance coverage. But, of importance to this state is the backbone of our economy, the business of this state, and yet every time that this General Assembly has been entrusted with taking action to help our business, we have fallen short of the mark. We only have to look at the Workers' Compensation Laws of 1975, and those of us that came in that year only have to consider what happened year in and year out from 1975 on, to remember how the talk went

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and the debate on the House floor. 'This is the year,' we said. 'This is the year that we're going to do something about workers' comp.' We wrote our letters back home. We told our constituents back home, 'Yes, we're going to help you on workers' comp this year.' Did we help them? No. Have we addressed the problem today regarding liability insurance, product liability insurance, the Scaffolding Act, reduction of workers' comp benefits and therefore reduction of the cost? No. Have we talked in open debate about the issues of caps on noneconomic losses or changing the threshold in terms of some of the provisions of our Bills? Have we been able to discuss those for the benefit of the backbone of this state? No. Have we dealt with the issues that are competing in interest between business located in Illinois and for instance, business located in Michigan or, for that matter, in our southern states? Have we been able to address the problems that we're finding now when a state like Michigan has acted on the liability crisis and acted in a strong, definite sense that is different and unlike what we may be facing today and what we may have today in the Conference Committee Report that has been presented to us that is deficient in many respects? I think not. Have we dealt with subjects that business has been crying since January telling us that they don't know all the causes of the fault, but they know that the people of this Assembly have to deal with it and have to resolve it. They don't know all the definitions of abolishing joint and several liability, for they're not the trial lawyers of today or the legal eagles of tomorrow that may understand this... the great complexity of today's society, but they do know that they can't afford the premiums and the rates of insurance and the 23 or the 29 million dollar verdicts on some of the liability cases.

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And they cry out to you for a solution. Our park districts, our school boards, our local units of government have asked for our help, and yet have we dealt in a realistic sense on the joint and several liability issue, when a state like California, through a public referendum, overwhelmingly abolished that concept. Have we dealt in a meaningful manner with modifying comparative negligence rule or limiting punitive damages to the amount awarded for economic loss? No. Have we dealt with the collateral source payments or discouraging frivolous lawsuits? Oh yes, it's addressed, and some of the lawyers will tell you, 'We've addressed it. Don't worry about it now because it's in the Bill.' And we'll hear it in 1987 and 1988 and 1989 that the Assembly of 1986 addressed the problem. So, don't worry, ladies and gentlemen of Illinois, you don't have to be at all concerned about the liability issue because we, the Members of the Illinois General Assembly, have solved that for you. Now, Mr. Speaker, I don't hold you at fault for this program and for the shortcomings of this package. And Members on the other side of the aisle, I don't hold you at fault for what we have today. What I do is, I hold us at fault for tolerating a system where we have been unable to openly debate, negotiate, amend and deal with the legislation as an Assembly of modern times and modern people and modern Representatives have a right to deal with day in and day out. And why is it, I ask, why is it that an issue of grave importance to me like O'Hare Field can receive extensive debate as we did last night - and I'm thankful for that, Mr. Speaker and I appreciate your cooperation in that Bill - but why is it a Bill like that that as important as it is to me, is given far more attention on this floor than the issue of the decade in trying to solve the liability insurance crisis? Why have

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we allowed that to happen? Do I blame you for that individually? No, but I blame this Body for allowing it to happen, and I implore you, I advise you, that we can never again allow such action to take place. I leave the definitions of the proposal, and I leave the interpretation of some of the most complex language that anybody can deal with to the lawyers, to the individuals that will have to handle this in the courts, and I leave your view to you, for you will carry home, after this Session, whether or not you, as an elected Member, have helped our jobs climate in Illinois, for yes, it is a jobs issue, an economic issue that we deal with now. You will carry home the responsibility of the actions of today, and if you are proud, as a negotiator of this package, and if you feel this is something that you can hold up with pride, then hold it up with pride, but I hold you too responsible at election time. And I ask the public of today, judge in November, the actions of today. Judge those people that told you they'd resolved the insurance crisis. Judge whether or not rates have come down, insurance is more available or insurance is more affordable, and hold responsible those people that held this Bill in the darkest dungeon of the State Capitol, and it will be at election time that the people of Illinois will have their voice in spite of the stifling of the openness of the debate that this place is known to have produced. And Ladies and Gentlemen, I think not. I think I will not add my voice to this sham, to this legislation that is a pretense of the settlement of an issue, an issue of the decade. I think not. My vote will be 'no'."

Speaker Madigan: "Mr. Preston."

Preston: "Thank you, Mr. Speaker. Would the Gentleman yield for some questions?"

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Speaker Madigan: "The Sponsor indicates he will yield."

Preston: "Alan, on page three of the Conference Committee Report on line 26, it talks about notwithstanding any other provision of law, a local public entity is not liable to pay punitive or exemplary damages in any action brought directly or indirectly against it by the injured party or third party. What do you mean by an indirect... by an action brought indirectly against an injured party?"

Greiman: "Well, I think what that means is that we are making a public statement that where a defendant... an individual defendant is liable, we don't want the public entity to be paying that judgment by indemnity... under the indemnity statute. Now, our indemnity statutes don't cover that, but a community could make that judgment. We don't want them to do that. It's a public matter."

Preston: "So, that's what you mean... That's what you mean by 'indirect'?"

Greiman: "Yes."

Preston: "Now, going down to... I guess it's line 30 on that same page three, you talk about no public official is liable to... punitive or exemplary damages and you list some of the officials who are immune from paying those exemplary or punitive damages. In an official, executive, legislative, quasi-legislative or quasi-judicial capacity, but there... you leave out 'judicial capacity'. Did you intend to leave out 'judicial capacity' so that there may be some exemplary or punitive damages leveled against a Judge?"

Greiman: "Judges appear to be immune anyhow under the law. I know you're concerned about... for your family, but they're immune under the law."

Preston: "Alright, so you're saying that there's... elsewhere in the law, Judges are immune from punitive or exemplary damages."

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Greiman: "Yes, that's correct. That's correct. That's correct."

Preston: "You don't... Would your staff person know where that might be, because I'm not aware of that. Alright, on page four at the top, you talk about the immunity of a local public entity from any injury caused by its dissemination of incorrect information so that they can't be sued for disseminating information that is incorrect either orally or in writing. Does... does that not mean that if, for example, in the case of a zoning ordinance, if a zoning ordinance is incorrectly printed and published and disseminated and somebody relies on that zoning ordinance and builds a building or some other structure in violation of what the law really is, but in accordance with that incorrect publication that they might have to remove that structure or that building and they could not look for damages to anyone by virtue of this provision. Is that correct?"

Greiman: "I'm not sure that that's correct. I would believe that it's a question whether... it sounds in damages. I suspect that there might be some kind of an estoppel that would work which would give a defense to that... to the owner at home, and so that he could clearly... it seems to me prevent by injunction the right of the community to take it down. It doesn't say that they're not... they're not sueable, it just says they're not liable in damages... clearly that."

Preston: "So, that in terms of the legislative intent, then, this in no way would, in your intent, preclude someone from barring an action by virtue of estoppel or some other equitable remedy... equitable defense."

Greiman: "Absolutely not. Absolutely not. Absolutely not."

Preston: "Going down to line 12 again on page four, there are only... there are about 15 different questions that I have

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on this... I'm now on the middle of page four."

Greiman: "I didn't mean to intimidate you. I... go ahead. I have been... you know..."

Preston: "Lines 11 through 13, lines 11 through 14 on page four, where it talks about a public employee acting in the scope of his employment is not liable for an injury caused by his negligent misrepresentation or the provision of information either orally... that, I guess is my same question, whether or not that public employee, as opposed from the public entity would be, by virtue of this, immune from any action against an employee for negligently misstating something, if not orally, in writing, with someone relying on it to his or her detriment, this would preclude an action against that public employee. I'm looking at 11 through 14 on page four. We've already..."

Greiman: "You're talking... Excuse me, Representative Preston. You're talking about zoning boards. As I read this, this only applies to library materials, so I guess if one gave a book in a library, they would not be liable."

Preston: "Well no, I... Well, is that your interpretation here, because I read it..."

Greiman: "That's my interpretation of it."

Preston: "So, you think that... then it's your legislative intent that..."

Greiman: "... It says 'library material'. It's given at the behest of the public libraries of Illinois..."

Preston: "So then, this would not apply in the intent of the Sponsor to a municipal ordinance that is handed out that was incorrectly prepared through the negligence of an employee. That... would that be included in library materials?"

Greiman: "It's probably not library materials."

Preston: "I'm sorry."

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Greiman: "Right. This is... this is for libraries. It's not for the city council, you know, or something like that."

Preston: "I see. Thank you. Then I'm on page five, line 10, the words 'or former employee' were deleted. Was there some special reason why?"

Greiman: "Oh yes, yes. The reason why that's there, we changed the definitional Section and said that an employee, for the purposes of this Act, shall be one employed or a former employee. So, it's a definitional issue."

Preston: "I see. Going down again on page five to lines 20... 22 through 25, I... this says that it's the public policy of the state that a local public entity may not elect to indemnify an employee for punitive or exemplary damages. And I don't understand why that option was taken away from a local entity. As long as it's optional with them, why are you saying to the City of Chicago, if they want to indemnify an employee, under this, they may not?"

Greiman: "There is a sense that if you allow it, then it will become a matter of negotiation in union contracts, perhaps in employment contracts and in other contracts. And the notion is for units of local government not to pay punitive damages directly or indirectly. That's the public policy reason behind it. You might not agree with the public policy, but that's what it is."

Preston: "Okay, thank you, then. I'm skipping to page seven, Section 3-105. This Section says that a local public entity or... nor a public employee is liable for damages that someone may suffer... injuries that someone may suffer as a result of the weather... weather conditions on streets and alleys, et cetera. If an individual suffers a broken hip or some other injury because a sidewalk or a bridge or some structure put up by a public entity is unusually slippery when it becomes wet or unusually slippery when a

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wet leaf alights on it, above and beyond what normal standards are in the industry, does this not say that that public entity and that public employee are not liable for any injuries that they suffer? I'm... Alan, I'm concerned about this Section of it because building materials may differ in cost and public entities might opt for lower cost structural materials which may be more dangerous under certain weather conditions, but yet cost less and they can't be sued either way."

Greiman: "Where they exercise reasonable care, Mr. Preston, they would not be liable in those situations. Now, whether they can exercise reasonable care in a rain storm that makes it wet or falling of leaves or falling of snow, they would have to maintain still with reasonable care."

Preston: "Well, by reasonable care standard then you are saying that where they are ordinarily negligent, they would not be liable, but where... only where they are willfully and wantonly negligent they would be liable?"

Greiman: "Yes, I would... the answer is, I think, no. If you would look at page 8, you will see it says in (c), 'nothing in this Section shall relieve the local public entity of the duty to exercise ordinary care in the maintenance of its property.'"

Preston: "Well, I'm not talking here about maintenance now. I'm concerned about the structure."

Greiman: "Well, like design and the structure?"

Preston: "Design and structure. There are some building materials which are less expensive than others and I'm concerned that a municipality or other public entity may opt for the lesser cost or lower quality building materials since they..."

Greiman: "Well, this has to do with weather conditions, this Section. It may be a legitimate question and I'll... I'll

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try and figure out the answer, but this particular Section, I think, is not... that's not appropriate because it's not weather condition. This Section addresses weather conditions. I understand you are saying, 'Well, it's weather condition because of the bad design,' but the question here is weather conditions, so that the weather conditions would be governed by what's here. If there are design problems, perhaps, we should take that up as you get to it."

Preston: "Well, I'm talking about design problems only because of weather conditions, something that becomes unduly slippery when wet, something that becomes weak, some structure that becomes unduly weak when it is subjected to sub-zero weather. Some materials are more dangerous than others in Chicago winters, for example."

Greiman: "Right, and this would... this would, in fact, if it was normally safe... now, if it was inherently dangerous, no, but if it was normally safe, and the weather conditions change it, then there wouldn't be any liability. That would be my judgment."

Preston: "Well, going on to page 8, when you are... Section 3-106, where a... talking about parks and recreational facilities and the non-liability of the local public entity nor a public employee for a failure to repair the facilities at a park, does that mean that if, for example, a slide that is broken and where the public entity has knowledge that the slide is in disrepair and nonetheless does not get to repairing it and an individual is injured that that public employee who is supposed to repair it but did not, would nonetheless not be liable for any damages?"

Greiman: "If they had knowledge or constructive knowledge of the condition, they would be liable."

Preston: "They would be liable?"

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Greiman: "That's correct."

Preston: "Well, that's not my reading of this Section. I can just tell you that to me, that alone, is ordinary negligence, not necessarily willful and wanton and I don't see where they would be liable. Where that same employee, it seems to me from reading this, that that same employee who had a slide in his backyard with the same problem with that slide, where an individual is injured, that..."

Greiman: "Yes, well, the law was previously and remains that you have to have willful and wanton for them to be liable and that is, indeed, what it remains. It was the law and is the law still. So, you are correct. You are correct, yes."

Preston: "I see. Now, going down to Section 3-109 on page 8, you are talking about a hazardous recreational activity and you talk about... there's really... to summarize it, there's somewhat of an assumption of risk of that hazardous activity if the person voluntarily participated in it and knew about it. What about minors. I don't see anything here that says that people under eight years of age who are injured because they participated in what is defined as a hazardous activity are not also precluded from instituting an action or having one instituted on their behalf by virtue of that injury. So, minors would be included. A five year-old who is injured at an ice skating rink may be precluded notwithstanding the negligence in the maintenance of that ice skating rink still may be precluded from recovery."

Greiman: "Firstly, for minors we have another statute which is beyond this which, deals with their culpability and fault and negligence so that they would not have the kind of comparative fault. Next..."

Preston: "Well, then would that minor... would that minor then be

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able to prosecute an act... successfully prosecute an action... for ordinary negligence?"

Greiman: "Yes, if the... Yes, if he were a person of which the participant does not have or can... or does not have nor can be reasonably expected to have had notice. So, if he's an eight year-old or a seven year-old, I think that (c)1 would cover that."

Preston: "Okay."

Speaker Madigan: "For what purpose does Mr. Friedrich seek recognition?"

Friedrich: "I want to inquire if this is a filibuster. I thought we were limited to ten minutes. We've had at least three people take thirty minutes and it's going to be midnight in a little while and you'll need 71 votes and maybe they will be happy that it won't pass for that reason."

Speaker Madigan: "Mr. Preston, could you bring your questioning to a close?"

Preston: "Mr. Speaker, I have more questions. You can cut me off any time you want. I have about ten questions left and I..."

Speaker Madigan: "Mr. Preston, if you could just be reasonable."

Preston: "Well, under hazardous recreational activity on page 9, Representative Greiman, you talk about animal racing as being an inherently, by definition, hazardous recreational activity. I suppose watching a turtle race and having the grandstands fall on your head, means that you can't recover for that because that, by definition in the statute, as animal racing, frog racing or turtle racing is hazardous."

Greiman: "No, Mr... Mr. Preston. I want to answer that. Absolutely not. It would mean that you would be a participant in the turtle race. Now, if you want to ride a turtle, Mr. Preston, and fall off that turtle, indeed, you would not be able to recover from the park district for the

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great turtle race. Probably if you want to ride a hare or even a deer, you could not recover."

Preston: "How about if you are Representative... former Representative Jaffe, who walks like a turtle? Could he recover if he were in... involved in that?"

Greiman: "Only if you were on his back."

Preston: "Well, Mr. Speaker, to the Bill. There is a lot of effort and energy that has gone into this Bill and I appreciate that. Representative Greiman, probably more than anyone else, has spent a great deal of time, energy, effort and his great ability to comprehend and negotiate on this Bill, but there are some problems, some of which, unfortunately, I didn't get to and those ultimate problems are the problems of the joint and several liability which will, indeed, defeat the ability of injured victims to walk away... grievously injured victims to walk away with any compensation if they have the deep pocket that was less than 25 percent at fault in their injury. That and the problem of having to pay back insurance companies for medical insurance costs that were paid out in excess of \$25,000 means that the entire insurance crisis that we have been hearing about is going to be paid for on the backs of consumers who were the most injured among us, not the least injured, not the people who had injuries under \$25,000 in medical expenses, but those who are the most injured, those who had medical expenses in excess of \$25,000 and I just don't think those of us who are fortunately well, able to walk around, able to think clearly without being essentially vegetables should have our crisis fixed on the backs of people who are the most injured in society and I think there are many good things in this Bill, but I feel I cannot support it. Thank you."

Speaker Madigan: "Mr. Davis."

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Davis: "Will the Sponsor yield, Mr. Speaker?"

Speaker Madigan: "Sponsor indicates that he will yield. Mr. Greiman."

Davis: "Thank you. Representative Greiman, I have quite a few questions that I want to clarify. I think one of them, of course, I asked you this morning. I want to ask you that again, but prior to that, on page... I think it's 19, the punitive damages Section, page 20. You say... You say in page 20 and your special pleading on frivolous law suits that... I think it starts on... yes, line 17. 'If a pleading motion or other paper signed in violation of the Section, the Court, upon motion or upon its own initiative shall impose upon the person who signed it, a representative party or both, an appropriate sanction.' And then it goes on on line 21 to say, 'which may include an order to pay to the other party or parties reasonable expenses.' What are reasonable expenses? Does that include the cost of lost time to address the issue of punitive damages?"

Greiman: "Absolutely could, might. It might."

Davis: "But I would suggest to you then, if it does, it might include that? It could include costs of lost time."

Greiman: "Might. Well, what it is is a..."

Davis: "Well, I'm just ask..."

Greiman: "It was a question and I'll answer the question."

Davis: "Alright."

Greiman: "It could include whatever it is that might be indeed frivolous. It could include the reasonable cost that would stem from that. If, in fact, a plaintiff came forward with a petition for punitive damages that was off the wall, and had no basis in fact and no basis in law, I think the Court could indeed assess that party."

Davis: "Costs of lost time, in other words."

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Greiman: "Absolutely. Absolutely."

Davis: "Could include it. Why do you say, 'Shall'... why do you say, 'Shall impose upon the person' and then say, 'Which may include'? Why wouldn't it say it shall include? I'm just curious."

Greiman: "Well, we're leaving... that's... we're leaving it to the discretion of the court to decide what goes in there."

Davis: "Okay. Second question..."

Greiman: "It might include other things. We don't want to... You wouldn't want to limit the things that it includes."

Davis: "Sir... Sir, that's fine. I understand your answer. The second question, Mr. Greiman, why... why... I can understand hazardous and environmental issues being exempted from the doctrine of several liability, the very modified and very modest proposal you have in here. Why are the doctors different than the hospitals? Why... Why are they treated differently? Why is this exemption in here?"

Greiman: "First place, I want to make clear the hospitals are not totally treated differently. If there is an injury in a hospital, the hospital may use... may avail itself of joint and several liability. If you slip on the floor in a hospital, if you get into an accident because there is an unmaintained area in a hospital, the... that hospital is able to use joint and several... the threshold for joint and several liability to limit its liability. What we have said is, that last year we dealt with healing arts and with the liability of healing arts. The Supreme Court of Illinois has suggested that that is a separate classification. We thought it would be inappropriate to interfere in what we did last year and to see how it's working. We cannot... part of it is predictability, Mr. Davis, and if we change the law on them every year, then we

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would destroy the essence of predictability."

Davis: "Well, I don't quite understand your argument, but it is true, nevertheless that in a law suit of medical malpractice where a doctor was exposed for two million dollars and was 95 percent at fault and a hospital was exposed for five percent of the fault, but the award was \$20,000,000, the hospital, as a deep pocket, could then be paying an extra \$18,000,000 and then passing that on to its customers and raising the cost of health care. Is that not true?"

Greiman: "And the converse is also true, that a... that a mildly negligent doctor is jointly and severally liable in the case along with that hospital."

Davis: "That's right. That's right."

Greiman: "So that the doctor, where the hospital might have huge liability, the doctor is liable jointly and severally. So..."

Davis: "I understand that, but..."

Greiman: "What we did... the public policy determination was that we ought not to touch this area."

Davis: "Well, that was not a public policy decision, I don't think, but I'll accept your argument that it was... legitimate. Now, I'd like to turn your attention back to the local government section that you say was agreed to. I'd like to discuss with you the Tort Immunity Act and the purposes of the language that appears on pages 16 through 20 in Section, I believe, it's 9-104, and I'd like to ask you a couple of questions about that. And I think, Mr. Speaker, this is going to be an interesting discussion that I think everyone should hear. Thank you. Can you tell me what the purpose and effect of the bonding referendum... or the bonding procedure is, the general obligation revenue bonds procedure in that Section?"

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Greiman: "The purpose of it... and it was put in, by the way, at the express request of local governments. It is... It is the piece that local governments wanted in here, so without it in there, local governments would have been very unhappy and would not have signed off on these... on these issues, so that you understand that."

Davis: "What's the purpose? What's the purpose?"

Greiman: "The purpose of it is to provide a mechanism to raise funds to pay the expenses of... of judgments."

Davis: "Well, does it authorize the issue of GO and revenue bonds to create reserves to meet future possible tort judgments? Is that correct? Yes or no. Is that correct?"

Greiman: "Yes, that's right. You could."

Davis: "Well, does the indebtedness incurred of the issuance of those bonds, with or without other indebtedness, is it subject to any statutorily or constitutional limitation?"

Greiman: "This is the existing law, so there are no changes in it..."

Davis: "Well, but it is not the existing law, Sir."

Greiman: "If that's the case, there are no changes in that area, so that's the existing law."

Davis: "Well, alright, Sir. I understand what you... what you are trying to tell me, but is it not true that the existing law only refers to tort judgments that have been made against the municipalities so that those tax immunity provisions that allow taxation without referendum can kick in the current law to pay that immunity. However, you are now creating a reserve bond mechanism without statutory obligation... I mean without statutory limitation or rough constitutional limitation that prospectively can raise revenues for future potential tort immunities. Is that true?"

Greiman: "But it could only be used for this purpose. It cannot

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be used for other purposes. Now..."

Davis: "Well, I understand that, but it... but that is true, is that not? Yes or no. Would your Amendment apply the..."

Greiman: "Yes, I think it makes... it makes self-insurance for municipalities a more viable alternative if they are allowed to do just that. Now, remember, insurance... Insurance requires..."

Davis: "Well, I understand what... I understand what you are trying to do."

Greiman: "... some reserves and, indeed, they have to have the funds available to do those reserves. So, it is for the express benefit and at the express request and behest of those municipalities."

Davis: "That... That language, Mr. Greiman, refers to local taxing entities. Does that mean the Chicago Park District, for instance, would be involved? Could they do that? Chicago Park District? Would it apply to the DuPage Water Commission?"

Greiman: "You're an expert in the park district law. I am not. I don't know."

Davis: "No, I'm not. I voted against that piece of legislation."

Greiman: "And I don't know if it would apply to the DuPage Airport either. I have no idea."

Davis: "Would it apply to road districts and park districts?"

Greiman: "I believe... more than likely it would."

Davis: "Would it apply to the RTA or the CTA?"

Greiman: "No, that's right. No, it wouldn't. The RTA and the CTA's authority comes only from their specific Acts, Mr. Davis."

Davis: "There is no provision in your Amendment requiring a referendum prior to the issuance of these future prospective bonds, is there?"

Greiman: "No."

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Davis: "So, there won't be a vote by anybody on whether you should issue bonds for the future. Is that correct?"

Greiman: "There isn't... There isn't now, Mr. Davis. There isn't now."

Davis: "Yes, yes, but that's to pay a judgment that was made yesterday, to pay it tomorrow. You are not talking about building reserves into the future, are you not, Sir?"

Greiman: "If you are going to allow... If you are going to allow communities to be self-insured, you are going to have to provide them with some of the tools to reasonably self-insure, one of which... one of which is a reserve."

Davis: "What, if any, actuarial or standards are set out in that Amendment before the local officials can decide how many bonds, how much to issue and whatever for these so called reserves?"

Greiman: "We have heard so often from local people that they ask for local control and for the ability to exercise their judgment. They are the local officials and so we leave that in local control. If you believe... in local control, you should be for this."

Davis: "So, the village board or the park district board decides how many bonds without limitation that they can pledge their tax revenues, property tax or other tax sources to, is that correct? That's local control you're saying, is that right? What happened..."

Greiman: "That would be local control, but there is an election process, Mr. Davis."

Davis: "I understand the ballot box. What happens to the... What happens to the proceeds of the bonds that they would sell for this prospective reserve that they are not going to need unless they get in trouble. What happens to the proceeds?"

Greiman: "They could keep it in reserve. They could transfer to

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a pool. They could decide, based on what they have..."

Davis: "They could what, Sir? I didn't... I'm sorry. I didn't hear you."

Greiman: "Keep it in the reserves. They could transfer it to a pool. They could... obviously, they would look at it and say to themselves, 'We don't need any further money here.' That would be what they would do."

Davis: "Does the money state how the interest or investment income, if they decide to invest that income can be spent or used?"

Greiman: "I think it does not."

Davis: "Well, in that case, it can't be invested and since there is purportedly to be tax exempt bonds, at least for the moment, prospectively, they could sell tax exempt bonds, general obligation bonds with a property tax backing those bonds for 40 years, property tax levy backing those bonds for 40 years, sell seven percent bonds at current market, invest them at ten, take three percent interest and by, as I read the statute, and by declaring a surplus, transfer the surplus or the arbitrage, as the bankers call it, the earned income from those into the corporate fund, thereby funding the police or fire department. Is that local control? And all this without referendum from the taxpayers? Is that true? With an unlimited amount, an unlimited amount of taxation, an unlimited amount of bonding authority?"

Greiman: "I'm advised that there might be a violation if they did that..."

Davis: "What violation?"

Greiman: "Of federal law that would make the bonds... it would lose their exempt status, if they did that, because you would be doing an arbitrage of municipal bonds, which is a no-no."

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Davis: "Then why does the... Then why does the Bill say that they can do that?"

Greiman: "Doesn't say that."

Davis: "It does. It says they can declare a surplus and divert the proceeds of the bonds into the corporate fund or to any other use that they want."

Greiman: "Well, it says they can do it for a corporate... any other corporate purpose. It doesn't say they can do it to... to be speculators in the bond market, Mr. Davis."

Davis: "Well, I'm not suggesting that. I'm suggesting..."

Greiman: "What Section... wait, wait, excuse me. Are you on 16, page 16, so we know where you are?"

Davis: "I'm at... well, 16 through 20. You can find it. It's there."

Greiman: "Well, no, no, no, no, no, no. Those are different Sections, so let's talk about specific Sections."

Davis: "I'm telling you some..."

Greiman: "Are you looking at 16 or 17? What are we looking at now? We gotta get a little specific now."

Davis: "You want to get specific. Yeah, I know. Funds raised pursuant... lines 19 through 24 on page 17. What does that mean, Mr. Greiman?"

Greiman: "What is that?"

Davis: "Does that mean they can use the funds for whatever they want to use them for? Is this a revenue enhancement without referendum? Is that what this is?"

Greiman: "Oh, you're mixing up tax levies and bonds. You have to... you have to talk one subject. You can't mix apples and oranges."

Davis: "I am. I am. This refers back to the other... I'm not. That's exactly what it says. You know it and I know it."

Greiman: "Let's talk taxes or let's talk bonds."

Davis: "Let me ask you a question. The RTA can issue bonds. The

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Public Water Commission in DuPage can issue bonds. They are appointed authorities. Are you telling me they could issue prospective revenue bonds or GO bonds backed up by some tax that they now have? In the case of DuPage, a sales tax. In the case of the RTA, a sales tax?"

Greiman: "They would be guided by their particular statute. I don't know if they are..."

Davis: "But they could do that and they are appointed..."

Greiman: "I don't know if their authorizing statute provides that, then they could. If their authorizing statute does not provide it, then they could not."

Davis: "But they are local entities under the definition of your Act, Sir... school districts."

Greiman: "Well, I don't want to argue with you. If you want to ask me a question, I'll answer it."

Davis: "I did. Alright. I think I have established the argument I was trying to make. Mr. Speaker, to the Bill. Let me tell you something. A former speaker said... Mr. Speaker, a former speaker on your side of the aisle said you should know a good Bill by its enemies. If both sides are opposed to it, it must be good. I will just tell you this - that that's far from the truth in this case. Yes, both sides are unhappy, but I had a trial lawyer tell me today that he would probably vote 'no' on this because it was bad for him. I've had the business community tell me no one signed off on this Bill in the business community and local government has not signed off on this Bill and no one else that was on the other side of the issue from the trial lawyers has signed off on this Bill and the reason is, very simple. All this Bill does is screw up the civil justice system for the trial lawyers. It screws it up for the business community and for the ICIC, if you will. It doesn't do anything to solve the problem, which still

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exists, because availability will not... will not come back to the market place. A speaker spoke of that 'murky bunker' in London where Lloyds of London is. That 'murky bunker' lays off all of the bets of the insurance companies in this country. That's part of the problem. They absolutely will not take this piece of nothing legislation that nobody is happy with and come back into the market. And if they don't, what few insurance companies are left in Illinois ready to do business with dwindling reserves and smaller, smaller ability without laying those bets off overseas, will simply move to the states like Michigan that have adopted caps... or California. We were never allowed to talk about caps. Always off the table. And we were told joint and several has been solved, but nobody is happy with that. This Bill does nothing for anybody except screw up the system, will not solve the problem and contains... contains, curiously, an exemption for doctors to stick it to the hospitals and curiously contains major tax provisions for local governments, 6,500 taxing districts with appointed and elected boards in this state... appointed boards too who can raise unlimited amount of bonds forever, pay for them with a corporate tax levy on property, property taxes or sales taxes and then take the proceeds of the interest earned and put it in their corporate funds, or as the language says, 'declare them surplus' and use them for whatever they want. Now, if there's one reason alone to vote against this, it's because of the tax without referendum provision, but I can tell you, nobody is going to be happy with this vote. This is the best 'no' vote you'll ever see in your life. At least a Second Conference Committee Report could come back and remove the most onerous provision, the tax without referendum but... and then you would have a Bill that

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doesn't do anything and screws up the civil justice system for all parties without solving it, but at least you wouldn't have a vote facing you in November where you voted to raise taxes in every park district, school district, RTA, CTA, all across the State of Illinois. This is only a 'no' vote. That's all it can be."

Speaker Madigan: "Mr. Ronan."

Ronan: "Thank you, Mr. Speaker. Will the Sponsor yield for a few questions? We've got some legislative intent we want to establish, Representative Greiman."

Speaker Madigan: "Sponsor indicates he will yield."

Ronan: "Okay, first, I've had some physicians who have had some interest in this legislation. Last year, we passed the Medical Malpractice Reform Act of 1985, which made statutory changes with respect to collateral source reductions and the abolition of punitive damages. Am I correct in my belief that the Sections in Senate Bill 1200, which we are considering now, and which deal with those two subjects, do not affect last year's legislation, since that legislation amended other Sections of the Code of Civil Procedure on these two points?"

Greiman: "That's correct."

Ronan: "Thank you, Representative Greiman. I agree. Let's have some other questions. On page 134 of the Conference Committee Report appears Article 25, entitled 'Insurance Cost Containment'. Is the purpose of this Article to allow the Director of Insurance of Illinois to gather insurance cost data from property and casualty insurance companies through the creation of a mandated uniform system for collection, analysis and distribution of that data?"

Greiman: "That's correct."

Ronan: "Thank you, Representative Greiman. Is it your intent to allow the Director of Insurance to gather data from

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insurance agents for agencies or other lines of insurance, such as life and health."

Greiman: "No."

Ronan: "Thank you, Representative Greiman. The Director of Insurance then is restricted to gathering data from property and casualty insurance companies and must come back to the General Assembly before he or she can require agents or insurers writing other lines to submit data to the Department of Insurance. Is that correct?"

Greiman: "That's correct."

Ronan: "Excellent, Representative Greiman. Finally, in your opinion, under this Bill, could governmental entities issue bonds to finance an insurance claims reserve fund?"

Greiman: "Yes."

Ronan: "A pool?"

Greiman: "As well they... As well they could probably raise it now. They could issue bonds to pay now. That's what they do."

Ronan: "Excellent. A pool?"

Greiman: "Yes."

Ronan: "And a reciprocal?"

Greiman: "Yes, a reciprocal insurance, yes."

Ronan: "That's some fine legislation you've got there, Representative Greiman. Thank you very much."

Speaker Madigan: "Mr. Friedrich."

Friedrich: "Mr. Speaker and Members of the House, I'm tired. I was here until 3:00 this morning and I am sad because we went for weeks and did nothing around here. One week, we had no Session. Many weeks we had one and two days. We never did get around and here it is six hours til midnight on June the 30th, we're having the first opportunity to talk about the most important issue in the State of Illinois. This issue affected the professions, the

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engineers, the doctors, and the accountants. It's certainly affected the little business people, the guy with the small bowling alley, the auto repair shop and the home builder. It affected big business and I don't have any stock in big business, but big business also means jobs for little people. It affected a lot of other people. It got to the place around here where you were... you are not even safe to be on the Salvation Army Board because you can be sued when you are trying to do your civic duty, trying to help people and we got to the place where people were ducking those jobs because they did not want to take the chance. I'll tell you that insurance is a contractual thing. I don't care what you do. If an insurance company can't come in and make a profit or break even, they are not going to be here and they can move out and you can be left and a lot of insurance companies moved out. And it wasn't only a matter of price. It was a matter you couldn't find a market anywhere and I know a little bit about it because I'm involved in a little insurance agency. Frankly, we were struggling around trying to find coverage from some of our people and in some cases we couldn't and in some... and in the cases where we did, I was absolutely hurt because some of their premiums went from \$7000 to \$25,000 in similar arrangement. But I'm sad also because the Constitution of the State of Illinois, Mr. Speaker, which you and I helped draft, envisioned government of the people, by the people and for the people, an open process where not only the elected officials, elected Members of the Legislature, but the people themselves had a right to have input on to what went into lawmaking. The rules, Mr. Speaker, which you helped... which you literally drew or at least approved, certainly envisioned the right of the people to take part in the process, through the Committee

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process, to be heard. And it opened... It envisioned open meetings and access and participation by everyone who wanted to participate because this is government by the people. The Senate followed the Constitution. The Senate followed the rules. They did have open hearings on this measure and they came out with some Bills and sent them to the House. The House, unfortunately, and it saddens me, Mr. Speaker, that you would participate in this because you have extreme power as Speaker of the House, but for some reason, and I'll never be able to figure it out, why you were unwilling, why you were afraid to let these Bills be heard in open Committees, like they did in the Senate, so the people could come in, the little people, the manufacturers, the professional people and so on, and have their right to be heard in open public sessions and where the Minority Party in this state and in this House could be heard. That didn't happen and that saddens me because here it is six hours til midnight on June the 30th and for the first time, we have a chance to even discuss this in public. There is some good in this report, but it does not solve the problem. I can assure you that. I don't know what would have come out of those Committees, Mr. Speaker, if you'd allowed the Bills from the Senate or the Bills that were introduced in the House to have a full hearing. I don't know about that and I don't know what would have come out of those reports. I do know and I think that the Sponsor of this Bill, who is the architect of this Conference Committee Report, would tell you that half of this was drafted before the Bills even got over here. He's been working on this in my... according to my understanding, during the whole Session. This Committee Report was being drafted by one person and now we have it here. We have it here. We have 118 Members in this House

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and why, why the other 117 who represent 95,000 people should be deprived of their input into this process is more than I know. I am saddened, Mr. Speaker, because you have allowed this to happen."

Speaker Madigan: "Mr. Levin."

Levin: "Before I begin my remarks, because of the presence of Article 20 of this Bill, I have filed a letter with the Clerk indicating my 'of counsel' relationship with a law firm that represents condominium associations. I would ask to have my remarks on this journalized in the record. Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of this Conference Committee Report. We have a crisis and what the businesses, the social service agencies, the municipalities, the little guy and the big guy are looking for is not political rhetoric. They are looking for some solutions. They are looking to find out if they can get insurance and if they can get it at a reasonable rate. We have a crisis in terms of availability which has meant many people can't get insurance. Many people are having to pay exorbitant rates. Unfortunately, this is not a crisis shared by the insurance industry. For the first quarter of this year, the insurance companies in this country made outrageous profits. Give you a couple of illustrations. Aetna experienced a net... a net income increase of 348 percent. Kempner, 210 percent. These exorbitant profits were made on the backs of the businesses and the consumers of this state who have seen up to 1600 percent increases. But we were told, in the course of the task force hearings, that we could pass all of the ICIC reforms and it would have absolutely no effect on the availability of insurance and on the rates. And if we did nothing, by the end of the year, the situation would begin to improve and by next year things would begin to go back

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to the very competitive situations we have seen in the past. This package, however, does make some significant changes to answer the question of availability and affordability of insurance which is what the bottom line ought to be. The package deals with the issue of red lining, which is a problem particularly in the City of Chicago, by extending the anti-red lining provisions to all lines of insurance, not just personal lines. It provides for increased notice requirements prior to nonrenewal. It provides an aggressive cost containment program to begin to look at rates in this state and see whether or not they make sense. It deals with loss informations that people need if they are terminated and need to go to other insurance companies for coverage. And it deals with the question of termination of lines of insurance. So, there's a lot of good things in here that are going to make a difference to the consumer of insurance. But we also were told that maybe tort reform would not have any effect, the ICIC package, but there is a need to change the perception in this state by the insurance industry in terms of the court system. And what is in this Bill is almost everything that ICIC asked for. Let's go down the list. Joint and several liability. No, it's not exactly 100 percent of what ICIC asked for, but it's very significant in terms of the changes that are made, particularly to the individuals, the small guy, who is going to be cut off to a certain extent, in terms of his ability to sue. Comparative negligence makes significant changes, another major part of the ICIC package. Punitive damages. We deal with that extensively in this legislation. Product liability. That's been added to this package as well. Collateral source. That's in here too, and that was tightened up this morning in the Conference Committee at

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the suggestion of President Rock in response to a specific suggestion from the Chamber of Commerce. Frivolous law suits. That's dealt with here as well. Directors and officers liability coverage for not-for-profits. That's dealt with here too. So, what we have, if you look at the ICIC agenda, is virtually every aspect of that agenda has been addressed by this legislation. Is that going to change the perception of the insurance industry of Illinois? I think the answer is yes. This morning, we heard from the Chief Counsel... Acting Counsel to the Illinois Manufacturers' Association, Richard Hoffman, who admitted that this package takes significant actions that will affect availability and affordability of insurance. He didn't think it went far enough, but he admitted there are some very modest reforms in here that will have an effect. He would like to go farther, but it's a significant admission on his part. I think we can vote for this. It's... and go back to the people in the district and say it is a balance. If I had written it, I would have written it a little differently. I would not have taken away quite as many of the rights to sue of individuals. I would have regulated insurance companies a lot more than this Bill does, but the bottom line question is the people want... back in the districts, they don't want political rhetoric. They don't want to know about this meeting or that meeting, who was involved, who wasn't involved, and by the way, virtually every group was represented in this process. I think it was a good process. They want to know have we done something to find some solutions, to bring them some relief. And I think the answer is clearly, yes, and so I would suggest we've got something which is balanced here and we can, I think, vote for it in good conscience. It's not going to solve every problem, but I

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see... but we were told last spring by the insurance companies that we are not going to solve every problem, but that even if we don't do anything, things will get better anyway. This will have a significant effect. I think we can take it back to our districts and so, I would accordingly urge an affirmative vote on this First Conference Committee Report. Thank you."

Speaker Madigan: "Representative Parcells."

Parcells: "Thank you, Mr. Speaker. Members of the House, I rise in opposition to this Bill. This Bill is worse than doing nothing for one very good reason and that appears on page 17, lines 7 through 24, to which Representative Davis referred. If you read nothing else in this Bill, please read this Section to see what a royal ripoff your taxpayers will be subject to when all 6,500 taxing bodies in the State of Illinois are unleashed and permitted to issue, without referendum, unlimited general obligation or revenue bonds, not just for judgments, but to cover everything from legal services and salaries to operating and administrative costs. And guess what? They can earn interest on these bonds and use it for any government purpose they decide on. And I repeat, all of this without referendum. Now, our local taxing bodies will become mini insurance companies or they can pool and they can become big insurance companies and all without the scrutiny or any regulation from the Department of Insurance, who watches over all of the other insurance companies in this state with a very careful eye and very strict regulations. Furthermore, our local taxing bodies will be mini Merrill Lynchs. They will be dabbling in arbitrage. I think our schools need to teach our children, not take on the complicated business of risk management about which they know little or the complicated field of investment in arbitrage in which many a

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professional investor has lost his shirt. You all know that the business community, large and small businesses, the Hospital Association, the Taxpayers' Federation, local governments, the Municipal League, they are all firmly united against this Bill because they don't think it is meaningful tort reform and I agree. But the people you will be selling down the river and will be deeply hurt by this Bill are the taxpayers of Illinois, the little guy who will not thank you for opening the flood gates to enormous new taxes they will have to pay in this deceptive way, all in the name of supposed tort reform. Your constituents will live with the payoffs of these bonds long after the insurance crisis is over. I urge your "no" vote for the hardworking tax paying residents of Illinois."

Speaker Madigan: "Mr. Steczo."

Steczko: "Thank you, Mr... Thank you, Mr. Speaker, Members of the House. Regarding the local government bonding and self-insurance pools, I would like to clarify the record in that regard. In Senate Bill 1200, the provisions of the Tort Immunity Act do not currently require a referendum. This Conference Committee Report merely clarifies this provision and provides further clarification that bonds issued for tort judgments may be general obligation bonds or revenue bonds. Local public entities are further allowed to enter joint self-insurance and joint bonding programs which would obviously allow for the creation of a much larger bond proceed reserve pool, which would gain a much higher interest rate return than would a single public entity reserve pool. Current law already allows unlimited taxing power to create a tort judgment reserve pool to pay judgments when incurred or in installments and to pay... or into bond to pay judgments."

Speaker Madigan: "Representative Pedersen."

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Pederson: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I, too, oppose passage of this Conference Report. Debate by House Members was stifled. All Bills were killed in Rules Committee. Now, I'm a Member of the Insurance Committee. I don't think we even met this year. We had several hearings which for practical purposes were pretty meaningless. Others have or will address other features of this report. It's very complex. I would like to address collateral source provision. It should be a basic rule that an injured party be fully reimbursed for all loss from a fault accident, but they shouldn't make money. If there are other sources of payment, they should be deducted. Subrogation should be followed so insurance premiums are kept as low as possible. This collateral source rule applies to past medical bills only, not future medical bills that will be covered by insurance or a salary that was and will be continued by insurance or an employer. In addition, 25,000 for the vast majority of accidents is a high threshold. Not for the serious claims, of course, but it is for the usual routine accident. This threshold makes the collateral source provision meaningless in most accidents. Also, while not-for-profit officer... immunity has appeal, the small business community has become very concerned about commercial competition from not-for-profit. I have a report here from the Small Business Association that addresses their concerns. They are already at a disadvantage and now their competition has further immunities that they don't have, which brings us to the vast group, the Illinois Coalition, who have been clamouring for tort reform. They provide the jobs. Many other states are offering significant tort reform. California passed a referendum. Half a job here in Illinois worsens our situation, a situation of economic

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stagnation. The Coalition has not signed off. They are not happy. Even local government, which has received much attention in this report still has major areas of exposure. Let's remember the importance of these interests to Illinois and vote 'no' on this report. Come back with something more significant. Our constituents insist on it. We'll have to face them this fall. They want reform and I urge a 'no' vote on this report."

Speaker Madigan: "Representative Homer."

Homer: "Thank you, Mr. Speaker and Ladies and Gentlemen. I have never championed Senate Bill 1200, but I do think it's important that we not be voting with some of the misconceptions that I feel have been raised here today by some of the comments that have been made with respect to the taxation without referendum issue. And Representative Davis and Representative Parcels brought out that by passing this Bill, somehow we were giving to local government the right to... to issue bonds, general obligation bonds, without referendum. The... What you weren't told, perhaps because the speakers were not fully conversant what the provisions are, that under existing law, local units of government have the right to self-insure and if that local unit of government is hit with a law suit, incurs a judgment, that unit of government may sell bonds without referendum, in order to pay the judgment. So that this Conference Report only modifies current law to the extent to allow that unit of local government to issue bonds, also without referendum, in order to form a self-insurance pool through an intergovernmental agreement with other units of government. So that all that we are really doing is allowing units of local government, if they so choose, to develop reserves in order to enable them to enter into risk sharing pools with

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other units of local government. There is no requirement that they do that, but I think it certainly gives them some added flexibility to deal with a very serious problem dealing with how to deal with judgments against municipalities who are having a difficult time paying their insurance premiums. It certainly does not create any new reasonable risks that taxpayers across this state are going to be hit by their units of local government for property tax increases, and in fact, it really is designed to minimize that risk by allowing them to pool the risk with other municipalities. Let me just say that a number of Legislators, just like the interest groups, are not happy with the provisions of Senate Bill 1200, and all... all of the speakers really have legitimate concerns, just as the interest groups do. The business community, very rightfully, is concerned about the troubled situations that they face with... with respect to the inability to get affordable, available commercial liability insurance, as do the units of local government and this is a very onerous, difficult burden, one that all of us are concerned about. On the other side of the coin are the consumer groups and the lawyers, who, very rightfully, are concerned about the poor, unfortunate victims who would be denied right to access to the courts to redress legitimate grievances as the result of negligence actions by defendants. All of them are right and what I think the report is attempting to do, whether you and I like each and every element, and that would be impossible, is to strike a balance between those legitimate competing interests. Now, some of the Members here, who have spoken out, would like this vote on this Conference Committee Report to be a vote on the legislative process through which it has come before us. I think it's ironical in that regard that those same speakers are the

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ones who would do a frontal assault on the jury system that has long been the hallmark of the tort system in this country, founded on hundreds of years of common law, dating back before this country was even formed. And so, I think that we ought to use some restraint in our debate and not... and not consider... concern ourselves with our vote on Senate Bill 1200 with the legislative process, but rather do the responsible thing and look at this Bill to determine whether, in fact, it is a reasonable attempt to resolve the differences of the parties of interest, the legitimate interests, and to strike some type of a proper balance. Now, to say, as some speakers have, that this is nothing but a sham and that it will do nothing to afford relief to defendants or to insurance companies who insure defendants simply either have not read the report or do not wish to consider the contents of the report. Certainly the doctrine of joint and several liability, which has become the main focus of the arguments, is not being abolished in 1200, but neither is it being maintained in its current form. There is a substantial modification of current law by establishing a 25 percent threshold to say that any defendant less than 25 percent responsible and less than one-fourth of the responsibility will be afforded substantial protection with regard to nonmedical losses. Nonmedical losses always constitute the majority of a judgment and usually are three to four to five times the medical award. So that there is very, very substantial relief afforded to the minimally at fault defendant and the one about which we have heard so much in terms of the worst case scenarios. With regard to comparative negligence, I don't know how anyone can say that there is not substantial movement. Prior to 1981, we, in this state, through the common law system, had contributory negligence so that

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there was a complete bar to any plaintiff for any degree of liability. In 1981, the Courts, without legislative action, decided to go completely on the other side of the spectrum to pure comparative negligence, which says that all plaintiffs, regardless of the amount of their negligence, shall be allowed some recovery, so long as there is also some negligent defendant. This strikes a reasonable compromise at 50 percent level. There are provisions in here with regard to punitive damages, limitations on the filing of those claims. There is substantial compromise on collateral source, certainly not to the satisfaction of all, and there is an effort here to bar frivolous law suits by being very stern in imposing strong financial sanctions against either party, whether it be plaintiff or defendant, for frivolous pleadings that are not born out by the factual allegations. So, I don't know if this is the ultimate answer or whether this is going to do the job. The Minority Leader pointed to California where he said that they had abolished the doctrine of joint and several, I believe, and if he did not say that, then I am sorry for any misquote, but some Member over there certainly did. California did not do that and Califor... California made a distinction on the basis of economic and noneconomic loss and did nothing whatsoever, contrary to an allegation made on the other side about setting caps on noneconomic loss. There was nothing done in California on that and there was nothing done in California with respect to collateral source. They didn't even address that issue in their Proposition 51 in California. It was not in there at all. So, it would be wrong to point to California if that's going to be our model state, and point to what they have done and be critical of 1200. 1200 goes farther in many, many respects than what was done in California. So,

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I would just... I would just say that I'm not here to cheerlead for 1200, but in the end, my vote is going to be made on the basis of whether the passage of 1200 will make the business community of this state more viable and in a better climate than it would be without the passage of Senate Bill 1200 and if there are those of you there who wish this vote to be something more than that, then good luck to you when you go back and talk to the businesses, the counties, the townships and the cities that have been crying out to us for help. Now, maybe you don't like the procedure, but the only question that is going to be in my mind when I cast my vote is whether, in fact, 1200 does provide substantial relief to those parties and at the same time protect the interests of the unfortunate victims who have suffered legitimate grievances at the hands of negligent defendants. And so, I would simply say that... that a 'yes' vote, I believe, is the only responsible vote that we can make today. Thank you."

Speaker Madigan: "Mr. Parke."

Parke: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I have been a Member of this General Assembly for almost a year and a half now and every legislative piece that we have addressed has been a compromise. Unfortunately, this Bill is not a compromise. It's a take it or leave it piece of legislation and I am encouraging you to leave it. As you look over Senate Bill 1200, the major components of this Bill do not address the availability of insurance, nor does it address the affordability of insurance. I'm afraid that next year we will have to come back and address this issue all over again. You know, insurance companies need to have the ability to predict. Predictability is the key, they say, for the future. We need to give them the ability to

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is a smoke screen. Senate Bill 1200 does not help the small business person. You know that small ma and pop business that we talked about? Well, I have to... hate to tell you, but they have already folded because they couldn't afford the premiums. You know, a lot of times my fellow Legislators, who happen to be trial lawyers, seem to take this victims' issue and say that they represent the victims. Well, I've got news for you. There is other victims to this legislation. That's the business people that had to close their doors and they had to let their employees go. Those are the real victims, the people that had pride, that had meaningful jobs that no longer have those jobs because we have not done anything. And Speaker Madigan has given no direction on this other than to stymie it. Ladies and Gentlemen, the people of Illinois cannot continue to support the illusions that this kind of legislation gives out. I ask, Ladies and Gentlemen of this Assembly, for you to vote 'no' on Senate Bill 1200."

Speaker Madigan: "Mr. Terzich."

Terzich: "I'm ready. I'm ready. Mr. Speaker, before we die from old age, I'd like to move the previous question. I mean... so I... I have to go out and buy some insurance, so I'd like to move the previous question."

Speaker Madigan: "Mr. Terzich and Mr. Vinson. We can hear you, Mr. Vinson. There's no need for your face to get so red. There are three more people seeking recognition, so if you could please withdraw the Motion. Thank you. Representative Regan. Mr. Regan."

Regan: "Mr. Speaker, thank you very much and Members of the House. This is the first time this year that I have been allowed to take a little time on a debate that I am quite concerned about. I was on the task force, traveled all around the state and since then, got no input whatsoever

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determine risk. The Courts need us to pass meaningful tort legislation to give them new direction. This Bill does not solve the major liability problems, the keys of joint and several liability are simply weakly addressed in this Bill. Collateral source is weakly addressed in this Bill. And on top of that, two areas that we should have as a kingpin of meaningful tort legislation have not even been allowed to be heard. The Scaffolding Act, which is the only state in the Union that we have a Scaffolding Act, is still not even on the table. Products liability has not been addressed. It's been... We have been told they cannot even talk about it. If we are able to address issues like these, we will see a meaningful lowering of insurance premiums. If we look at the business community, business organizations as the Illinois Manufacturers Association, the Illinois Chamber, the Illinois Retail Merchants Association, the construction industry, the Illinois Hospital Association, just to name a few, and the members of the Illinois Coalition on the Insurance Crisis, 130 businesses, park districts, municipalities and service organizations are against this legislation, firmly against this Bill. Now, Ladies and Gentlemen, I know most of us are sitting down right now wishing this would go away. Get it off my back. Give me something that I can vote on and take back to my districts. Well, I hate to tell you. If you think you can vote for this Bill and be able to take this vote back to your districts and have some kind of an understanding with the business community, the communities that... the organizations that are involved in the ICIC, you're mistaken. They have assured me that they are going to notify all those businesses and organizations in your legislative district that you voted for a watered-down Bill that accomplished nothing. This Bill is an illusion. It

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into this matter until this minute. I wonder if the Speaker would yield for a question, please... or the Sponsor, excuse me."

Speaker Madigan: "The Sponsor will yield. Mr. Greiman."

Regan: "Representative, I am curious because joint and several liability seems to be the hedge, seems to be the hub, seems to be the cause of most of the problems involving the deep pocket. Could you explain to me, please, under the new Bill, the answer to this scenario? A drunk driver going a hundred miles an hour goes through a stop sign and he hits a truck. He hits a truck and knocks a wheel off and it hits an old guy digging in a garbage can and it disables him for life. The medical bills are anticipated to be \$250,000 and the others are about \$250,000 in the other part of the law suit. Can you explain to me how this Bill works now that it's brand new and wonderful?"

Greiman: "Sure, the guy who was driving a hundred miles an hour pays it all. The other guy pays nothing."

Regan: "The guy driving a hundred miles an hour finds out he doesn't have any insurance."

Greiman: "He still pays... Well, he can't pay if he doesn't have any, but nobody else pays anything. You see, Mr. Regan, that other defendant, that other person must be liable. He must be negligent, not just a resident of the county, not just coming from outer space. He has to be the proximate cause of the injury and as a matter of fact, there is no jury under your scenario that would find him liable at all and no jury would certainly find him more than 25 percent. Thanks for the question."

Regan: "Representative Greiman, as an excellent trial lawyer yourself, I'm sure, what would you plead in that case?"

Greiman: "I'm a real estate lawyer, believe it or not, divorce in case you want my address. What?"

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Regan: "Alright, what would a good trial lawyer plead? It was a truck tire that hit him. A truck tire hit this person."

Greiman: "So what? Mr..."

Regan: "Do you mean to tell me a trial lawyer would not..."

Speaker Madigan: "Gentleman. Gentleman. Mr. Regan and Mr. Greiman, let's conduct this in an orderly fashion and move to closure on the issue. Mr. Regan. Mr. Regan."

Regan: "Would you believe that a trial lawyer doing his job to protect this injured party wouldn't ask for ten percent negligence of the truck company?"

Greiman: "Well, I suppose if there was negligence. If that lawyer... He could ask for anything, but the matter of fact, he would have to prove negligence. He'd have to prove that it was installed improperly. He'd have to prove that the tire was defective, that there was some reason for it to, in fact, have injured the person. And it might, indeed, in fact be a frivolous law suit, so the lawyer who files it might, indeed, have some problems if it was, indeed, frivolous."

Regan: "Do you actually believe that that's true?"

Greiman: "And by the way... what?"

Regan: "You know, anybody going in front of a jury and here is a huge truck company certainly would have the ability to get ten percent from a jury."

Greiman: "Mr. Regan, you are absolutely wrong. You find... You may not know this because you listen to old wives' tales perhaps, but most of the juries or a better part of the juries in this country find the defendants not guilty, goose egg, zero, zipo."

Regan: "To the Bill."

Speaker Madigan: "Proceed, Mr. Regan."

Regan: "Disagree intensely. There has been case after case after case of this being proven, where the negligence can be only

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ten percent and they wind up paying the whole claim because the other party doesn't have any insurance or doesn't have any assets. It's the whole system of deep pocket approach. Any time you can find a pot hole, a fence in a park district too close to a street, a little bitty thing that the jury says, 'Oh, well, let's put the deep pocket in there because they are going to have to take care of this injured person.' It happens time and time again. A situation that I just laid out certainly would get ten percent negligence and you know what it would cost the truck company for this that was totally innocent? It would cost \$275,000 underneath this wonderful reform legislation. \$275,000 for driving down the street. Now, what have we got here? We've got a situation where we got a tremendous smoke screen here going. The Bill doesn't do the job. The availability of insurance won't come back. Lloyds of London won't come back with this Bill. There is a smoke screen out there and where this is smoke there is fire and the fire is at the feet of this Legislature. The fire is here. It's from 100 associations of businessmen. It's from the municipalities that don't even like this Bill. It's from all the businessmen in the Illinois area. They will be there. They will be telling the public that they don't like this Bill. If you think that you can go back and tell your public that you've done a heck of a job and you voted for tort reform, you are totally wrong. This Bill does not address the issue. It is one inch toward tort reform. We needed a mile and a half of tort reform to get them to pay attention to us. It all comes back to us. We wind up paying it in the taxes, inflation, insurance rates. The injured parties, they suffer as well. They only get 63 cents on the claimed dollars spent. The rest go to defense and trial attorneys. Something is wrong with

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the system that makes an innocent party pay simply because they can and the person that was injured only gets 37 percent of the claim. Something is wrong. We gotta fix the system. This Bill does not fix the system. Common sense, common sense is what you have to use. 'Common Sense' was a pamphlet, written by Thomas Payne in the Revolution. In fact, some people say that it was the core, the start, the catalyst, the firebrand that started the American people and got them the arms to fight the unfair treatment they were getting in England. Common sense could be applied to tort reform. Tort reform simply means... a tort law simply means if you do damage to someone, you cause them pain, you cause them injury, you must pay for that and I totally agree with that. We don't want to stop that from happening. That's why I'm not too crazy about caps. I think that's a good part of the Bill, that we have to pay people if they are injured. Hey, Bud, only if you are at fault. The problem with this Bill, it addressed the fact the same as it did before. Let's look for the deep pocket. Doesn't make any difference how much they are at fault, let's go get them. Now, we do have some help there because there is a 25 percent trigger, but still, medical bills have to be paid 100 percent if only you are one percent at fault. The rest of them fall into the one percent. Medical bills have to be paid 100 percent by the person that's not at fault or that maybe he's five percent at fault. We've got to take the situation in this end. Commonly sit down and say why should an innocent party pay for an injury that they didn't have much to do with. That's what the common sense issue is. That's what should be addressed in this Bill and it certainly is not addressed in the Bill. Had we had time to debate it, had we gone to Committee with it, that would have been addressed. That

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would have been brought up. There would have been compromises. There would have been something that would come with a little bit of substance other than this piece of junk. We need tort reform and we need it bad. We don't have it. What are we going to do? The best thing to do is vote 'no' on this issue. Send it back to Conference Committee. Address the issue with unrelentless taxes coming because of the bond issues. We definitely need a 'no' vote on this issue and in order to get the thing accomplished I'll do everything in my power to lobby against this weak piece of junk."

Speaker Madigan: "Mr. Huff."

Huff: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Mr. Speaker, I want you to know I particularly enjoyed the debate, but I especially marvel at your ability to keep a straight face in listening to all the phony, pious wailing from the other side of the aisle which, no doubt, contained the largest gaggle of hypocrites since Jesus Christ cleaned out the temples of Galilee. At the opening of the debate, we heard the pious mouthing of two particularly righteous Representatives who lamented the fact that they had no input. I want them to know that's nothing new in this House, Ladies and Gentlemen. I don't think there is anyone so naive to believe that if anyone from the other side of the aisle that was sitting in the place where the present Speaker is that it would be any different. I would only remind them that Senate Bill 1893 which contained the funding for the World's Fair and the infamous construction of McCormick Place brought forth no such outcry. Do you recall any, Mr. Speaker? And when the other side of the aisle, Mr. Speaker, if you recall, just last Session, Senate Bill 221, which contained the alleged utility rewrite legislation accepted only one

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Amendment and if you recall, that was a Republican Amendment, Ladies and Gentlemen, that did one salutary... no, I take that back, one salient thing and that was to remove the cap on excess capacity, forcing the rate payers to pay two billion dollars more to the rapacious Com-Ed, who, by the way, was the sponsor of the World's Fair. I'd like to conclude by commending Representative Alan Greiman, who had took a very complicated subject matter that in the beginning confused us all. How could it be we, in Chicago, who have endured 20 years of red lining ask ourselves how could the insurance company be in an insurance crisis, Mr. Speaker, when they haven't written a policy in my area in 20 years? And when the insurance company came to us and told us, 'We are in a crisis. We have spent 3.8 billion dollars out of our 380 billion dollar reserve. Let's take this to Mikey. Mikey will eat anything.' But fortunately, Ladies and Gentlemen and Mr. Speaker, we see that that's not going to be the case. We recoil in mock horror when we heard of the crisis and then we asked one salient question to the insurance company, 'Let us see your actuaries,' and then it was their turn, Ladies and Gentlemen to recoil in horror and I assure you, it wasn't mocked. What this Bill will do, Ladies and Gentlemen, for the first time, is to deal with red lining by making insurance available in those areas where it hasn't existed for years. What this... What this Bill will do is going to allow municipalities to provide competition because there has been no competition for years. And I just want to end by commending Representative Greiman for his perspicacity, for his stamina, for his attention to detail and particularly his zeal and his predisposition for the needs of the people. And I believe in this Bill, Senate Bill 1200, those needs are finally going to be served and God bless you,

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Representative Greiman. Thank you very much."

Speaker Madigan: "Representative Koehler."

Koehler: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. For well over a year now, the insurance crisis has been brewing here in Illinois. The costs and the availability of liability insurance has become a major factor in the cost of doing business here in our state. I know that the issue was certainly brought home to me when about a year ago I went home from the Legislative Session only to learn that the insurance agent had been in our small store in Henry, Illinois, and had said to us, 'Well, first of all, your policy has been cancelled and your liability insurance policy to replace the one that you had last year that cost you \$7,300 may very well cost you \$28,000 next year to replace it. The next week, I was on the way home from Legislative Session and I had a flat tire in front of Freight Trucking Company in Spring Bay, Illinois, and while they were gracious enough to change my tire, they also told me the story of how their insurance, their liability insurance had gone up 250 percent in just one year, over \$100,000. And then another painful story from central Illinois with regard to Tobler Trucking Company from Peru, Illinois. Tobler Trucking Company's liability insurance went from \$500,000 to \$1,500,000. They had to take bankruptcy because they could not afford that premium increase. I have been looking forward to an opportunity to help these small and large businesses with the availability of liability insurance and also with the cost of liability insurance, but unfortunately, Ladies and Gentlemen, this particular piece of legislation does very, very little to help them. There are no caps on anything in this Bill and there... the collateral source rules are still very objectionable. Unfortunately, this is a

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reflection upon the fact that apparently the Democrats believe that the answer to the insurance crisis in Illinois is to raise taxes and regulate insurance companies. I, for one, do not think that's the right answer. Thank you."

Speaker Madigan: "Mr. Churchill."

Churchill: "Thank you, Mr. Speaker. I rise in opposition. I agree with many of the points that have already been raised by people who have spoken before and I would like to add my comments as to three points upon which I feel this Bill should be opposed. The first is, of course, the process. I was chosen to be on the Subcommittee that handled the insurance crisis and I sat on most of the Committee hearings, traveled to places like Downers Grove and South Holland and Skokie on cold January nights to listen to testimony, only to come back here to Springfield and be a part of the process and to be excluded from the process. I don't think that was right. I think it was something that was an insult to the Members of the Committee who spent their time as a part of a dog and pony show only to come back here and to be excluded from the process. Once we reached Springfield, this Bill was completely controlled by the Speaker of this House. His attempt to control the issue precluded the rights of individual Members to represent their constituents. It terminated the rights of Members to debate and to fashion the outcome of this legislation. I disagree with an editorial that was in one of the city papers today that said, 'No one seems ready to challenge the Speaker about the process that was used in this legislation,' because I think that the record will clearly delineate that the Members of this side of the aisle have risen every time the issue was about ready to surface to challenge the Speaker actions. Secondly, this Bill does not address the issues that affect our business

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community. When I say business community, I do not refer to some cold, inhuman intangible. I refer to people. People banded together for economic pursuit. People whose lives, families and well-being depend on jobs for economic existence. People whose paychecks are directly affected by the cost and availability of insurance. A small community which is just outside of my district had a problem. That business that was in the community was a business whose insurance had gone up 1100 percent, 1100 percent. What does a small business do when its insurance goes up 1100 percent? How does the owner of that business survive? How does he sign paychecks? How do the people who work in that small business survive? What has this Bill done to help that small business community? Very little, I'm afraid. There is no reform of products liability laws. There is no elimination of the long tail of liability which follows business for generations. There is no assumption of risk. There is no repeal of the Scaffold Act, even though this is the only state in the Union to have such a law. It's a sad commentary about what this Bill does to the backbone of our state's economic well-being. The third reason that I rise in opposition to this Bill is that I fear this Bill operates only as a placebo for ills which face us. It is a bandaid approach to a deep bleeding laceration. It's impact is negligible in the near term and severely lacking in the long term. The ill which faces us is not so much the individual points which are addressed in this Bill as it is the wild swings, the peaks and valleys which create times of abundance and times of crisis in the insurance industry. This Bill does not cure this problem. I predict that if we pass this Bill we will be back here in approximately ten years and we will be facing a similar but more devastating crisis. If my prediction is true, then we

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have accomplished little in this Bill. Ladies and Gentlemen, let us not shirk the responsibility which our constituents entrust to us. Let's put this Bill back into a Conference Committee and hopefully we can improve and we can come back with something that we'll be proud to vote on. Mr. Speaker, this... Mr. Speaker. Mr. Speaker, this is an extremely important issue and for that reason, I would request an Oral Verified Roll Call."

Speaker Madigan: "Mr. Churchill, have you concluded?"

Churchill: "I have requested an Oral Roll..."

Speaker Madigan: "I heard your request, but have you completed your remarks?"

Churchill: "Yes, I have."

Speaker Madigan: "Thank you. The Chair wishes to announce that there will be chicken dinners available for all Members at approximately 8:00. So, through the graciousness of Representative Daniels and some unnamed source in the Speaker's Office, there will be chicken available at 8:00. Mr. McPike, to close."

McPike: "Well, thank you, Mr. Speaker and Ladies and Gentlemen of the House. I have heard many of the same comments tonight that I have listened to for the last eight weeks - money, premiums, rates, economics, availability, affordability, predictability. For the last eight weeks, I have sat through perhaps 100 hours of negotiations with the business community, and I have heard over and over again statistics on the number of cases, statistics on the size of awards, statistics that are eventually related to one thing - money. We've heard about the cost of this case and the cost of that case. We've heard about the cost of doing this and the cost of doing that. We've heard statistics on top of statistics on top of statistics. But, unfortunately, these cold, hard statistics fail to tell the

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story, fail to convey any understanding of pain, any understanding of suffering, any understanding of death. Never once did I hear anybody from the manufacturing sector. Never once in eight weeks did I hear anyone express any concern about the pain, about the suffering, or about the death of the victims - never once. At one meeting, the spokesman for this group, who is a member of the defense bar, told me that I was approaching this from the wrong direction. That I was only interested in collecting, and I said to myself that this Gentleman was partially right. If I was guilty of anything, if the Democratic Party has been guilty of anything for eight weeks, it is this: we are guilty of having a little compassion for a young man who is crippled from his armpits to his toes, we are guilty of having a little compassion for a woman who's just had both of her arms cut off, and we are guilty about having a little compassion for a child who is hideously scarred for all of his or her life. And yes, indeed, we are guilty about being concerned about how these victims are going to collect their money from the guilty defendants. A businessman from my area came up here two months ago when you had 500 people in the back hall storm the Speaker's Office. A businessman from the metro east area came in and told me that he was concerned about the cost of insurance for his trucking firm. I reminded the gentleman that one of his trucks had crashed into the side of a school bus last year, injuring... badly injuring a number of kindergarten children. His response was immediate. Yes, but no one was killed and only a few of the children will require plastic surgery, and heck, everybody has plastic surgery today. I mean, that was the depth of his compassion. His concern and the only concern I've heard for eight weeks is the bottom line - money. So,

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we're guilty. We're guilty of having a little bit of compassion. But despite all of this, I will say that the report before you today which most people tonight on the other side of the aisle have failed to even address, the only thing you've really addressed is the system that we've gone through. You've failed to address anything that's in this report. I'm not going to try to go through it, because Representative Greiman spent 20 minutes trying to explain the entire thing. Representative O'Connell did the same. What I would hope is that when we leave here tonight, at least we have an understanding of what joint and several liability actually means. So, I would only like to use a few simple cases that we heard over and over again. The park districts, the cities, they're concerned because they're really not liable. A drunk driver comes down the street, he runs into a pedestrian, and the city is stuck with the bill because the drunk driver has no insurance and the city had a crooked stop sign or a little branch hanging over the stop sign or there was a little bit of mud on the street that hadn't been cleared away. So, somehow the city or the park district or the department store said, 'We're a passive tort feason. We were drug into this case by the tip of our tail. We really didn't do anything wrong. And the truth of the matter is, but for us, this accident would have happened anyway, and now we're stuck with the bill.' So, we said, 'Well, you're right.' Somehow, the civil justice system has become distorted, so we will correct that. If you're only marginally guilty, we will correct it. Five percent, six percent, eight percent, 10 percent. No, we said 25 percent. We went overboard. The truth is that many Members on this side said we went too far. And we did that to try to answer that legitimate problem. The second example for the same city is that they

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leave a manhole cover off, and a speeding driver hits the manhole and breaks the front axle and crosses the street and runs down a pedestrian. Now, when you go to court, you have to prove that the proximate cause of this pedestrian being crippled, the proximate cause was the driver who was speeding and the city who was negligent enough to leave the cover off of a manhole. The jury doesn't say that one or the other is partially guilty, the jury says, 'You're innocent,' or it says, 'You're guilty.' And in this case, the city is obviously guilty. If the manhole cover hadn't been left off, the speeding driver wouldn't have crashed into it and broke his axle and crippled a pedestrian. Now, that's clear, so what we're guilty of, we're concerned about how this crippled young lady is going to collect, and what do you say? 'But don't worry if she can collect, worry about the city. Worry about their tax bills.' Joint and several is a fair system. One final example - and we've heard this, and it relates to a construction site - where someone drops a brick off a ceiling... off the roof, and a man standing down below is hit on top of the head with the brick, and it drives his brain deep into his lower bowel or wherever. This man is hurting, and the gentleman on top of the roof, he's 100 percent negligent. He's liable. He's guilty. He's guilty. Now, we take the same worker and he steps sideways two feet and gets inside of a forklift, and the same brick is dropped, and there's no top on the forklift, and it crashes into his head again. Now, who's guilty? The manufacturer was supposed to have a guard on that forklift, and but for that manufacturer, this man would have a decent brain, a decent body, but now he doesn't. But for the guy that dropped the brick, the man would still be whole. And what's the jury say? The jury says, 'You dropped the brick. You're guilty. You didn't

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put a guard on. You're guilty.' It doesn't say, 'You're partially guilty.' It says, 'You hurt this man. You're liable for this.' And what do we say? Well, we say if the manufacturer is out of business and he has no money, then the person who was liable on the roof should pay 100 percent. What difference does it make if he's inside a forklift or if he steps out and gets hit by the same brick. The person is hurt. We have had joint and several liability for a hundred years in 35 states, and we haven't changed it. In the great majority of those states, they went home and they said, 'The insurance companies are lying.' When they testified to us in December, they said, 'We don't care what you do. It won't have any effect.' So we took a look at a doctrine that has been the law in this country for a hundred years, and we tried to answer your complaint, and we did, and it will have an effect, and you know it, and everybody else in this state should know it. But we will never vote to do away with joint and several liability on this side. And if you want to, if you have no decency or compassion for people, then you vote for it, but not us. Mr. Speaker, I move for the passage of this Bill."

Speaker Madigan: "The Motion is that the House do adopt the First Conference Committee Report on Senate Bill 1200. There has been a request for an Oral Verified Roll Call. Mr. Clerk, call the roll."

Clerk Leone: "Representative Alexander. Alexander votes 'aye'. Representative Barger. Barger votes 'no'. Representative Barnes. Barnes votes 'no'. Representative Berrios. Berrios votes 'aye'. Representative Black."

Speaker Madigan: "Mr. Black."

Black: "Thank you, Mr. Speaker. To explain my vote. As in any last-minute package, there are things in it that are of concern. There are things in the package that are of

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interest. As a Gentleman said earlier, and I think it's the key, 'This is a take it or leave it package.' That is not the way either side would negotiate. I don't believe it's the way you would do the public's business. I don't care if I had input in the process. That's not important. The people I represent did not have input in the process. None of these Bills were heard in Committee. None of these people were allowed the right to testify, be it IPAC, be it IMA, be it the small businessmen and women who have been calling me all day about this Bill. There are items of interest, and there are items of concern, but because it's a take it or leave it package at the last moment, I cannot in good conscience vote for it. Record me 'no'."

Clerk Leone: "Black votes 'no'. Representative Bowman. Bowman votes 'aye'. Representative Braun. Braun votes 'aye'. Representative Breslin. Breslin votes 'aye'. Representative Brookins."

Brookins: "Mr. Speaker, a minute to explain my vote. I have sat in on four or five of these task forces here in the Capitol and listened with interest. And I did have some input, I think. In fact, I know I had input, because the redlining is in there, and we, in my community, will possibly, for a change, have insurance coverage. Rates - we'll have some input in that so that they will stand a chance, possibly, to be lowered. So, with that little input and that of not taking away the rights of the little man, I must vote 'aye'."

Clerk Leone: "Brookins votes 'aye'. Representative Brunsvold. Brunsvold votes 'aye'. Representative Bullock. Bullock votes 'aye'. Representative Capparelli. Capparelli votes 'aye'. Representative Christensen. Christensen votes 'aye'. Representative Churchill. Churchill votes 'no'. Representative Countryman. Countryman votes 'aye'."

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Representative Cowlshaw. Cowlshaw votes 'no'.
Representative Cullerton. Cullerton votes 'aye'.
Representative Curran. Curran votes 'aye'. Representative
Currie. Currie votes 'aye'. Representative Daley. Daley
votes 'aye'. Leader Daniels. Daniels votes 'no'.
Representative Davis. Davis votes 'no'. Representative
DeJaegher. DeJaegher votes 'aye'. Representative DeLeo.
DeLeo votes 'aye'. Representative Deuchler. Deuchler
votes 'no'. Representative Didrickson. Didrickson votes
'no'. Representative Dunn. Dunn votes 'aye'.
Representative Ewing. Ewing votes 'no'. Representative
Farley. Farley votes 'aye'. Representative Flinn. Flinn
votes 'aye'. Representative Flowers. Flowers votes 'aye'.
Representative Virginia Frederick. Virginia Frederick
votes 'no'. Representative Dwight Friedrich. Dwight
Friedrich votes 'no'. Representative Giglio. Giglio votes
'aye'. Representative Giorgi. Giorgi votes 'aye'.
Representative Goforth votes 'aye'. Representative
Greiman. Greiman votes 'aye'. Representative Hallock.
Hallock votes 'no'. Representative Hannig. Hannig votes
'aye'. Representative Harris. Harris votes 'aye'.
Representative Hartke. Hartke votes 'aye'. Representative
Hasara. Hasara votes 'no'. Representative Hastert.
Hastert votes 'no'. Representative Hawkinson.
Representative Hawkinson votes 'aye'. Representative
Hensel. Hensel votes 'no'. Representative Hicks. Hicks
votes 'aye'. Representative Hoffman. Hoffman votes 'no'.
Representative Homer. Homer votes 'aye'. Representative
Huff. Huff votes 'aye'. Representative Johnson."

Speaker Madigan: "Mr. Johnson."

Johnson: "To explain my vote. I've been getting mail, as we all
have, for six months on this issue, from small business and
from local government, and they all say, 'Provide us

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relief. Make changes in the law.* Outside of a Bill that would totally eliminate someone's right to recover and to turn our back on people that none of us really want to turn our back on - burn victims and brain damaged children and so forth - this Bill represents the most substantial change in our Civil Justice System that a single Legislative Body in Illinois has ever enacted or any single court decision represents. You can characterize that whatever... whatever way you want, but the bottom line is, this Bill is a major overhaul of a Civil Justice System that's lasted and served us well for 200 years. One part of me wants to vote 'no'. On the other hand, the practical aspect of this legislative process is, you got to reach some middle ground of relieving and reaching out to serve the interests of injured people and at the same time, realizing that there is a problem. It's not perfect. It's perhaps not the very best we could do, but in light of this Session and everything we've done, it's a pretty good job, and I... I vote 'aye'."

Clerk Leone: "Johnson votes 'aye'. Representative Keane. Keane votes 'aye'. Representative Kirkland. Kirkland votes 'aye'. Representative Klemm. Klemm votes 'no'. Representative Koehler. Koehler votes 'no'. Representative Krska. Krska votes 'aye'. Representative Kubik. Kubik votes 'no'. Representative Kulas. Kulas votes 'aye'. Representative Laurino. Laurino votes 'aye'. Representative LeFlore. LeFlore votes 'aye'. Representative Leverenz. Leverenz votes 'aye'. Representative Levin. Levin votes 'aye'. Representative Martinez. Martinez votes 'aye'. Representative Matijevich. Matijevich votes 'aye'. Representative Mautino."

Speaker Madigan: "Mr. Mautino."

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Mautino: "Thank you, Mr. Speaker. Ladies and Gentlemen, what we've heard here this evening, in my estimation, was Legislators evaluating from their own personal observation what we have before us. In total agreement with the Majority Leader, we do have a conscience, all of us in this General Assembly. By the same token, what you've heard has been for a purpose, and that purpose is Members providing what I like to consider legislative intent, as well as intent for future adjudication on this issue if and when that ever gets to the court, and I'm sure someone will attempt to provide that avenue. But whenever we look at economic progress, as well as an insurance crisis and this Body itself, we're talking about the image that counts. I'm not overly enamored with the opportunity of having no alternatives to this proposal, and probably this legislation is 25 percent if not 30 percent better than when we first came down here in April. That's a step in the right direction. If, in fact, this General Assembly is willing as well to look further into this question, I think we have the makings of at least a good start. The political realities are that if, in fact, this legislation does not pass, whatever comes back may be better or it may be of a lesser degree than what we had before us. I believe that the citizens that I represent deserve to have something better than what we had when this started. Probably, if I were to simplify two possibilities for actual reduction, I guess I would have to say to the trial lawyers and the attorneys, either the defense bar or the plaintiff bar, that if we establish prejudgment interests, we wouldn't have longevity and the court cases dragged out, which are very costly. And at the same time to the insurance industry, I might say, maybe we should freeze premiums at the 1986 level with the 1985 coverage. And

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then, maybe in a year and a half, we'd find out exactly what we did. That's not before us, but this is better than what we started with, and if, in fact, something comes back that's better than what we're sending out, we've done a job, but most importantly, we are the conscience and we are the image, and if we're going to maintain that image, you've got to vote positively to show our concern for both those paying the premiums and those injured individuals. And I vote 'yes', Mr. Speaker."

Clerk Leone: "Mautino votes 'aye'. Representative Mays. Mays votes 'no'. Representative McAuliffe. McAuliffe votes 'aye'. Representative McCracken is absent. Representative McGann. McGann votes 'aye'. Representative McMaster. McMaster votes 'no'. Representative McNamara. McNamara votes 'aye'. Representative McPike. McPike votes 'aye'. Representative Mulcahey. Mulcahey votes 'aye'. Representative Nash. Nash votes 'aye'. Representative O'Connell."

Speaker Madigan: "Mr. O'Connell."

O'Connell: "Mr. Speaker, contrary to the statements made by the other side of the aisle, there were a multitude of people and organizations that provided input into this legislation, over hours and weeks and months of testimony and debate. Amongst those that provided input, I would like to commend, among others, Director John Washburn from the Department of Insurance and in particular... "

Speaker Madigan: "For what purpose does Mr. Vinson seek recognition?"

Vinson: "The Gentleman spoke in debate, Mr. Speaker."

O'Connell: "I'm explaining my vote. I'm explaining my vote."

Speaker Madigan: "Mr. O'Connell, the Gentleman's point is well taken. The rules do provide that if you spoke in debate, you are precluded from explaining your vote."

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O'Connell: "Well then, a point of personal privilege, Mr. Speaker."

Speaker Madigan: "Mr. O'Connell."

O'Connell: "I was asked by a representative of the Department of Insurance to indicate that one of the individuals who provided a lot of input, Mr. Bob 'Gusrow' has suffered a heart attack and is in the intensive care of a local hospital and simply wanted to make the Body aware of that."

Speaker Madigan: "Thank you, Mr. O'Connell. Proceed, Mr. Clerk. Record Mr. O'Connell as 'aye'."

Clerk Leone: "O'Connell votes 'aye'. Olson. Representative Olson votes 'no'. Representative Panayotovich. Panayotovich votes 'aye'. Representative Pangle. Pangle votes 'aye'. Representative Parcells. Parcells votes 'no'. Representative Parke. Parke votes 'no'. Representative Bernard Pedersen. Pedersen votes 'no'. Representative William Peterson. Peterson votes 'no'. Representative Phelps. Phelps votes 'aye'. Representative Piel. Piel votes 'no'. Representative Preston. Preston votes 'no'. Representative Pullen. Pullen votes 'no'. Representative Rea. Rea votes 'aye'. Representative Regan. Regan votes 'no'. Representative Rice. Rice votes 'aye'. Representative Richmond. Richmond votes 'aye'. Representative Ronan. Ronan votes 'aye'. Representative Ropp."

Speaker Madigan: "Mr. Ropp."

Ropp: "Mr. Speaker, very briefly to explain my vote. I had a survey in my district this past spring, and nearly 80 percent of the people felt that we really need to deal with the liability insurance crisis, and when I read this report, I'm somewhat saddened that only one Party signed this report. To me, this is more important, and it should have really been one that all parties of the Conference

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Committee could... could have signed it. I think it would have given more balance, more credibility to the entire report. The 80 percent of the people in my district that want some change are appreciative of what has been done so far, but I am going to vote 'no' and attempt that a Second Conference Committee Report will come forth so that more of their wishes will be answered. With all of the constituents and with all of the bodies of people who have expressed opposition to this Bill, I certainly cannot vote in favor of it this evening."

Clerk Leone: "Ropp votes 'no'. Representative Ryder."

Speaker Madigan: "Mr. Ryder."

Ryder: "Thank you, Mr. Speaker. I vote 'no'. In this chamber, we have differences of opinions, and this evening we've heard some speeches that are very good. In fact, we've heard some very impassioned speeches running very high in emotion. Those differences of opinion will be shown on the board with the red and green votes. But to ascribe to those red votes a lack of compassion, to describe to those red votes a lack of feeling is simply not correct. No one here is saying that people should not be compensated. No one is here saying that injured people should not receive assistance, payment, judgment. There's simply a difference of opinion on how it should be paid and by whom. To ascribe a lack of compassion to those red votes is simply not right. This evening for a few minutes I was joined by my family here. And to say that for some reason, that I lack compassion for what may or may not happen to them, that I lack compassion for those people that are injured in the State of Illinois, is just not correct. And I resent it, and I think those people that are voting red also resent it. Thank you, Mr. Speaker."

Clerk Leone: "Ryder votes 'no'. Representative Saltsman.

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Saltsman votes 'aye'. Representative Satterthwaite.
Satterthwaite votes 'aye'. Representative Shaw. Shaw
votes 'aye'. Representative Slater. Slater votes 'aye'.
Representative Stange. Stange votes 'no'. Representative
Steczo. Steczo votes 'aye'. Representative Stephens."

Speaker Madigan: "Mr. Stephens."

Stephens: "Thank you, Mr. Speaker and Ladies and Gentlemen of the
House. First of all, I'd like to associate myself with
Representative Ryder's remarks. I wholeheartedly agree.
Certainly everyone feels deeply about this issue, and the
Majority Leader was very sincere in his remarks and I
understand and appreciate them. However, when we're
talking about compassion, someone later mentioned someone
who worked hard on this legislation was hospitalized and I
think it's ironic that the hospitals in the State of
Illinois were overlooked in this legislation. And indeed,
the insurance companies can now look to the hospitals of
Illinois to have the deep pockets. And how does that
reflect to the people in the 110th district and in your
districts back home? We're talking about higher costs for
medical care. We've tried to take steps in recent years to
limit the cost. Cost containment in hospitals has made
considerable gains, but we've taken a giant step backwards,
and for that and other reasons, I have to stand in
opposition to this report. We will probably see this Bill
again. The votes are there to get it out, but I believe
it's going to come back, and I hope the second report
recognizes the fact that we've been unfair to the providers
of compassion and medical care in the State of Illinois,
the hospitals. It's not true that we have no compassion.
We don't want to take anything away from victims who are
wronged. We just want justice for all. Thank you."

Clerk Leone: "Stephens votes 'no'. Stern."

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Speaker Madigan: "Representative Stern."

Stern: "Mr. Speaker and Ladies and Gentlemen of the House, I watched some of the summit meetings and I know, in fact, that there was bipartisan representation on that summit. I know, in fact, that there was negotiation and I know that there was, in fact, compromise. This is not a problem that is restricted to Illinois. This is a national problem, nay, a global problem, and this legislation may not go far enough in certain areas and I would add that I, too, would have liked to have seen greater debate at an earlier time. It is, however, an enormous step in the right direction, and I recognize that while it is not perfection, it is... it is a... a Bill that I personally am going to be able to and I'm going to have to defend to my constituents when I return home. I vote 'aye'."

Clerk Leone: "Stern votes 'aye'. Representative Sutker."

Speaker Madigan: "Mr... Mr. Sutker."

Sutker: "Mr. Speaker and Ladies and Gentlemen of the House. I've been watching the debate with great concern and interest. I know that the input of so many groups were involved in this Bill, and I take particular pride in the joint and several effort of all those who made this Bill possible. And to those on the other side of the aisle who voted 'yes', I pay particular tribute because I note that this turned out to be a more partisan issue than it should have been. I take pride in my colleague, Representative Alan Greiman, who listened to all who wanted to participate in input in this Bill. This is a joint product. This is not the product of any one interest group. As a matter of fact, it's the product of no interest group. Many are not happy with what occurred in this Bill, and I think because of their unhappiness, this has become a better Bill. And I vote 'aye'."

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Clerk Leone: "Sutker votes 'aye'. Representative Tate. Tate votes 'no'. Representative Terzich. Terzich votes 'aye'. Representative Tuerk. Tuerk votes 'aye'. Representative Turner. Turner votes 'aye'. Representative Van Duyne. Van Duyne votes 'aye'. Representative Vinson. Vinson votes 'no'. Representative Wait. Wait votes 'no'. Representative Washington. Washington votes 'aye'. Representative Weaver. Weaver votes 'no'. Representative White. White votes 'aye'. Representative Williamson. Williamson votes 'no'. Representative Wojcik. Wojcik votes 'no'. Representative Wolf. Representative Wolf votes 'aye'. Representative Anthony Young. Anthony Young votes 'aye'. Representative Yvetter Younger. Yvetter Younger votes 'aye'. Representative Zwick. Zwick votes 'aye'. Mr. Speaker. Speaker votes 'aye'."

Speaker Madigan: "On this question, there are 76 'ayes', 41 'nos'. The Motion to adopt the Conference Committee Report is adopted and the underlying Bill, having received a Constitutional Majority, is hereby declared passed. Mr... Mr. McPike? Mr. McPike. Mr. Greiman in the Chair. Batten down the hatches."

Speaker Greiman: "On page two of the Calendar on the Order of Senate Bills Third Reading appears Senate Bill 2000. Out of the record. Senate Bills Third Reading appears Senate Bill 2117. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 2117, a Bill for an Act to amend an Act in relationship to Environmental Protection. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Lake, Mr. Matijevich."

Matijevich: "Speaker, Ladies and Gentlemen of the House, House Bill... Senate Bill 2117 is the environmental Bill. Much of the environmental Bill 2117 is like House Bill 3036 that we passed out of here with a substantial number of votes.

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We have added on some Amendments that we discussed the last two days. I would now move for the passage of 2117 and appreciate your overwhelming support as you did with the House Bill."

Speaker Greiman: "Excuse me, Mr. Matijevich. It appears that we have blown a fuse, and the board..."

Matijevich: "That was all that debate on insurance, I'm sure."

Speaker Greiman: "The board will have to be fixed. The fuse it will be fixed shortly. Okay, alright. Alright, so the board will be... the power on this board will be cut off, and we'll be using the board on the west end. Mr. Matijevich?"

Matijevich: "I move for the passage."

Speaker Greiman: "The Gentleman from Lake, Mr. Matijevich, moves for the passage of House... Senate Bill 2117. And on that, is there any discussion? There being none, the question is, 'Shall this Bill pass? All those favor signify by voting 'aye', those opposed vote 'no'. Voting is open, and this is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 107 voting... 108 voting 'aye', 2 voting 'no', 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. I think we learn how easily we can get to rely on technology. We never had this board before, and now all of a sudden, we're in terror because the technology has come down. Continuing on Senate Bills Third Reading appears Senate Bill 2157. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 2157, a Bill for an Act to amend an Act to revise the law in relationship to counties. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Cook, Mr. Steczo."

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Steczo: "Thank you, Mr. Speaker. I'd ask leave to bring Senate Bill 2157 back to the Order of Second Reading for the purposes of an Amendment, please."

Speaker Greiman: "The Gentleman asks leave to return the Bill to the Order of Second Reading for the purposes of an Amendment. Do you have leave? Leave is granted. Mr. Clerk, are there further Amendments?"

Clerk Leone: "Floor Amendment #3 is being offered by Representative Cullerton."

Speaker Greiman: "The Gentleman from Cook, Mr. Cullerton."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #3 was necessary to clarify what this... I have a copy, thank you. To clarify what this surcharge fee for traffic cases and criminal cases, what cases it would apply to. The... The Bill as drafted was not clear. What we're saying is that if anyone has to pay a fine by mail then this surcharge would not apply. The surcharge fee shall be in the amount up to 10 percent of the fine to which it's added, as set by ordinance, by the local municipality. And the money goes into the general corporate fund of the county. And the... the amount of the fee is a percentage of the fine, okay? Not the... not the total amount that's paid. So for... I believe that this improves the Bill tremendously and would move for its adoption, Amendment #3."

Speaker Greiman: "The Gentleman from Cook moves for the adoption of Amendment #3. Is there any discussion? On that, the Gentleman from Will, Mr. Van Duyne."

Van Duyne: "Yes, thank you, Mr. Speaker. I don't know whether Representative Cullerton thinks by letting the ones that mail their fines in off of the hook clarifies the Bill or makes it better. I guess... I guess it does make it a little bit better because some of the people aren't..."

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aren't hooked for this extra five dollar fine, or whether he thinks it goes into the county general fund makes it any better, but I just want to point out to everyone listening that the county already gets, out of a 50 dollar traffic ticket, 23 dollars. And now, you're adding five more dollars to your people. One other point that I think, as Doug Huff says is salient, and I think we should be thinking about here, we should not always be conducting ourselves as if we're trying raise the Secretary of State, whether it be the Circuit Court, and now in this case, the county, the appropriations through fine. I think that, at least my view is that I'm supposed to be here trying to protect my citizenry, and as I said the other day, a 50 dollar fine for a... for a regular traffic ticket is a big enough hit already. I don't think our obligation is to raise money. In fact, as I know it, laws and fines imposed on people are not supposed to be designed to raise money. That's... I think that's wrong. I think it's somewhere in our books that prohibits that. But regardless of that, from a... from a point of view that you're trying to be truthful and fair with your citizenry, I think a 50 dollar fine for a traffic ticket and other fines that correspond to this percentage is enough, and I think to add five more dollars to this is a bad hit, and I want... I just wanted everyone to know this."

Speaker Greiman: "The... The Lady from Sangamon, Ms. Hasara."

Hasara: "Mr. Speaker, will the Sponsor yield?"

Speaker Greiman: "He indicates he'll yield for questions."

Hasara: "Mr. Cullerton, the fine on certain offenses is different from the fine on other offenses, so if I come in charged with, say, speeding, the fine's 25 dollars, I'm going to pay up to 2.50. In other cases, the fine's 27 or 29. That means the Clerk then has to... has to subtract the other

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fees before assessing the percentage on the fine? And that percentage, then, would be different for various offenses. Is that correct?"

Cullerton: "You... You point out a problem dealing with the inability of the Clerks..."

Hasara: "Right."

Cullerton: "... To figure out all these different fines."

Hasara: "You're right."

Cullerton: "Representative Steczo has a Bill that passed the House last year and didn't pass the Senate, is in a Conference Committee, that sets up a orderly procedure to inform the clerks how to calculate all those. Now, this Amendment fits into that, okay? But I... I just want to clarify what it does, using the example that Representative Van Duynes used. If the... In a typical traffic case, if you... first of all, if you mail it in, this doesn't apply. Okay? It's only... It's only if you go to court..."

Hasara: "Right. So, if I take the time to come in and pay my fine over the counter, I'm penalized by paying more than if I sent it in the mail."

Cullerton: "Well, that's right, but... but..."

Hasara: "That's ridiculous."

Cullerton: "Well, you're taking the clerk's time by going into court."

Hasara: "Do you think I'm not taking the clerk's time by having to deal with the mail and write all that up?"

Cullerton: "If you... Of course, if you plead... if you go to court because you don't think you're guilty..."

Hasara: "Right."

Cullerton: "And you are found not guilty, this doesn't apply at all. If you want to go to court and contest it, as is your right, and you lose, then you've taken up the time of the system, and there's going to be this up to 10 percent

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penalty would apply. If you... If you decide, if you're just going to go to court and pay it because you want to plead guilty, then on your example, you'd be better off if you mailed it. I admit it."

Hasara: "That is absolutely ridiculous, to treat those who bother to come in differently than... and I understand the problem. There's no way to get it from the people who mail it in."

Cullerton: "Right. That's the problem."

Hasara: "That's the problem."

Cullerton: "The purpose of the Amendment is to clean up the Bill. The purpose of the Amendment is to say if... it doesn't apply to those people who... who mail it because there'd be no way of getting it. Okay? So, the reason why I don't think it's... I wouldn't call it ridiculous. The reason why I don't think it's that ridiculous is because for the most part, most people, if they're going to plead guilty, mail it in."

Hasara: "That's not true."

Cullerton: "If... If they... "

Hasara: "I mean, in Sangamon County, I would say 40 percent of the people mail it in, 60 percent come in."

Cullerton: "Are you talking about traffic tickets?"

Hasara: "Yes."

Cullerton: "And then they plead guilty?"

Hasara: "Yes, over the counter. More people plead guilty over the counter than send it in by mail."

Cullerton: "Alright. Well, then... "

Hasara: "And we're penalizing those people."

Cullerton: "Well, then, only if the... Sangamon County Board decided that they wanted to pass an ordinance, that this would apply."

Hasara: "Yeah, but this is state-wide. We're not just talking

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'about Sangamon County.'

Cullerton: "But it's permissive. It's up to the individual jurisdiction to adopt it."

Hasara: "I agree, but I'm trying to protect the people. I mean, the county boards in a lot of counties are going to pass this. There's no question about it, but there are 11 million people out there that are going to suffer from it."

Cullerton: "It'll encourage people to mail it in rather than coming in and taking up the time of the county clerks, and the county clerks won't have to work as hard."

Hasara: "Go back to the other Conference Committee Report, if you would. Are you telling me that if that passes, every single fine will be the same for every single traffic offense?"

Cullerton: "No. It explains how to compute the fine. And..."

Hasara: "They know how to compute it. The problem is, they have to take the 50 dollars and subtract all those fees from it before they can even do that."

Cullerton: "Well, perhaps, you know, we should debate that when it comes up, but that the confusion, as you may know occurs when someone... the Judge says you owe 500 dollars and the clerk's got to figure out how much of that is... is... goes to which of these different agencies."

Hasara: "Right, but even now, it's 50 dollars, but it depends on what the offense is. Certain offenses, there's a three dollar victim fund fine, criminal justice fine, law enforcement fine, the five dollar county fine."

Cullerton: "Right. That's what the problem is for the clerk in trying to figure out who gets what."

Cullerton: "I submit to you that the purpose of this Amendment is very similar to a Bill that I passed earlier which is, I think, on the Governor's desk that I think you supported, that allowed the county boards to increase by 25 dollars,

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the fine in DUI cases."

Hasara: "Right. That's a lot different than assessing a percentage of a fine on every traffic ticket, and the part that bothers me the most is treating people who come in differently than people who mail in their fine."

Cullerton: "Okay, fine. I appreciate your concern and I hope you understand that the reason why I put the Amendment in was because... to leave it where those people who paid their fines by mail, to leave it where they could also be charged, would be... would be ludicrous, because there would be no way in which you get the money from them... "

Hasara: "I understand the purpose is to help local governments raise money, but I think it's overburdening."

Cullerton: "Well... Well the best part is that we've... we finally have a Bill that gets your attention and we get to hear from you on the House floor. It's very delightful to talk to you."

Hasara: "Thank you. They know that. Thank you."

Speaker Greiman: "The Gentleman from Lee, Mr. Olson. Mr. Olson."

Olson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Will the Sponsor yield?"

Speaker Greiman: "Indicates he'll yield for a question."

Olson: "Representative Cullerton."

Cullerton: "Yes, Sir."

Olson: "Thank you."

Cullerton: "Are you a former circuit clerk or a county clerk?"

Olson: "Circuit. I'm one of the guys who used to collect these things."

Cullerton: "Employed by the county."

Olson: "County of Lee. Let me get to your Section 25... "

Cullerton: "And this... And this brings in more... "

Olson: "I'll ask the questions, if I may, Sir."

Cullerton: "Alright, you're right. You're right."

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Olson: "Section 25.44(a). 'To impose by ordinance or resolution, a surcharge fee to be added to all fines collected in ordinance violation, traffic and criminal.' Have you neglected any category of fine? In other words, you're going from a business violation to a class X?"

Cullerton: "That's right. I think he's right."

Olson: "Well, let's take the example of drunk driving. The... "

Cullerton: "DUI?"

Olson: "DUI. How much would that cost them, if you got the maximum penalty."

Cullerton: "How much is the fine?"

Olson: "A thousand bucks."

Cullerton: "Not the cost, but the fine. It's a thousand dollars."

Olson: "Yeah. Yeah."

Cullerton: "It's... The county board would set by ordinance up to a hundred dollar fine surcharge."

Olson: "An... An extra C note for the county board."

Cullerton: "Right."

Olson: "Let's take... "

Cullerton: "For a drunk driver, now."

Olson: "Yeah. Let's take a felony."

Cullerton: "If the Judge fines him 1,000 dollars, which the Judge takes that into account when he's determining how much the fine should be."

Olson: "Well, conventionally, in many counties in drunk driving it's 500 bucks, so now we're talking about 50 dollars."

Cullerton: "I think you're talking about cost, total cost."

Olson: "No, I'm talking about fines. Quite often, they're given a 500 dollar fine and court supervision."

Cullerton: "That's true."

Olson: "Alright, let's take a misdemeanor where the fine might be 3,000 dollars. How much would that come to?"

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Cullerton: "Misdemeanor fine is up to 1,000."

Olson: "Um Hum."

Cullerton: "So, the max is 1,000."

Olson: "Let's take a felony."

Cullerton: "Great."

Olson: "Let's put it to them good."

Cullerton: "I can be tough law and order, now. Let's take... "

Olson: "Well, now... now you're on my side."

Cullerton: "Right."

Olson: "What we're saying, here, is that... "

Cullerton: "Take a... Take a 17 year old kid who breaks into an attached garage and is charged with class 1 felony, residential burglary. He can be fined up to 10,000 dollars."

Olson: "And you would have the court impose what kind of surcharge on it?"

Cullerton: "Well, we... First of all, we'd put them in jail for two years by... by a Bill that we passed here."

Olson: "Okay."

Cullerton: "So, when he... In addition to putting him in jail, mandating that he go to jail and not be allowed to get supervision, we can impose another fine of 1,000 dollars on that 10,000 fine that the Judge imposed on him."

Olson: "Is this designed to be punitive to the defendant or designed to raise monies for the counties?"

Cullerton: "Both."

Olson: "Alright, where... "

Cullerton: "It's a... It's a user fee. It doesn't apply to people who are found not guilty. It doesn't apply to people who plead guilty and pay their fines through the mail."

Olson: "Has 'Morgan Finley' in Cook County asked for this legislation?"

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Cullerton: "As a matter of fact, it's it come from a county from southern Illinois. I'm not... it's either Madison or St. Clair. I get those two mixed up."

Olson: "Has the Chairman of the County Board in Cook County asked for this legislation?"

Cullerton: "No, he hasn't... "

Olson: "Who has asked for it, then?"

Cullerton: "The Chairman of the County Board in one of those two counties I just mentioned. Now, remember, we're not on Third Reading. We're on Second Reading. I'm limiting the application of this Bill on this Amendment."

Olson: "Mr. McAuliffe, could you please move from the center? Thank you. Thank you. I... I would just like to determine the genesis for this Amendment to this Bill."

Cullerton: "Oh, there's no question that the county boards are very concerned about the increase in their workload because of the drunk driving charges. That's why I passed that other Bill which... which gives them money. They are talking about an increase in DUI, they're talking about an increase in other traffic-related cases, and this is clearly designed to raise money. Now, the alternative, as you know, is to raise the property tax. And I say, let's... let's charge the people who are found guilty a greater fine, rather than have our cities have to raise property taxes or some kind of... try to impose an income tax to try to make up their debts."

Olson: "In other words, the municipalities would not share in this surcharge. This should go direct to the county."

Cullerton: "It goes to the county because remember, the county are the people that employed former circuit clerks."

Olson: "Correct. To... To the Bill, Mr. Chairman, Ladies and Gentlemen of the House. To the Amendment, Amendment #3 to House Bill 2157. It would be my suggestion that each of

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you review in your minds how many calls you had from county board chairmen to impose this penalty. I do not think it is without... with merit, and therefore, I would suggest its defeat."

Speaker Greiman: "The Gentleman from Cook, Mr. Shaw. Mr. Shaw."

Shaw: "Yes, Mr. Speaker, thank you. Ladies and Gentlemen of the House, I helped to bring... this Bill was dead, but I helped to bring it... to give this Bill some mouth-to-mouth resuscitation and brought it back, but hopefully we can kill it again, but I'd like to ask the Sponsor of the Amendment a question. On the... was anything added to this? What about... If I go to court and get found guilty and be given supervision? Do I still pay that surcharge?"

Cullerton: "If you get charged with a... an offense?"

Shaw: "Right."

Cullerton: "And you go to court and you get supervision and the Judge imposes a fine and the county board has adopted an ordinance allowing a surcharge to be added, then it would be a... up to 10 percent of the fine."

Shaw: "Right. So... so, in other words, the... a... I would get fined with that surcharge right now."

Cullerton: "Right. Like, for example, if you get a 50 dollar... the Judge says you owe 50 dollars, typical traffic case, 23 dollars of that is a fine. If the county board adopts the ordinance, you have to pay an additional two dollars and 30 cents."

Shaw: "But what we are saying here is that the... we're raising it. The Judge can go up to 10 percent."

Cullerton: "Yes. Now, remember, we're on Second Reading. This Amendment limits the original Bill to those cases where the people actually go to court and take up the time of the court system. If they mail the fee in, then this does not apply."

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Shaw: "Yeah."

Cullerton: "That's the purpose of the Amendment."

Shaw: "Thank you. To the Bill, Mr. Speaker."

Speaker Greiman: "Proceed."

Shaw: "The... What... What... What's happening here is that this happened to be a bad Amendment, and I agree with some of the previous speakers that the county clerks are getting enough money right now, and what they have done in this Amendment is added an additional 10 percent to this and even though the Amendment said that the Judge can go up to 10 percent, I'm not accusing the Judges of Illinois to be dishonest, but most of the Judges would charge that entire 10 percent on the fine. They could do that, and I would hope that you would defeat this Amendment and I urge a 'no' vote on this Bill."

Speaker Greiman: "The Gentleman from Will, Mr. Regan."

Regan: "Thank you, Mr. Speaker, Members of the House. John, I voted for this before. Would you answer just one question for me? I got a thought here that's... in regards to a plea that was before technically guilty. Now, I believe you asked for court supervision. In order to keep your speeding record off the MVR record so the insurance companies can't abuse you by... every time you get a little speeding violation. How does it affect that?"

Cullerton: "Yeah. Typical case. You don't want to get a conviction so you get supervision, which is really like a long continuance, and if you don't do anything wrong during that period of time, at the end of that time, then you're found not guilty. That's a typical case. However, they do fine you. This would still apply. You could still have a surcharge added in those types of cases. But remember, we're talking about the fine. We're not talking about the total cost that is imposed, and it's up to 10 percent, and

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it's up to the county board to adopt it."

Regan: "To the Bill, I think everybody should be aware that people that break the law should pay for the expense of their prosecution. It was a good intentions, and I thought it was originally, but coming from the insurance business, I realize how the insurance companies were abusing the MVR record. That's the motor vehicle record. Two tickets in three years, and suddenly, you've got an increase of 10 percent on your premium. It was allowed a few years ago that you could plead technically guilty or ask for court supervision, and you pay the fine and then you don't have it on your record, so the insurance companies had no record of that. In... In regard to that, they protected themselves with the comparable negligence, so that if you're moving in the car, you get... you pay part of the claim, so every accident you have now, the insurance company knows about, whether you're at fault or not. So, they overcame their problem that way. Now, we're going to hit them again. We're going to put it on there that they have to pay more to keep that off their MVR record, and that's why I would oppose the Bill at this time."

Speaker Greiman: "The Gentleman from St. Clair, Mr. Flinn. Mr. Flinn moves the... "

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

Speaker Greiman: "The Gentleman from St. Clair, Mr. Flinn, moves the previous question be put. Those in favor say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The previous question is being put. Mr. Cullerton, to close."

Cullerton: "Yes, I think we're... I just wanted to remind people we're only trying to adopt an Amendment which clarifies the intent and limits the application of the original Bill. If you don't like the Bill, please vote 'no' on Third Reading,

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but if you don't like the Bill, you should vote 'aye' on this Amendment, so I'd appreciate your support for Amendment #3."

Speaker Greiman: "The question is, 'Shall the Amendment be adopted?' Those in favor say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it. In the opinion of the Chair... In the opinion of the Chair, we'll have a Roll Call. Those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 22 voting 'aye', 71 voting 'no', 3 voting 'present'. And the Amendment is not adopted. Further Amendments."

Clerk Leone: "There are no further Amendments."

Speaker Greiman: "Third Reading. Mr... LeFlore, for what purpose do you seek recognition? Alright. Mr. Clerk, read the Bill on Third Reading. No. Out of the record. On the Order of Senate Bills Second Reading, Special Call - Financial Institutions appears Senate Bill 2300. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 2300, a Bill for an Act to amend an Act to establish the Illinois Bank Examiners' Education Foundation, has been read a second time previously. There are no Committee Amendments."

Speaker Greiman: "Yes, Mr. Flinn, we'll get back to this Bill. Mr. Clerk, again, Senate Bill 2300. Read the Bill. It's on the Order of Second Reading, Senate Bills."

Clerk Leone: "Senate Bill 2300 amends an Act to establish the Illinois Bank Examiners' Education Foundation has been read a second time previously. There are no Committee Amendments."

Speaker Greiman: "Are there any Floor Amendments?"

Clerk Leone: "Floor Amendment #1 is being offered by Representative Piel."

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Speaker Greiman: "The Gentleman from Cook, Mr. Piel."

Piel: "Thank you, Mr. Speaker. This is a agreed Amendment. It is being offered for the Commissioner of Banks. Presently, the Commissioner of Banks is on a calendar year to where they have to report their year is running January 1st to December 31st. This Bill would basically change his... his year to a fiscal year, so he would be in the same posture as the appropriations process in the way we are in the state right now. So, I would ask for adoption of Amendment #1. I'd be more than happy to answer any questions they might have."

Speaker Greiman: "The Gentleman from Cook, Mr. Piel, moves for the adoption of Amendment #1. Is there any discussion? The Gentleman from St. Clair, Mr... Mr. Flinn."

Flinn: "Just simply to say, I agree with the Amendment."

Speaker Greiman: "The question is, 'Shall the Amendment be adopted?' All those in favor 'aye', those opposed 'no'. The Amendment is adopted. Further Amendments."

Clerk Leone: "Floor Amendment #2, offered by Representative McCracken and Ryder."

Speaker Greiman: "The Gentleman from Morgan, Mr. Ryder, on Amendment #2. Mr. Ryder is at Mr. Vinson's desk."

Ryder: "Mr. Speaker, I thank you for the opportunity. I'm handling this on behalf of Mr. McCracken, who's not here. The explanation of this Amendment is, it allows a bank to own or operate a travel agency, in the event the bank owned or operated a travel agency on or before January 1st, 1986."

Speaker Greiman: "The Gentleman from Morgan, Mr. Ryder, moves for the adoption of Amendment #2. And on that, the Lady from Kane, Ms. Zwick."

Zwick: "Thank you. I was just going to offer to cosponsor it in the absence of Mr. McCracken, but I see it's not

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necessary."

Speaker Greiman: "Alright. Is there any discussion? There being none, the question is, 'Shall the Amendment be adopted?' Those in favor... Excuse me. The Gentleman from St. Clair, Mr. Flinn."

Flinn: "Well, Mr... Mr. Speaker, I... I personally don't have anything against the Amendment except that we can't get the Senate to agree, and if they refuse to concur, we wind up in Conference Committee on the Bill. And this Bill is the Bank Examiners' Bill. It's the Bill for... It's the Bill for Bill 'Harris', and I'm afraid we'll wind up losing the Bill sometime later on tonight. So... And I would have to oppose it only for that reason."

Speaker Greiman: "Mr. Vinson's desk, Mr. Ryder."

Ryder: "Thank... Thank you, Mr. Speaker. It's Mr. McCracken's Amendment, and of course as you know, Mr. McCracken's not here. I personally don't want to do anything to harm the Bill, alright? But in his absence, I feel a compulsion to... to at least make the effort to put it on, and that's the reason that we offer it, Representative. If it causes a problem later on and it needs to be receded from, I suppose that we'll have to do that, and just in his absence, I... I know no other way to do it except to propose the Amendment, if you understand?"

Flinn: "Well, in answer to that, I feel terrible about opposing Mr. McCracken's Bill. I don't oppose it from the standpoint of the... I mean his Amendment. I don't oppose it from the standpoint of what the Amendment does. The problem is, if the Senate does refuse to concur, I'm awfully afraid if they agree on the other problem that we will not have a chance."

Ryder: "Mr. Speaker, because of the problem, I'll withdraw it."

Speaker Greiman: "Amendment #2 is withdrawn. Further

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Amendments?"

Clerk Leone: "Floor Amendment #3, offered by Representative Braun."

Speaker Greiman: "Representative Braun on Amendment 3."

Braun: "Thank you, Mr. Speaker. This is a South African Amendment; however, in light of the fact that this House concurred in the Senate... no, don't get excited... concurred in the Senate Amendment to this effect, I'm going to withdraw this Amendment... "

Speaker Greiman: "Amendment #3 is withdrawn. Further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Greiman: "Third Reading. The Gentleman from St. Clair, Mr. Flinn, asks leave of the House to waive rule 37(g) so this Bill may be heard at this time. Does the Gentleman have leave? Leave is granted. Mr. Clerk, read the Bill on Third Reading."

Clerk Leone: "Senate Bill 2300, a Bill for an Act to establish the Illinois Bank Examiners' Education Foundation. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from St. Clair, Mr. Flinn."

Flinn: "Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, you heard Representative Piel explain the Amendment put on, and that also was a Bill of the bank examiners. In addition to that Amendment, the Bill actually creates a bank examiners education foundation. This will not cost the state one dime. This will be money paid by the banks to create a foundation, and once enough money is accumulated to create the foundation, the bank examiners will go to seminars and to try to become better bank examiners. And that's the only intent of the Bill, is to improve on our good bank examiners, and as I mentioned before, it's... it's Commissioner Bill 'Harris'

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Bill, and I would ask for a favorable vote."

Speaker Greiman: "The Gentleman from St. Clair, Mr. Flinn, moves for the passage of Senate Bill 2300. And on that, is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'aye', none voting 'no', 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page three of the Calendar on the Order of Concurrence appears House Bill 913. Mr. Clerk?"

Clerk Leone: "On page three of the Calendar, House Bill 913, amends the Criminal Code, together with Senate Amendments #1, 2 and 4."

Speaker Greiman: "And on that, the Gentleman from Morgan, Mr. Ryder."

Ryder: "Thank you, Mr. Speaker. I would make a Motion not to concur with the Senate Amendments."

Speaker Greiman: "The Gentleman from Morgan moves that the House not concur with those... with Senate Amendments 1, 2 and 4. All in favor say 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the House does nonconcur in Senate Amendments #1, 2 and 4 to House Bill 913. On the Order of Concurrence appears House Bill 2486. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 2486, amends the Illinois Horseracing Act, together with Senate Amendments #1 and 2."

Speaker Greiman: "The Gentleman from St. Clair, Mr. Stephens."

Stephens: "Mr. Speaker, would you take the Bill out of the record, please?"

Speaker Greiman: "Out of the record. On the Order of Concurrence

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appears House Bill 2724. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 2724, amends the Illinois Vehicle Code, together with Senate Amendment #1."

Speaker Greiman: "The Gentleman from Bureau, Mr. Mautino."

Mautino: "Thank you, Mr. Speaker. I move to concur in Senate Amendment #1 to 2724. The underlying Bill provide that the Department of Transportation may not reclassify a nonconforming official safety testing station upon the change of ownership. The Senate Amendment #1 came about because when the General Assembly passed the EPA provisions for vehicle emissions, the EPA used zip codes that were in error as they pertained to five areas in this state. Therefore, Amendment #1 amends out those zip codes that were incorrect. Those zip codes in those locations are; Carol Stream, Wheaton, St. Charles, Aurora, Madison, SIU-Edwardsville, St. Clair-Belleville, St. Clair-Belleville (sic), and I move for the concurrence of Senate Amendment #1."

Speaker Greiman: "The Gentleman from Bureau moves that the House concur in Senate Amendments #1 and... in Senate Amendment #1 to House Bill 2724. And on that, is there any discussion? There being none, the question is, "Shall the House concur in Senate Amendment #... Excuse me. Mr... The Gentleman from DuPage, Mr. Hensel."

Hensel: "Thank you. Will the Sponsor yield?"

Speaker Greiman: "Indicates he will."

Hensel: "Was Carol Stream on that list?"

Mautino: "Yes, Sir, it was. This Amendment corrects that and removes it. I... What has happened, Representative Hensel, the reason the areas were not properly identified in the original legislation is because the EPA furnished the Legislators outdated zip code maps. This corrects that inequity."

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Hensel: "Thank you. I just wanted to make sure it was in there."

Speaker Greiman: "The Lady from Cook, Ms. Pullen."

Pullen: "I'd like to ask the Sponsor a question, please."

Speaker Greiman: "Proceed."

Pullen: "Is there any chance that we could add about four more zip codes to that exemption list."

Mautino: "Senator 'Pate' Philip's Amendment only corrected the inequities that were provided by the... the wrong zip codes in the original legislation. I recommend most highly you discuss that with him for a piece of legislation in the fall."

Pullen: "Well, I'm one of those people who think the entire legislation is an inequity, and I thought maybe I could get my district out of it."

Mautino: "Well, I don't disagree with you. I opposed this legislation as well, along with Representative Barnes, if you would remember, but that's not the case and this makes the corrective measures."

Pullen: "Thank you."

Speaker Greiman: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 2724?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is open, and this is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'aye', none voting 'no', and none voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 2724. And this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Concurrence appears House Bill 3005. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3005, a Bill for an Act making appropriations to the Illinois Horseracing Board, together with Senate Amendments #1 and 2."

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Speaker Greiman: "The Lady from Cook, Ms. Barnes."

Barnes: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to concur in #... Senate Amendment #1 and Senate Amendment #2. Senate Amendment #1 decreased appropriated amounts by a total of 537,100. Senate Amendment #2 transfers among lines and laboratory programs, no net effect. I would move 'do adopt'."

Speaker Greiman: "The Lady from Cook, Ms. Barnes, moves that the House does concur in Senate Amendments #1 and 2 to House Bill 3005. And on that, is there any discussion? There being none, the question is, 'Shall the House concur in Amendments #1 and 2?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open, and this is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 112 voting 'aye', none voting 'no', none voting 'present'. Mr. Mulcahey votes 'aye'. Mr. Steczo votes 'aye'. Accordingly, on this question, there are 114 voting 'aye', none voting 'no', and none voting 'present'. This Bill... and the House does concur in Senate Amendments #1 and 2 to House Bill 3005. And this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Concurrence appears House Bill 3449. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3449, a Bill for an Act to amend the Illinois Income Tax Act together with Senate Amendment #1."

Speaker Greiman: "And on that, the Gentleman from Lake, Mr. Churchill."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3449 originally made two changes in our tax code, extending the time period for filing of federal income tax return changes from 20 to 120 days and lowering the payment rate on percentage of sales tax from 24 to 15

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percent. Over in the Senate, the Senate added on an Amendment which added the substantive language accompanying Executive Order 8602 and creates a separate department for the Department of the Lottery, so it takes it out of the Revenue Department and makes a separate department out of it. At this time, I would move to concur with Senate Amendment #1 in House Bill 3449."

Speaker Greiman: "The Gentleman from Lake, Mr. Churchill, moves to... that the House does concur in Senate Amendment #1 to House Bill 3449. And on that, the Gentleman from Morgan, Mr. Ryder, at Mr. Vinson's desk."

Ryder: "Thank you, Mr. Speaker. Mr. Churchill, would you yield for a couple of short questions, please?"

Speaker Greiman: "Indicates he will."

Ryder: "Alright. I apologize. Would you tell me again what Senate Amendment 1 does to the Bill?"

Churchill: "Senate Amendment #1 creates a separate department for the Department of the Lottery. It takes the Lottery, which is now under the Department of Revenue, and creates a separate department for it."

Ryder: "Okay. And that's the only change in the Bill?"

Churchill: "That's correct."

Ryder: "Thank you."

Speaker Greiman: "All those in favor signify by voting 'aye', and those opposed vote 'no'. Voting is now open, and this is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 102 voting 'aye', 11 voting 'no', 2 voting 'present', and the House does concur in Senate Amendment #1 to House Bill 3449. This Bill, having received the Constitutional Majority, is hereby declared passed."

Clerk Leone: "Supplemental Calendars #3, 4 and 5 are being distributed."

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Speaker Greiman: "On the Order of Concurrence appears House Bill 3473. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3473 amends an Act concerning the Natural Heritage Endowment Trust Fund, together with Senate Amendment #1."

Speaker Greiman: "The Gentleman from Winnebago, Mr. Hallock."

Hallock: "Thank you, Mr. Speaker, Members of the House. I would ask that the House nonconcur with Senate Amendment #1 to this Bill."

Speaker Greiman: "The Gentleman from Winnebago moves that the House nonconcur in Senate... in House... in Senate Amendment #1 to House Bill 3473. All those in favor signify by voting 'aye', those opposed vote 'no'. Vote... I'm sorry. All those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it, and the House does nonconcur in Senate Amendment #1 to House Bill 3473. On the Order of Concurrence appears House Bill 3503. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3503 amends an Act in relationship to state revenue sharing, together with Senate Amendment #1."

Speaker Greiman: "The Lady from Cook, Ms. Braun."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to concur in Senate Amendment 1 to House Bill 3503. Essentially, what the Amendment does is to make the double weighted sales tax which we passed in House Bill 2819 mandatory for businesses over 5,000 employees and... but optional... I mean, for mandatory for businesses under 5,000 employees but optional for businesses employing more than 5,000 employees. I encourage your concurrence in this Senate Amendment."

Speaker Greiman: "The Lady from Cook, Ms. Braun, moves that the House do concur in Senate Amendment #1 to House Bill 3503."

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And on that, the Gentleman from Lake, Mr. Churchill."

Churchill: "Thank you, Mr. Speaker. Will the Lady yield?"

Speaker Greiman "Indicates she'll yield for questions."

Churchill: "Representative Braun, would you explain again what the original underlying Bill did?"

Braun: "Well, the original... the original Bill had... wait a minute. Right... I'm sorry. The original Bill shifted the investment tax credit from the personal property replacement tax over to the income tax. We passed that out of here. The Senate Amendment is the... That's still in the Bill, but the Senate Amendment is the issue on concurrence."

Churchill: "That's correct. And can you tell me what was the cost of the underlying Bill?"

Braun: "It's not really a cost per se, but it is a shifting of a revenue stream from the state to local governments."

Churchill: "You're talking about taking dollars away from the state and passing them on to local governments."

Braun: "Well, yeah."

Churchill: "And how much is that shift?"

Braun: "About 40,000,000 dollars."

Churchill: "40,000,000 dollars?"

Braun: "Right."

Churchill: "And what... where do you get your number?"

Braun: "I just got it from the Economic and Fiscal Commission, I've been told."

Churchill: "I see. And from a fine staff person standing on your right."

Braun: "Him, too."

Churchill: "Okay. Now, on the Senate Amendment, would you explain again what the Senate Amendment #1 does?"

Braun: "Okay. It essentially makes the... we passed the Bill... 2816... 2819, which establishes the double weighting on

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the sales tax of the double weighting on the... of the sales tax in determining... in determining the amount that non-resident companies pay for the income tax. And that's another Bill altogether. This Amendment essentially says that with regard to employers with more than 5,000 employees in the state, that the double weighting option - there are three different options in the formula - the double weighting option becomes optional."

Churchill: "Okay, so in the Bill that you spoke of previously, what we were doing was to benefit local companies and there might be some detriment to companies that were outside of the state because we were double weighting one factor in their income tax so that the local companies received a tax break. Is that not correct?"

Braun: "That's still in... That's still in the Bill. It still does that."

Churchill: "That's right. That is... That's in a different... Bill."

Braun: "Different Bill, yes."

Churchill: "Okay. And so, what we were saying in that Bill that that was policy of this state..."

Braun: "Right."

Churchill: "... That we wanted to double weight this factor so that we would give a break to businesses that were doing business in the State of Illinois as opposed to businesses that were located outside of the State of Illinois and only sent representatives into the State of Illinois to do their business here."

Braun: "Right. This is not... "

Churchill: "Okay. This, then, goes counter to the intent of that Bill... "

Braun: "No, Sir. As a matter of... "

Churchill: "... Because what you're doing is creating a loophole

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for certain corporations which are not... yes, moi, you. You're creating a loophole in... in the Act so that corporations who are located mainly outside of the state can then treat themselves differently, as opposed to what the Bill... the previous Bill."

Braun: "No, Sir. In fact, I think that - and I would refer you to this publication by the Department of Revenue on the double weighted fact sales tax... sales factor and Illinois corporate filers, there... there, the issue was raised as to what the net effect would be in terms of tax gainers and tax losers. What this essentially does is with regard to some of the largest employees in Illinois which might have a problem applying the double weighted sales tax option, it makes it optional based on their level of activity within the state."

Churchill: "So, in other words, they don't have to use the double weighted sales factor."

Braun: "It becomes optional, yes."

Churchill: "So then, they could use a something that would be lower... it would provide a lower tax for them."

Braun: "A different... A different tax formula. Remember, you've got three options to begin with. This is 3 sub A, is all."

Churchill: "It's not really options, I don't think. I think it's three factors, and all you're doing is taking one of those factors and double weighting it. Let me ask you... give me an example of a corporation that would be affected by this."

Speaker Greiman: "The Gentleman from Morgan, Mr. Ryder."

Braun: "We're not finished."

Speaker Greiman: "Oh, I'm sorry. I thought you were. I'm sorry."

Braun: "General Motors."

Churchill: "General Motors. Okay. And so, how many dollars

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would this save General Motors, if they were to follow the option according to the Senate Amendment #1?"

Braun: "We don't know for certain, but it's been suggested that it will be about 2,000,000 dollars."

Churchill: "So, in other words, this Bill is worth about 2,000,000 dollars to General Motors."

Braun: "Right. Thereabout."

Churchill: "Now, can you tell me what percentage of the plant and sales and personnel that General Motors has inside the State of Illinois vis-a-vis outside of the State of Illinois?"

Braun: "No, I can't, Sir, but I can tell you that they're one of the larger employers in Illinois, and if we're serious about keeping business in Illinois and promoting business in Illinois. I mean, I could go on that side of the aisle and give this speech, Representative Churchill, and I don't understand why you're not supporting this, because this is good for business, and this is good for one of the largest employers in the state, and... and those people are saying that with regard to this new change, the double weighted sales tax factor... sales factor, that they need the option, at least, of protecting themselves, and... so that they can continue having employment. I'm interested in creating jobs, and I thought you were interested in protecting business, so we should be on the same line on this one."

Churchill: "Yes, but you're... you're interested in parity and so am I. Can you tell me the state that houses most of General Motors' plants, how do they treat Illinois businesses that go to that state? Do they give us a tax break? Do we get the same tax break in Michigan that we're going to give General Motors here?"

Braun: "Representative, I'm not... Let me suggest to you first

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off, that you're using the word 'tax break' for General Motors is a little inflammatory. Okay? This is a shifting and an option which just changes who the tax losers and the tax gainers are in the application of the double weighted factor. Michigan, as I understand it, which is where General Motors is headquartered, does not do as well by Illinois, but we have to work on that. In terms of Illinois employers, you're talking about a company that has over 5,000 employees in the state, and I would think that in the interest of those 5,000 employees in the state, that we would do what we could to see to it that there... there is a tax structure that encourages their continued involvement and participation and employment of Illinois residents."

Ryder: "And do you have any idea what the cost of Senate Amendment #1 is to the State of Illinois?"

Braun: "And the... And Representative Steczo, excuse me, points out that Illinois businesses still win under this formula, under 2816 as well as under this Amendment, so... "

Ryder: "I think they won under Representative Steczo's Bill. That was a good Bill. I'm not so sure about this Amendment."

Braun: "They... They did. It's a good Amendment. It's a good Amendment."

Ryder: "Do you know how much this is going to cost the State of Illinois?"

Braun: "Well, I've had a number of different estimates, Representative Churchill, and they've run from about 1.5 million to 6 million."

Ryder: "I'm being told by the Department that it could be as much as 33 million dollars."

Braun: "For the whole... no."

Ryder: "For all of the companies that are doing... "

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Braun: "No."

Ryder: "... business that this would be affecting."

Braun: "No, Sir."

Ryder: "Well, Madam Speaker, to this Bill and to the Amendment that's on it. I originally arose to oppose the underlying Bill because of the cost factor that this was going to be a tax shift from the State of Illinois to the local governments. I think it's fine if we want to give local governments money. I don't think it's something we should be doing through our revenue code in this manner, and particularly, I do not think it's something that we should be doing at this time. I also object to Senate Amendment #1. What we tried to do in Representative Steczko's Bill was to create a climate in the State of Illinois that would benefit those companies that are located here. There are people that are located here. They've decided and chosen to stay in the State of Illinois, and I think that those are the companies that we should benefit. What we do by this loophole is to take away that benefit so that a company that's located in a state such as Michigan which gives no similar tax break to Illinois corporations ends up benefitting in Michigan and benefitting in the State of Illinois. I think this is a... this is a terrible Amendment, and I think we ought to defeat both the Amendment and the Bill."

Braun: "Thanks."

Speaker Breslin: "The Gentleman from DeWitt, Representative Vinson... or is it Representative Ryder? Representative Ryder at Representative Vinson's chair."

Ryder: "Thank you, Madam Speaker. I rise in opposition to the Motion on the floor, and I understand that this is giving an option to those huge businesses in excess of 5,000 employees within the State of Illinois. We would lose as

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much as 50 million dollars from the General Revenue Fund because of this proposed option. That's 50 million dollars that's not there for education, that is not there to make up the shortfall. That's 50 million dollars that we do not have to take care of the folks of Illinois. And yet, where is that going to go? Well, it's going to go, in many cases, to some of the localities where many of these folks are employed. That means the biggest cities may get some bigger bucks. At a time when we're facing 300 million dollar shortfall in revenue, at a time when our budget is nowhere near being balanced, to allow this kind of a loophole is simply not fiscally sane, and I believe that the Governor, and I believe that the Leadership for the... on this side of the aisle stand in opposition to this. However, do not... excuse me. Do not be concerned that the double weighting will fall by the wayside. That Bill is already on the Governor's desk, due to be signed. That Bill, which is a good idea, which is a good option that's available for those largest businesses, is there. That Senate Bill is already on the desk. Let us eliminate this proposed loophole. Let us save the State of Illinois this 50 million dollars. Vote "no".

Speaker Breslin: "Representative Breslin in the Chair. The Gentleman from Kendall, Representative Hastert, on the Bill."

Hastert: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I concur with the last couple of speakers, and I think you ought to listen up, because this Bill, this piece of legislation... now we're talking about the underlying Bill, would cost the State of Illinois 50 million dollars. Now, the double weighting issue that was debated before really is of little consequence. That Bill had already passed through the House, and it's on its way to the

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Governor's desk. However, when you start changing the system, the tax system, as opposed to property taxes... and where you start taking the credit against the investment credit on the property taxes. Then you start... shifting the tax system. Now, I think you ought to be aware, if you're from downstate Illinois, it doesn't make any what... difference what party you're from or if you're from the suburbs or if you're from central Illinois, you're not going to be winners in this situation, you're going to be losers. You ought to be aware, when you start changing the tax system, when you start messing around with the finessing of where dollars go and how formulas work, somebody's going to be a winner, and somebody's going to be a loser. And I can tell you, with this piece of legislation right now, Ladies and Gentlemen, that this... there's a purpose for this legislation, that somebody in probably the area that the people who were sponsoring this legislation, they're going to win, and the people who are standing up and opposing it, they're going to lose. Be aware of that. You're going to... It's going to be a cost item of about 50 million dollars. You should be very, very much aware, and you should vote 'no' against this piece of legislation."

Speaker Breslin: "There being no further discussion, Representative Braun to close."

Braun: "Thank you, Madam Speaker. You know, it's really sometimes amazing on the floor of this House how people can consistently take one position and then, for reasons that have nothing to do sometimes, flip around and give the exact opposite speech. Now, either we're talking about... either we're talking about saving and creating jobs in Illinois or we're not. Now, one of the speakers spoke about the underlying Bill, and insofar as that's concerned,

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let me say to you that if you have a village, a township, a city in your area, the underlying Bill is good for them, because it essentially gives local governments a better crack at a revenue stream which is already there. But even going to this Amendment, the fact is, and I did misspeak in debate, Representative Churchill, I referred to General Motors as having 5,000 employees in Illinois. I've just been advised they've got 13,500 employees in Illinois. So, if you're talking about giving companies like Ford, like General Motors, like Proctor and Gamble - companies that do a lot of business and hire a lot people in Illinois - giving them an option. It's not saying that they automatically have to choose whether to use the double weighted sales tax factor or whether they can... whether they are locked into a particular formula. It just gives them an option, and the companies have come to us and said, 'We need this option in order to continue to do the kind of business we're doing in Illinois, in order to grow in Illinois, in order to stay in Illinois.' I'm here trying to promote Illinois business. Now, that may come as a surprise to some of you on the other side of the aisle, but that's what I want to do, and this is a good vote for Illinois business. This is a good vote for employment in Illinois. This is a good vote for local governments in Illinois, and I encourage your support in our Concurrence Motion."

Speaker Breslin: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 3503. All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. The Gentleman from Cook, Representative Harris, one minute to explain your vote."

Harris: "Thank you, Mr... Thank you, Madam Speaker. Ladies and Gentlemen of the House, just by way of explanation, what we

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did with House Bill 2819 was allow corporations to double weight their sales factor if they chose to do so. We did that for a reason. The states surrounding us have all gone to that computation method. We simply said, okay, if they're going to do it, we're going to do it. So, in essence, we've set up a parity situation. However, this Senate Amendment creates a very bad precedent. A... An out-of-state corporation which doesn't feel as though it is getting fair treatment in Illinois under what we have determined to be equitable circumstances, comes to us and say, 'We want a special piece of legislation just for certain out-of-state corporations.' They don't treat us as well in Illinois... in Michigan as we're about to treat an out-of-state corporation from Michigan. The... The Amendment seriously flaws the Bill, and I would urge a 'no' vote on the nonconcurrence.

Speaker Breslin: "The Gentleman from Cook, Representative Keane, one minute to explain your vote."

Keane: "Thank you, Madam Speaker. I rise in opposition to this Concurrence. We just passed legislation to the Governor implementing doubleweighted sales factor. And by this Amendment, we are making it optional rather than mandatory. But what we're making it optional for is for large employers. Basically, you're giving the employers the ability to take whatever way works best for them. I think if we're going to go with double weighted sales, we ought to go with double weighted sales, give the Department of Revenue an opportunity to build an experience factor on it, and then come back and decide whether or not we want to give optional double weighted sales to large employers. And for that reason, I would ask that you vote 'no' or 'present'."

Speaker Breslin: "Representative Steczo, one minute to explain

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your vote."

Steczo: "Thank you, Madam Speaker, Members of the House. I rise in support of the Concurrence Motion on House Bill 3503. While the provisions of Senate Amendment #1 would seem to undo what this House tried to do with House Bill 2819. Please keep in mind that those Illinois corporations that we sought to help in House Bill 2819, which was the Bill that I sponsored, would still be helped under the provisions of Senate Amendment #1. The option that we are providing was brought to our attention by some large employers in the State of Illinois who happened to be based out of state, but still have a... a stake in Illinois. Those employers simply said, 'Give us an option. Give us a chance to make the same case to the Governor that you're going to make.' And so, based on that, Madam Speaker..."

Speaker Breslin: "Bring your remarks to a close, Sir. The Gentleman from Cook, Representative Leverenz, one minute to explain your vote."

Leverenz: "Well, thank you, Madam Speaker. The previous Gentleman suggested that we don't do this now and try to develop an experience factor with the Department of Revenue. And for those of you on the Appropriations Committee and maybe a few others, we've had a lot of experience with the Department of Revenue, and that would be one good reason to vote for this in the first place. But save yourself the option of... or take the option of not getting the mail from the large corporations and your arm twisted by giving an option to choose which system they want, rather than mandate it as you did in the previous piece of legislation. I encourage your 'aye' vote."

Speaker Breslin: "Representative Churchill, one minute to explain your vote."

Churchill: "Madam Speaker, I rise to request a verification,

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should this receive the requisite number of votes."

Speaker Breslin: "Very good. Have all voted who wish? This is final passage. Have all voted who wish? The Clerk will take the record. On this question, there are 54 voting 'aye', 56 voting 'no', and 2 voting 'present', and the House does not concur. Representative Braun."

Braun: "Thank you... Thank you, Madam Speaker. I request a Poll of the Absentees."

Speaker Breslin: "Poll the absentees, Mr. Clerk."

Clerk O'Brien: "Poll of those not voting. Capparelli. Krska. Laurino. Panayotovitch. And Terzich. No further."

Speaker Breslin: "On this question, there are 54 voting 'aye', 56 voting 'no', and 2 voting 'present', and the House does not concur in Senate Amendment #1 to House Bill 3503. Ready? Ladies and Gentlemen, we are going to go to the Order of Supplemental Calendar #1, Conference Committee Reports. First Bill, House Bill 3422, Representative Curran. Representative Curran. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3422, a Bill for an Act to amend the School Code. First Conference Committee Report."

Speaker Breslin: "Representative Curran."

Curran: "Thank you, Madam Speaker. Conference Committee Report #1 on House Bill 3422 is... is pretty simple. The underlying Bill allowed the expanded use of life safety and energy bonds, as long as less money was spent. It dealt with a problem specifically here in Sangamon County. It got 100 votes in the House and 50 votes in the Senate, not... no particular controversy. The addition in the Conference Committee is a portion of the Bill dealing with asbestos removal. As you may remember, about a year ago, in addition to removal of asbestos, we added encasement and encapsulation. The Bill read that school districts could either encase or encapsulate in addition to removing

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asbestos to take care of their problems. But when you read down upon the law, you found that the Department of Public Health was only allowed to inspect for removal, even though a school district could encase or encapsulate, the Department of Health... Public Health could only inspect for removal. It was an oversight in the law. This is a JCAR type... a JCAR type Amendment, and I move for the adoption of Committee... Conference Committee Report #1. It got 57 votes in the Senate."

Speaker Breslin: "The Gentleman moves to concur with... or to adopt the First Conference Committee Report to Senate Bill... to House Bill 3422. And on that question, is there any discussion? The Gentleman from Morgan, Representative Ryder, at Representative Vinson's desk."

Ryder: "Would the Representative yield for a question, please?"

Speaker Breslin: "He will."

Ryder: "Thank you. Representative, I've got the First Conference Committee Report in my hand, and is it correct that all I see is the removal of two words and the addition of six. Is that right?"

Curran: "It's... It's probable. Would you read the words that you added, and the words?"

Ryder: "Sure. It removes the words 'to remove' and it appears to add the words 'as defined in this Act'."

Curran: "That would be correct. It simply takes the definition and extends it to the obligation of the Department of Public Health upon inspection."

Ryder: "Okay. So, what you're saying is that the Department now has three options rather than the first opt... the only alternative which was removal."

Curran: "No. Original... Let me make it clear. The school districts may attend to this problem in three ways. They may either remove... either remove the asbestos or

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encapsulate it or encase it."

Ryder: "Or encapsulate it. Right."

Curran: "However, when we read down in the law, we found that the Department of Public Health, due to an oversight, only had the right to inspect for removal. What this does is, gives the Department of Public Health the right to inspect the work that the school district has the right to do, respect... inspect it for removal, encasement or encapsulation."

Ryder: "Okay, thank you, Representative. Thank you."

Speaker Breslin: "The Gentleman from Cook, Representative Levin."

Levin: "Would the Gentleman yield for a question?"

Speaker Breslin: "He indicates he will."

Levin: "Representative, is this Amendment intended to deal or overrule the proposed rules that the agency is... has... has suggested to JCAR on this subject?"

Curran: "Which agency, Representative Levin?"

Levin: "Public Health. I recall that, you know, the issue came up last week in JCAR, and you expressed concerns."

Curran: "I expressed concerns, but at that time, it was... the Department was not there to answer my concerns. This is clearly... While it is not a JCAR suggested Amendment, it is a JCAR type Amendment in that it was simply adding language that was obviously intended to be in Senator Berman's Bill about a year ago."

Levin: "Okay. Is your intent to overrule the proposed rule? Is the portion of the rule that you... "

Curran: "The Department of Public Health felt that because the lack of a clear definition for either removal, encasement or encapsulation, they only had the right to inspect for removal. I believe that is a clear misinterpretation of our intention when we passed Senator Berman's Bill here in the House, and... and what we do here is give the

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Department of Public Health the right to inspect for removal, encapsulation or encasement."

Levin: "Okay. I understand the Department has no problem with this Amendment."

Curran: "The Department has no problem. That is correct, Sir."

Levin: "Thank you."

Curran: "You bet."

Speaker Breslin: "The Lady from Cook, Representative Pullen."

Pullen: "I'd like to ask the Sponsor a question, please."

Speaker Breslin: "He will yield."

Pullen: "I think I understand what you're saying about the language that the Conference Committee added to the Bill, but would you please tell me whether the original Bill and the way that it was amended in the House and Senate are still there?"

Curran: "The original Bill and the way that it was amended in the House and the Senate are still there."

Pullen: "Would you explain that Bill, please?"

Curran: "What the original Bill said is that a school district which had the option of issuing life safety and energy bonds for... taking care of a problem in a specific building, such as the Feltshans building here in Springfield. Could take less money, less taxpayers' money, and rather than spending it on the typical purposes for life safety and energy bonds, could spend it for additions to a school, whether those additions be temporary or permanent. This would, in general, be a move to attempt to solve an overcrowding problem."

Speaker Breslin: "So, it is a diversion of life safety funds?"

Curran: "It is an improvement in the way life safety and energy bond funds can be used. There's a window for 18 months. What some school districts found themselves doing was spending a lot more in one building because that building

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was dilapidated and could be used for life safety and energy bonds if they wanted to respond to a problem of overcrowding. Now, a school district may respond to the problem of overcrowding by... by using less money than they would have originally used, but using it also for additions to a building or temporary additional facilities, such as a mobile classroom."

Pullen: "Does this take place only if there is a building that has been judged in need of life safety remodeling or reconstruction?"

Curran: "That is correct, Representative."

Pullen: "So that the added facilities can be built with these funds only as an alternative to remodeling a building that has been judged needing... "

Curran: "That is correct. That is correct."

Pullen: "... That remodeling. For life safety purposes."

Curran: "You're exactly right."

Pullen: "Thank you."

Speaker Breslin: "The Gentleman from Knox, Representative Hawkinson."

Hawkinson: "Thank you, Madam Speaker. Will the Sponsor yield for a question?"

Speaker Breslin: "He will."

Hawkinson: "My notes indicate, Representative, that this was a tax without a referendum before. Is that still the case?"

Curran: "This will always be a tax without referendum. The school districts already have that right."

Hawkinson: "But this is an expansion of the authority to tax."

Curran: "What this Bill... What this Bill does is... is actually allow the school district to spend less money than they would spend under the way that they already have the right to spend it. In other words, we're... we're allowing them to spend less money to accomplish the same purpose, but

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probably in other buildings. If that's not clear, I'll try to handle it in another way."

Hawkinson: "Thank you."

Speaker Breslin: "Representative Curran to close."

Curran: "This Bill got 57 votes in the Senate and no votes against it. It's been... it's a simple Amendment here for Conference Committee Report #1, and I ask for a favorable Roll Call."

Senate Bill: "The question is, 'Shall the House adopt the First Conference Committee Report to House Bill 3422?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 90 voting 'aye', 19 voting 'no', and 1 voting 'present', and the House does adopt the First Conference Committee Report to House Bill 3422. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 2020, Representative White. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2020, a Bill for an Act to amend the Illinois Public Aid Code with First Conference Committee Report."

Speaker Breslin: "Representative White."

White: "Madam Speaker, Ladies and Gentlemen of the House, I move to concur with Senate Amendment... as you were... House Amendment #7, which was adopted by this Body."

Speaker Breslin: "Excuse me, Representative White. This Bill is on the Order of... rather, the adoption of Conference Committee Reports."

White: "Yes, I would like to move for its adoption. I move for the adoption of Conference Committee Report #... #1."

Speaker Breslin: "The Gentleman has moved for the adoption of the First Conference Committee Report to Senate Bill 2020. And

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on that question, is there any discussion? Hearing none, the question is, 'Shall the House adopt the First Conference Committee Report to Senate Bill 2020?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 114 voting 'aye', '1' voting 'no', and 2 voting 'present'. And the House does adopt the First Conference Committee Report to Senate Bill 2020. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 2042, Representative Daley. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2042, a Bill for an Act to amend the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act together with First Conference Committee Report."

Speaker Breslin: "Representative Daley."

Daley: "Thank you, Madam Speaker and Members of the House. I move to adopt the First Conference Committee Report on Senate Bill 2042."

Speaker Breslin: "The Gentleman has moved to adopt the First Conference Committee Report on Senate Bill 2042. And on that question, is there any discussion? Hearing... The Gentleman from Morgan, Representative Ryder, at Representative Vinson's desk."

Ryder: "Thank you, Madam Speaker. Would the Gentleman yield for a short question or two?"

Speaker Breslin: "He indicates he will."

Ryder: "Representative, originally, this Bill had some opposition from the Department of Revenue. Do you know if that opposition still stands?"

Daley: "They... They are neutral."

Ryder: "Okay. Thank you, Representative."

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Speaker Breslin: "Representative Ewing, for what reason do you rise?"

Ewing: "A matter of inquiry. You hear the chickens over here. They're clucking and they're about ready to attack. Do you suppose that maybe the Speaker got lost with the chicken when he went to get it? I assumed that he was going to go get it the minute he left the podium."

Speaker Breslin: "I'm sorry, but you were getting Representative Daniels' chicken. You'd better call Leader Daniels."

Ewing: "Well, the Speaker kind of led us to believe that he was in charge of everything. You know we're not chicken on this side."

Speaker Breslin: "As soon as the chicken arrives, we'll let you know. Representative Pullen has... Representative Daley, Representative Pullen has noted that the Conference Committee Report at the end fails to put in the date on which the Conference Committee Report was signed. Representative Pullen, do you wish to raise an objection to that point? The... The Clerk says it is up to the Body to decide whether or not they... they wish to raise an objection on that point."

Pullen: "Is it in order to amend it on its face with leave of the House?"

Speaker Breslin: "Unfortunately, we cannot do that, because the Committee Report that is adopted here must be the exact same one that is adopted in the Senate. If they should adopt a change on its face, and it should be the same one. Then there would be no problem, but the Clerk does not advise that."

Pullen: "Well, I... I think that it has been the practice of this House to be sure that these things are in proper form, and I think that we probably should get it fixed, so I will object."

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Speaker Breslin: "The Lady objects. Representative Daley, you will have to take this Conference Committee Report out of the record and get a corrected copy, and be sure the same one is filed in the Senate as well. We'll now go to Supplemental #3. The first Bill on that Order of Nonconcurrency is Senate Bill 1917. Representative DeLeo. Out of the record. On the Order of Conference Committee Reports on Supplemental #3 appears House Bill 2573, Representative McNamara. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2573, a Bill for an Act concerning missing children with First Conference Committee Report."

Speaker Breslin: "Representative McNamara. Excuse me."

McNamara: "Thank you, Madam Speaker. Thank you, Madam Speaker, Ladies and Gentlemen of the House. Conference Committee Report #3 on... Excuse me. Conference Committee Report #1 involves the Missing Children's Bill, and it requires the Department... the changes are to require the Department of State Police notice... register... or other state agencies other than Illinois when the vital records, if there is a child that is missing, and of their birth certificates so that they will be able to know and will be able to put into the National Leads Program. And it also has some minor technical changes in that portion of the Bill which, instead of limiting the word 'city', goes to 'municipality', so your local units of governments would be involved and notified. Some of the other things that the Conference Committee Report did was to include Senate Bill 2168, which is the awards program, which is a recognition program for teen excellence. It also recognizes people for peer assistance. On Senate Bill 2166, they... it addresses young adult employment to improve programs such as wildlife habitats, recreational facilities, water quality, et cetera. And it creates the Illinois Youth Recreation

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Corps. It also requires that the Department of Employment Security maintain a list of all the jobs available for the summer... Their only situation on this is just to maintain the list, not for any of the other situations. Then, Senate Bill 2163 is, that if a person is absent from school, it provides home instruction of the school subjects which are English, et cetera, to that person for up to a period of three months. It also, under the merit recognition scholarship, which was Senate Bill 2163, it creates a merit recognition scholarship of a 500 dollar academic grant for academics only. I would urge the Body's approval of the Conference Committee Report #1."

Speaker Breslin: "The Gentleman has moved for the adoption of the First Conference Committee Report on House Bill 2573. And on that question, the Lady from Cook, Representative Pullen."

Pullen: "I wonder if the Sponsor would yield to a question or two?"

Speaker Breslin: "Indicates he will."

Pullen: "You said that it provides for a person who is absent from school to receive home instruction for up to three months. Is this just any person?"

McNamara: "No, I believe that the language of that Bill was that if that person was absent from school due to pregnancy, that they would be able to continue with their home instruction for a period of three months so that they would not fall behind in school and would become adequately educated."

Pullen: "It's actually longer than three months, though, isn't it, because it mandates the school district to provide home instruction before the birth of the child if the physician says that the child shouldn't be in school for medical reasons, and then for up to three months following the

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birth of the child, so it could be even as long as ten months or so, even longer, possibly. Isn't that correct?"

McNamara: "That is a possibility, as I read it. However, in the synopsis that I have had, the main thrust of that situation is the three months... up to three months afterwards, but it... there is a possibility of that definition, as I look at it now."

Pullen: "Well, reading the Bill rather than the synopsis, it does apply before the birth of the child if the physician says that there's a good medical reason why the student should not be in school. Now, I have a couple more questions. You said that the Bill addresses young adult unemployment. Would you please tell us how it addresses that?"

McNamara: "Okay. That's through the Senate Bill 2166. It's the young adult employment... Youth Employment Act of 1986. It codifies the Department of Conservation... Illinois Conservation Corps with the young adult 18 to 25 and youth age 16 to 18 components. And essentially, it's the reactivation of the old federally funded Youth Conservation Corps. It also creates the Youth Recreation Corp, which... which is a local grant program for the operation of employment of youth 16 to 19 and recreation programs. That is, teaching tennis, baseball, swimming, et cetera, and it also requires the Department to maintain a list of all of the jobs available for summer employment of the youth in each area office. That's a place where the youth can go to take a look at it, but it does not indicate that the Department of Employment Security must seek jobs for those children."

Pullen: "Is there an appropriation pending anywhere for the two programs that you are inserting in the statutes with this?"

McNamara: "I am informed that there's 1,000,000 dollars in DOC's budget."

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Pullen: "Is that in the Governor's budget as proposed?"

McNamara: "That's my understanding."

Pullen: "There is some language on page 10 of the Conference Committee Report which you have not mentioned to this Body, and I wonder whether you would explain to us the adolescent and teen suicide prevention program that you are seeking to create in the Department of Mental Health?"

McNamara: "Yes, on that... on that particular situation, it is my understanding that the suicide prevention Bill which was actually Senate Bill 2164 and passed out of the Senate before, came over to the House is... requires the Department of Mental Health and Developmental Disabilities to establish a five year teen suicide prevention program. What this changes from the original Bill is that it does not provide, at this point, nor should it provide... it does not provide that the educational facilities be required to instruct a teen program or... in the schools themselves. Nor is the student provided that... that instruction. What it tries to do is, it tries to address, on a higher level, research for adolescent teen suicide so that we could learn more about it and address the real problem - a very catastrophic problem. It also is... provides for the production and distribution of public educational material to those parents and teachers and counselors that are definitely in need of that information, and it provides training programs for various education and health professionals concerned with the problems of teen suicide. That's what the Bill now does. It has taken it out, because I don't think that we want to have a program that teaches teens teen suicide. So we've taken the difficult parts out of the Bill, but we've also addressed a very horrendous problem in the state, with this Bill."

Pullen: "What makes you think that the Illinois Department of

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Mental Health and Developmental Disabilities is qualified to either do research on this problem or to prepare public education curriculum materials?"

McNamara: "I think it's a much better option than to establish a new agency, because I think that there are many other agencies, and I believe that the Sponsor of this Bill, what they wanted to do was to institute it into an existing department, one that could do it and possibly do the job. I think it's something that we should all... at least we will have an access, I believe, to get some of the... some of the help that we need in this state in order to address these concerns."

Pullen: "How much money are you proposing to appropriate to the Department of Mental Health to implement this program?"

McNamara: "There... There are 650,000 dollars already in the budget and approved for this particular program."

Pullen: "And how will the Department of Mental Health relate to the public schools in training programs involving parents, teachers, school administrators, et cetera?"

McNamara: "They will make these... They will make these programs available to those people, and probably in the relationship of seminars, but not being... being an educator and knowing exactly how they will avail themselves of this service, I can't totally answer the... the information as to how that would be disseminated."

Pullen: "Are you aware of the statistics from other places in the country where teen suicide prevention programs have been established? Are you aware of what the results of those programs have been?"

McNamara: "I am aware only on that those statistics are where they teach those programs in the schools. I am very concerned about that, but I am also concerned that we must address as to what the problems are, because I'm also

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concerned that I see, within my own community, the pressures that are on young people. And quite honestly, having six children myself, it is a very, very important situation, for me. I think that it's also a very important thing that we not teach children about teen suicides. We learn about them in order to prevent them."

Speaker Breslin: "Excuse me, Representative Pullen. You have used your 10 minutes time. Your 10 minutes are up."

Pullen: "May I make a brief statement?"

Speaker Breslin: "State your... make your statement."

Pullen: "Thank you. The Gentleman suggests that we should do this because it is a problem, and I would like to suggest that there are some problems that government cannot and should not seek to solve. This is a prime example of that. I believe that this is going to cause more trouble than help, and although I appreciate the Gentleman's efforts to remove students from this mandate, I do think that we would be better off without putting this into our law at all. Thank you."

Speaker Breslin: "The Gentleman from Cook, Representative Preston."

Preston: "Thank you, Madam Speaker. While I respect the previous speaker greatly, I take strong issue with some of the statements that were just made. There is no endeavor more important for any governmental body than child protection. To learn about the terrible problem of teen suicide which is growing at outrageous rates throughout this country and in this state, to learn something about the problem and how it can, indeed, be prevented. We, as government, can do no greater... have no greater calling than that. Also, in this Conference Committee Report, there is other legislation... the flagging of birth records and school records to prevent and... to prevent child abduction and to

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find an abducted child once that child has been abducted. Representative McNamara has taken a leadership role in this legislation. He has done an outstanding job. He has worked out all of the problems of all the concerned citizens, and we should definitely adopt this if we care at all about our abused and missing children in Illinois."

Speaker Breslin: "The Lady from Cook, Representative Didrickson."

Didrickson: "Thank you, Madam Speaker. Would the Sponsor yield for a question or two?"

Speaker Breslin: "He will."

Didrickson: "Representative McNamara, following up on Senate Bill 2164, the Teen Suicide Prevention Program, on page 11 of the Bill, Part B, there are awards that are going to be granted by the Department of Mental Health. We're not only talking about schools, we're also talking about programs and information being disseminated to other organizations. Can you explain that to me?"

McNamara: "I would like to defer to Representative O'Connell, who carried an awful lot of this Bill in the House."

Didrickson: "Okay."

McNamara: "To try to answer that. If you could repeat your... your comment for him, please."

Didrickson: "Representative O'Connell, I guess my question is, it's not only schools that we are disseminating information to with regard to teenage suicide prevention programs, but we're also talking about on page 11 of this Bill, that grants will be awarded to not-for-profit organizations, professional or scientific corporations or county or municipal governments, and it goes on and on and on. I'm wondering what the true scope of this particular portion of the Bill is, and whether or not the Department of Mental Health and 'Developmentally Disabled' is in agreement with this part of the Bill."

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Speaker Breslin: "Representative O'Connell to answer the question. This is still a part of Representative Didrickson's time. Proceed."

O'Connell: "Thank you. Representative... Thank you, Madam Speaker. Representative, the Department of Mental Health was in total support of the original Bill which did provide for grants to educate teachers in the perception... in teaching these teachers in the perception of when there would be a suicidal tendency... detecting a suicidal tendency of a student. This Bill... The Bill that's before you now has removed all references to the educators or the student so that it now refers to everything else so that this does not provide for the measures that were available in the original Bill."

Didrickson: "I guess my real question is that we are going to have the Department awarding grants to local units of government - County, municipal level? We've got not-for-profit organizations, professional or scientific corporations. It goes on and on and on, on page 11 in that Section B, and I'm just wondering to what extent they have the expertise sent to disseminate suicide prevention programs and publicizing and equipping adolescent and suicide hotlines and other intervention programs..."

O'Connell: "It's not a question of whether they have the..."

Didrickson: "... Comprehensive. Yes."

O'Connell: "I'm sorry. It's not a question of whether they have the expertise at this point in time, but whether they... they had the opportunity to get the expertise and to pass that expertise along to individuals that need their expertise. It is an education process. It is a recognition that a problem exists with suicide... suicidal tendency on the part... particularly of teenagers, and this would provide for an opportunity... or make available

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opportunities for people to... are in the position of influencing teenagers, to know exactly what is the nuances of the teen suicide issue."

Didrickson: "Thank you, Representative O'Connell. Back to you, Representative McNamara. There are a couple of other points in this Bill. Senate Bill 2167, the Merit Recognition Scholarship Program. According to my analysis here, we are expanding that program. We are now going to be including not only the top five percent of our high school graduates in the State of Illinois, but we are going to be including the top 10 percent. To what extent are we keeping our original commitment? How much are these awards for, and now that we are expanding this program, are we increasing the appropriation?"

Speaker Breslin: "Representative McNamara to answer the question."

McNamara: "Okay... Excuse me. That's a 500 dollar academic grant."

Didrickson: "When that Bill was originally introduced, it's my recollection that we were looking for 1,000 dollars for the top five percent. Is that correct?"

McNamara: "I am not sure of that. I recall it somewhat in that area last year, that there was a 1,000 grant. This is... and you are also correct. It is the top 10 percent of the... it is at 90 percent instead of the 95 percent..."

Didrickson: "So now, we are expanding a program that we really aren't keeping the original commitment as this legislation came through for the top five percent, which was to be a 1,000 dollar award."

McNamara: "That I'm not sure of. I will ask..."

Didrickson: "I believe, if my recollection is true, that..."

McNamara: "I will ask the staff and see if they can have that, but it's also important to realize that this does not go

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into effect until the next fiscal year. It does not go into effect this year."

Didrickson: "Okay. And then, with reference to Senate Bill 2163, the home instructions for pregnant students who are unable, because of medical reasons, to attend school - to what extent - and this is a serious question, to what extent is that a problem in the State of Illinois? Do you have any statistics?"

McNamara: "The statistics that I have heard - and they are heresay as statistics, that in some districts in the State of Illinois, it is an extremely serious problem. In some cases, I understand that the majority of the female population of the school, obviously is a... is problemed with the... with the pregnancy. I am not sure of any hard statistics on it. It is... It just happened to be tacked onto it. Just a second, please. Oh, I'm sorry. The part that you're talking to right now is current law. What is being added to this is after the birth, which is the three month period."

Didrickson: "For what medical reasons might we surmise, then, that we would be giving a leave of absense? There must be statistics on that, then?"

McNamara: "I don't have any statistics."

Didrickson: "Okay. To the Bill, Madam Speaker. This is an all encompassing Bill. It has many components in it, this Conference Committee Report. I would just urge the Membership to look at this closely. Thank you."

Speaker Breslin: "The Lady from Champaign, Representative Satterthwaite."

Satterthwaite: "Madam Speaker and Members of the House, I just wanted to reiterate one of the points that the previous speaker has made, that in the portion of the Bill that deals with the merit recognition scholarships, we currently

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give 500 dollars a year for each of the first two years of college to the people who graduate in the top five percent of their class. That currently costs us 4.8 million dollars a year. If we are to double that and give this award to the top 10 percent, over a two year period, it would double the cost and we would be reaching close to 10,000,000 dollars. The 10,000,000 dollars that would be provided for these students would be 10,000,000 dollars that would not be available for the regular "MAP" grants under the Illinois State Scholarship Commission, those grants which are given out on the basis of need. While it is difficult to really oppose legislation of this sort, we do have to balance this particular program against the needs of the students who will not be able to afford to go to college without the ISSC "MAP" grant. We are finding currently that the State of Illinois will lose about 13,000,000 dollars to students who would have gotten more money under the federal "PEL" grant. We are not able to make up that amount of money at the state level in order to help to subsidize those financially needy students. It's true that this will not have a fiscal impact on next year's budget, but in the years to come, it will be an additional obligation that we will have to pay, and my only concern is in regard to whether we will also have sufficient money to fund the needy students whom we have traditionally tried to help in the past."

Speaker Breslin: "The Gentleman from DuPage, Representative Hoffman."

Hoffman: "Thank you, very much, Madam Speaker, Ladies and Gentlemen of the House. Just to follow on the comments of the previous speaker... speaker. During the last Session of the General Assembly, we passed a very extensive reform program and came back this year looking at revenues which

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were not up to what we had anticipated or had been projected. I think we do ourselves and the public, and particularly the young people in this case, a disservice if we put up expectations that we are going to be unable to meet. And for this reason, I rise in opposition to this legislation in particular, in relation to the scholarship program which is going. We're in the process right now of committing ourselves to an expenditure of money which I would be very surprised if we have available. The other evening, we passed legislation on... for the Illinois State Board of Education, in which we found it necessary to fractionalize some of the costs in the categorical programs. I wouldn't be a bit surprised if the Governor, once he gets the entire budget on his desk, will even have to make deeper cuts than we made. And for that reason, Madam Speaker and Ladies and Gentlemen of the House, I rise in opposition to Concurrence on this Conference Committee Report."

Speaker Breslin: "The Gentleman from McLean, Representative Ropp."

Ropp: "Thank you, Madam Speaker. And just for information on behalf of all Members of the General Assembly, here, I might inform you that we have a number of programs already in existence dealing with recognizing individuals who are involved in vocational education programs. I don't know whether this is a duplication, but in any effort, it is an attempt to occupy young minds and young bodies so that they do prepare themselves for some kind of future vocation. And there is programs now which recognizes as outstanding students, handicapped students, teachers, specialized programs and people who are involved in all kinds of vocational education programs, and I would certainly urge you to keep that in mind as you also either support or

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reject this added program to help young people."

Speaker Breslin: "The Lady from Lake, Representative Frederick."

Frederick: "Madam Speaker, Ladies and Gentlemen of the House, will the Sponsor yield, please?"

Speaker Breslin: "He indicates he will."

Frederick: "Representative McNamara, I'd like to ask you a question about the Citizens' Assembly and the annual award program. While the program that's suggested in this Amendment sounds very interesting, I'm wondering if you realize that the Council on Children really has no budget to do this kind of thing. And can you tell me how much it will cost?"

McNamara: "The Citizens' Award for Teen Excellence, there is a budget of 2,000 dollars in the budget right now for that, and I think it's about time that we recognize that teen excellence in something other than sports, is something that's very good, very wholesome, and something that's needed in this state, and I think that's the reason that I'm very partial for putting this into the package is because it is something that we tend to sometimes just throw aside, and we forget to recognize those, and not only that, it recognizes them for peer excellence - peer excellence within their group, which is a positive peer pressure group that I think is very important towards this whole measure of, let's not just slap them on the behinds, let's also pat them on the back and tell them they're doing a good job. And let's do it the right way and get things done in this state so that we can instill some confidence in those kids."

Frederick: "Well, I appreciate that. I... I had no idea there was any budget. I'd like to say that I do support the suicide program. I think the research into what causes teenagers to commit suicide is a very meritorious idea. I

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also support you when it comes to giving correspondence courses and home instruction to teen pregnant anticipatory mothers. I think this is a far better alternative than abortion, and we should be encouraging these young women to educate themselves so that they are not welfare recipients in the future. I would like to ask you if you would consider Nonconcurrency on the Merit Recognition Scholarship just because I feel we can't afford it at this time."

McNamara: "On that particular situation, it's all in the Concurrence Report. One of the reasons that I think it... it doesn't mean an awful lot to this Bill is is, as first of all, the effective date is July of 1987. The second situation is, is that the Illinois Scholarship Commission was in favor of this and testified in its behalf in the Senate. In other words, they wanted this award program so that more people would be able to avail themselves of it, and also, the effective date being put back to July, 1987, allows us that if the Governor doesn't amendatorily veto it out, allows us, you know, at least to take a look at the program and make changes at that time. One of the things that concerns me about going back to Conference Committees, and I think we can all appreciate that, is what happens to Bills when they go back to Conference Committee. That's such a miniscule part of this Bill, I would suggest that we go ahead with it, because I don't want to risk a Second Conference Committee, to be quite... quite honest about the whole situation."

Frederick: "Well, I guess I do object to the cost of the last provision of your Bill. I understand what you're saying, and thank you very much."

Speaker Breslin: "Representative Madi... The Gentleman from Madison, Representative Wolf."

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Wolf: "Madam Speaker, I move the previous question."

Speaker Breslin: "The Gentleman moves the previous question. The question is, 'Shall the main question be put?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it, and the main question is put. Representative McNamara to close."

McNamara: "Thank you, Madam Speaker, Members of the House. We've had a very good discussion on this entire Bill. The main portion of this Bill is the missing children. That is the main portion of it. The other ancillary items on them are also... some of them are very important issues. It's something that we must address as... as a Body, here, that if we are going to continue the education of our children and try to guide them in the right way, this is something that we must do, we have to do. It's... It would be unconscionable not to do it. I think that it's also important, as I stated before to the other speaker, that it is very important that we realize that that scholarship situation was approved and suggested by the Scholarship Commission. It is also something that it is down to the 90 percentile basis, but it also doesn't take effect until July 1st. So, I would urge everyone to get behind this good piece of legislation right now, and give me your 'aye' vote. Thank you."

Speaker Breslin: "The question is, 'Shall the House adopt the First Conference Committee Report to House Bill 2573?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Countryman, one minute to explain your vote."

Countryman: "Thank you, Madam Speaker. I have the most... utmost respect for the Sponsor, but I also join with Representative from Champaign and the Representative from Elmhurst. I think the scholarship program isn't

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meritorious at this time. We all have many people in our districts that are in need of scholarships and in need of the dollars to go to the universities. We don't need to expand this program at the time when the Federal Government's cutting back, and when dollars are tight, and we're not going to be able to meet our other commitments to our students, and I therefore recommend a 'no' vote. Send this back for a Second Conference Committee Report, that deletes that information. I support the missing children part of this Bill, but I have to vote 'no'."

Speaker Breslin: "The Gentleman from Will, Representative Regan, one minute to explain your vote."

Regan: "Thank you, Madam Speaker, Members of the House. My name is on the Conference Committee Report for the one principal reason in regards to the missing children. Ten percent, I believe, of the missing children are abducted by parents, and this would be the flagging mechanism to locate those children from the trauma they're going through. However, Conference Committee Reports, as the Sponsor has admitted, can get very, very confused. There are a lot of things in this Bill that I had to really grit my teeth on when I signed that, and I want that to be evident and in the record. But there is another Bill that's coming out and it's been passed in regards to the flagging of records for missing children. I just wanted to make very, very sure that that very important legislation got through. Lieutenant 'Harman' from Chicago put an article in the Tribune in regards to it. It was his idea. I was the first one to call him in regards to flagging the records for missing children. It seems like that I don't get paid... "

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question, there are 74 voting 'aye',

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32 voting "no", and 9 voting "present". And the House does adopt the First Conference Committee Report to House Bill 2573. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 3475. Representative... Representative Regan, for what reason do you rise?"

Regan: "I'd like to be indicated to vote 'aye', please."

Speaker Breslin: "Representative Regan wished to be recorded as voting 'aye' on House Bill... the Conference Committee Report on House Bill 2573. House Bill 3475, Representative Tuerk. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3475, a Bill for an Act in relation to state parks, memorials and historic sites with First Conference Committee Report."

Speaker Breslin: "Representative Tuerk."

Tuerk: "Madam Speaker and Members of the House, I move to adopt the Conference Committee Report #1 to House Bill 3475. The Bill as originally passed the House... took the historic Jubilee College building and surrounding acreage and moved it to the Historic Preservation Agency. That's what the Bill did. The Senate Amended the Bill to the extent of asking for us to approve that when someone put it on a piece of property on the... registered it in the Illinois Historic Agency, that it get the owner's approval. This created a little bit of a stir among the historic preservation people in the state, and they asked that that be removed from the Bill. In the effect of the Conference Committee Report #1 is that the Senate did, indeed, recede from Senate Amendment #1. House Bill 3475 is further amended to create the Exxon Oil Overcharge Settlement Trust Fund which it puts in the substantive language for the fund that the monies be transferred from the Illinois Petroleum Violation Fund to this new fund, and it authorizes the

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Department of Commerce and Community Affairs to expend those monies. It further specifies some language concerning the Weatherization Assistance Program and it further amends the Bill to transfer from the Department of Conservation to the Historic Preservation Agency, an authority to offer cash incentives for the capital development at Lincoln's New Salem State Park. With these changes, I would ask the House to adopt the Conference Committee Report."

Speaker Breslin: "The Gentleman has moved for the adoption of the First Conference Committee Report to House Bill 3475. And on that question, the Gentleman from McLean, Representative Ropp."

Ropp: "Thank you, Madam Speaker. Would the Sponsor yield?"

Speaker Breslin: "He indicates he will."

Ropp: "Representative, you indicate that in the final portion of that Conference Committee, there is a cash incentive to a qualified bidder for the development, construction and supervision of a concession complex. What kind of a cash incentive, and what will they be doing?"

Tuerk: "Well, last year, Conservation was given the authority at various state parks around the state, and what this does is give that same authority to... excuse me... historic preservation at New Salem Park."

Ropp: "You mean, for example, they may be giving a million dollars to some bidder to come in and set up a concession complex?"

Tuerk: "Yeah, it could be a lodge facility, and therefore it could speak to that issue, yes."

Ropp: "Okay. Will we, in the future... it seems like almost every year we give a little more to the Historic Preservation Agency. It... when that's transferred over to them, are we, in fact, reducing, then, like appropriations

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to the Department of Conservation, or is both of these agencies continuing to grow?"

Tuerk: "Well, it's already been transferred, Representative Ropp. This just gives them the further authority on this cash incentive program which was set up a year ago."

Ropp: "Thank you."

Tuerk: "You're welcome."

Speaker Breslin: "There being no further discussion, the question is, 'Shall the House adopt the First Conference Committee Report on House Bill 3475?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this... Representative Mautino, for what reason do you rise?"

Mautino: "Thank you, Madam Speaker. I wanted to explain my vote. If I... "

Speaker Breslin: "We have already taken the record, Sir."

Mautino: "I don't think you've announced it."

Speaker Breslin: "There are 113 people voting 'aye'."

Mautino: "Well, you're only doing it now. I did want to point out that maybe Representative Ropp has a... made a very important point that no one really understood, providing for the cash incentives not only from the Department of Conservation, to Historic Sites. Do you understand what that means? That's the up front money that was established under Conservation. I'm not sure that you want to do that, do you?"

Speaker Breslin: "On this question, there are 113 voting 'aye', 2 voting 'no', and none voting 'present', and the House does adopt the First Conference Committee Report to House Bill 3475. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 415, Representative Keane. Clerk, read the Bill."

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Clerk O'Brien: "Senate Bill 415, a Bill for an Act to amend the Revenue Act together with the First Conference Committee Report."

Speaker Breslin: "Representative Keane."

Keane: "Thank you, Madam Speaker. Senate Bill... the Conference Committee Report on Senate Bill 415 has two provisions. For those of you who have farm areas, I think one is an important one. We're revising the farmland assessment procedure, and the second part is, we are dealing with administrative and judicial reviews of exemption. Basically, what we're doing in the farmland assessment process is that at the present time, the 10 percent up or down limits are set on a county-wide basis... or on an aggregate basis. And in setting them on that aggregate base, the county receives an index, and each parcel within the county is then matched up with the index. For those of you from Cook County, it's very similar to the multiplier. What... And that the index creates a tremendous amount of disparity within the counties. It creates a false level of assessment, and what we're trying to do is go to where a process by which we arrive at a 10 percent up or down on the individual parcel. The Bill... This part of the Bill has been agreed to by the Department of Revenue, the Illinois Board of Education... or the State Board of Education, and the Farm Bureau. We can go into some depth on that. Senator... Representative Ewing has also... has got a very... serious interest in this and would be willing, I'm sure, to go into it deeper."

Speaker Breslin: "The Gentleman has moved that the House... "

Keane: "The second... The second part of the... of the Bill... or of the Conference Committee Report deals with exempt properties and cleans up some of the problems that we had on the Bill we passed last year. I'd be happy to answer

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any questions and ask for a favorable Roll Call."

Speaker Breslin: "The Gentleman has moved for the adoption of the First Conference Committee Report on Senate Bill 415. And on that question, the Gentleman from McLean, Representative Ropp."

Ropp: "Thank you, Madam Speaker. Just to further clarify that, Representative, this really improves the situation where there was a lot of hard feelings because of the feeling that all farms would not have their assessed valuation increase or decrease more than 10 percent and where it was understood that it would apply to the county, there were some farms that did receive an increase in assessed valuation. This will result in a more equitable, piece-by-piece assessment."

Speaker Breslin: "The Gentleman from DuPage, Representative Hoffman, on the question."

Hoffman: "Will the Sponsor yield?"

Speaker Breslin: "He indicates he will."

Hoffman: "I'm sorry. You may have mentioned this and I didn't hear it. What is this 'hold harmless' estimated to cost?"

Keane: "The 'hold... the 'hold harmless', the way that it's been developed, it's only a partial 'hold harmless' but Revenue has projected that... and I think there's general agreement that it will be under two and a half million dollars."

Hoffman: "When... When would this apply?"

Keane: "Fiscal '88."

Hoffman: "FY '88, so it would be, if we passed this legislation, this is another two and a half million or whatever it is."

Keane: "It will be a one time only."

Hoffman: "Right. I recognize it's a one time only expenditure."

Keane: "Yeah. And we need... Yeah. We have to pass it this year to get the FY '86 levels."

Hoffman: "I recognize... Madam Speaker, to the Bill."

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Speaker Breslin: "Proceed."

Hoffman: "To the Conference Committee Report. I recognize some of the problem that has been caused by what we hoped would be a solution to... to the assessment of... of farm land. I also recognize the difficulty that... that some farmers are having in reference to this, and I can understand some of the friction which is created by the way the farmland assessment was applied on... on the county-wide basis. I guess... I guess what I... what I really want to say is I'm very hopeful that we are getting this fine tuned to the point where we can leave it alone, because it seems that every Session, we're coming back tinkering with this program. This has become a full-time occupation for Members who represent the Farm Bureau down here figuring out some way they can jack this thing around so it will do what they had hoped it would do originally. And I hope that you're successful with this program this time, Representative Keane."

Speaker Breslin: "The Gentleman from Livingston, Representative Ewing."

Ewing: "Madam Speaker, Ladies and Gentlemen of the House, Senator Maitland and I have been working on this... provisions of this Bill for a number of weeks now. And while I certainly agree with the last speaker's expressed hope that this would be the end of the need for modifications, it certainly isn't done, because the Farm Bureau wants to tinker with the system. The inequities that are growing in the system bode very badly for our taxing districts. Right now, there are 17,000 appeals to the Property Tax Appeal Board resulting from farm assessment. With the continued decline in the formula which is used to gauge our farm values for tax purposes, this is going to spread from the southern Illinois counties throughout Illinois and could,

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In fact, cause the whole system to come to a halt. This legislation, I think, is good legislation. It does have some adjustments in it, and there will be a period of adjustment. In the end, I think it will be fair to all taxpayers, and I would urge an 'aye' vote on this Conference Committee Report."

Speaker Breslin: "The question is, 'Shall the House adopt the First Conference Committee Report to Senate Bill 415?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 116 voting 'aye', none voting 'no', and none voting 'present'. And the House does adopt the First Conference Committee Report to Senate Bill 415. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1552, Representative Giglio. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1552, amends an Act in relationship to conducting charitable games, Conference Committee Report #1."

Speaker Breslin: "Representative Giglio."

Giglio: "Thank you, Madam... Thank you, Madam Speaker, Ladies and Gentlemen of the House. Senate Bill 1552 creates the Charitable Games... Games Act, allowing nonprofit organizations to conduct gambling events. What it is, it's the Las Vegas Night Bill. The changes that were made from the House Bill that we originally passed out of here was: number one, this Bill includes cash prizes. People can win up to 250 dollars. The limit on the bet is five dollars. They can also win a... no cap on the amount of prizes, but the cap on the cash is 250 dollars. Also, those that have charitable organizations, nationally, that have affiliate organizations within the State of Illinois who have been in

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existence for more than two years can conduct Las Vegas Nights no more than four per year and no more at four at an original place. In other words, if there are two organizations that want to have their games at once, say, legion hall, they can only have it four times. They cannot have it eight times. Another item of the Bill is that the monies collected, the Department of Revenue will take off three percent of the gross receipts, two of it stays... two percent stays with the state, the Department of Revenue, the State Police and the Attorney General's Office for law enforcement purposes. The other one percent goes directly back to the municipality or town that conducts the Las Vegas Night. Licensing for the... these games will be distributed by the State of Illinois, run by the Department of Revenue. The local municipalities have nothing to do except to safeguard the affair, and then eventually, collect the one percent. That's about it, other than 500 dollar fee for the gambling equipment. All gambling equipment has to be stamped and people that have the gambling equipment, and also... the people who run the games have to be the people that are part of the organizations. If there's any questions, I'd be happy to answer."

Speaker Breslin: "The Gentleman has moved for the adoption of the First Conference Committee Report to Senate Bill 1552. And on that question, Representative Ryder at Representative Vinson's desk."

Ryder: "Thank you, Madam Speaker. Would the Gentleman yield for some questions?"

Speaker Breslin: "He indicates he will."

Ryder: "Representative, did you indicate that there is a fee to be paid each year in order to qualify to have these kinds of programs... Las Vegas Nights?"

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Giglio: "Yes. It's an annual fee."

Ryder: "And how much is that annual fee? I assume it's paid to the State of Illinois."

Giglio: "Yes, everything... everything is run by the Department of Revenue."

Ryder: "Okay."

Giglio: "That's why the two percent goes to them. The municipalities have nothing... nothing to do with it except get the one percent, but they also provide the law enforcement protection if they care to do so."

Ryder: "And what is the annual fee to the Department of Revenue?"

Giglio: "Two hundred dollars."

Ryder: "Alright. Plus two percent of the revenues?"

Giglio: "Three... Well, the state gets three, but the... the state collects three percent off the total gross receipts. Two percent stays with the state, one percent goes back to the municipality that conducts the affair, the Las Vegas Night or the function."

Ryder: "And that amount of 200 dollars is the same, whether you conduct one night's activities or four nights' activities."

Giglio: "Right. That 200 dollars is entirely the maximum to have for that year."

Ryder: "Four nights, or four... "

Giglio: "Four nights, yes."

Ryder: "You indicated that there was also a fee on equipment, if you own your own equipment. And how much is that?"

Giglio: "Fifty dollars. Businesses engaged in selling or leasing must pay a 500 dollar annual fee to the Department of Transportation to allot to obtain a license to do business. Those are the people that have the equipment - the roulette wheels, the tables, et cetera. Okay?"

Ryder: "So... So, if we're just talking about a fraternal organization that qualifies, they pay 200 dollars for the

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privilege of doing this one, two, three or four times a year, but they pay 200 dollars a year, and then, if they have their own equipment, they pay 50 dollars extra. So, a total for that situation is 250 dollars a year."

Giglio: "Right. That's correct."

Ryder: "Thank you."

Speaker Breslin: "The Gentleman from Will, Representative Van Duynes."

Van Duynes: "Yes, thank you, Madam Speaker. I'd just like to establish legislative intent as to the provider organizations. Now, for example, Representative Giglio, if I owned a place and I was going to rent it out and I had my 50 dollar license, there is a restriction there that I really think misapplies the whole intent. Let's say that St. Anthony's Church was going to have four a year in my location. And let's say St. Stephen's Church was going to have four in my... my place. That's outlawed?"

Giglio: "Can't do it. Can't do it."

Van Duynes: "Why?"

Giglio: "Because the... the intent and the purpose and the maximum of four at a particular place was because that we don't want to establish Las Vegas Night palaces like some bingos have turned out to be. There's some bingos in this state that run 365 days out of the year. That's what we want to avoid, and that's why we put on maximum four times a year, one place, no matter how many."

Van Duynes: "Well, we have a... Madam Speaker, we have a place in Joliet called St. Joe's Park. It has all the facilities that you need. It has a bar, it has a bingo hall, it has a kitchen, it has a parking area, it has grassy grounds, it has walkways, sidewalks, it's under a pavilion, the whole thing. Now, my parish is St. Bernard's. We don't have anything. And supposing I want... our parish wanted to

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rent from St. Joe's Park and... and make ourself available to the built-in things that St. Joe's Park has. It would be stupid for us to have a Las Vegas Night in our church and take in 500 dollars when we could rent St. Joe's Park and take in 5,000 dollars. So, I agree with all the regimentation of the... of the Bill. I want to... I want to make sure that everything is okay, and we keep the Mafioso and all the rest of the tainted people of our society out of it, but I think it's ridiculous to restrict St. Joe's Park to four Las Vegas Nights of the year when they are practically the only entity in Joliet that can provide the services for all the catholic churches and other parochial organizations in our area with the sophisticated services, if I can use that word, that would really do a better job of doing the thing that we're trying to pass this Bill for. Now, I'm not going to oppose the Bill. I just say that... or the Conference Committee Report, but I just say, I think we're being a little less than forward thinking when we... when we restrict St. Bernard's Church from... or four or five or six other different organizations of the same variety we're talking about, from renting this place and restricting this place to having four a year. We're absolutely negating the very thing that we're trying to accomplish. If there's only one place in a town the size of Joliet where these people can hold a... hold five, six, seven hundred or a thousand people, I think it's ridiculous to regiment them to having it in their own... their own parish back yard when... where no one knows anything. And by the way, St. Joe's Park has a built-in customer services on Sunday afternoon and Saturday afternoon where people go there. They know not who is having the party, whatever it be, whether it be a picnic or whether it be a bingo, whatever. They go there

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because the place is there, and which in itself adds to the take, if I can use that word, for the religious organization that's having the party. And I think... I think we're a little bit less than forward thinking when we restrict this. We've adhered to all the rules, all the regulations that are enumerated in this Bill, and yet, we're restricting the very one and only place in a small town that has the facilities to enhance the very thing that we're trying to do, and I think it's... I think it's... well, less than forward thinking."

Speaker Breslin: "The Gentleman from DeKalb, Representative Countryman."

Countryman: "Thank you, Madam Speaker. Will the Gentleman yield?"

Speaker Breslin: "He will."

Countryman: "Representative Giglio, the cash prize is up to 250 dollars. Is that for the one evening, 250 dollars?"

Giglio: "Yes."

Countryman: "So, they could not give away more than 250 dollars in an evening."

Giglio: "No, to one individual. That individual could come back four successive nights if they have it four successive nights. The maximum is 250 dollars."

Countryman: "So, 10 people could win 250 dollars?"

Giglio: "Correct."

Countryman: "Okay. And could, in addition to that, there be other prizes other than cash?"

Giglio: "No... Yes, no limit on the prizes. If they accumulate another 500 dollars in chips, they could cash that extra 500 dollars only in prizes."

Countryman: "What would... What would prohibit you from, if you won 750 dollars in chips from giving two of your good friends 250 dollars apiece from cashing them in."

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Giglio: "I guess, truthfully, nothing. The law says 250 dollars per person, and that's it."

Countryman: "What types of games can you play?"

Giglio: "Alright, you could play... you could play roulette, jack... blackjack, poker, craps, pulltabs, beat the dealer, keno."

Countryman: "Yes. To the Report, Madam Chairman... or Madam Speaker. I supported this in Committee. I supported it because I thought Representative Giglio had done an admirable job in working this out so that fraternal organizations and charitable organizations could make a little money and people could have a good time and pretend like they're in Las Vegas, but I can't accept the cash prizes, and I think that we just need to stand firm in the House and tell the Senate that we can't accept the cash prizes because we become... we then become a gambling casino, and we're going to open it up, and even though with the severe limitations that are in here and the restrictions that are in here, all of which are good, by putting the cash money out there, we have no limit on what people can lose, and when they start losing money, we know what happens. And when the incentive is that they can go out and win and if they can go out and win and if they can dummy up some friends to cash in the chips, I think we got wide open gambling in Illinois, and I think we will make a mistake that we'll regret and we'll be back here next year, so I would ask people to vote 'no' on this Conference Committee Report, and then let's return it and we'll eliminate the cash prizes, bring it back and then we can support it. Thank you very much."

Speaker Breslin: "The Gentleman from Cook, Representative McGann."

McGann: "Thank you, Madam Speaker. Will the Sponsor yield?"

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Speaker Breslin: "He indicates he will."

McGann: "Representative, my Leader, I'm going to ask you about 15 questions, but I'm going to try and narrow it down to about three. First of all, I would like to ask, is Cardinal Joseph 'Bernardine' of the City... City of Chicago, the Archdiocese of Chicago, is he in accord with this Conference Committee Report?"

Giglio: "The Cardinal, truthfully, has not contacted me, Representative McGann."

McGann: "Could you... Would you... "

Giglio: "The only thing I could say to that... "

McGann: "Madam Speaker, would you kindly call... would you kindly raise his sound, please? I can't hear him."

Giglio: "The Cardinal... The Cardinal didn't talk to me. The only thing I could say was what everybody read in the newspaper, that if my memory serves me correctly, the Cardinal stated that the Roman Catholic Church and the Archdiocese in the City of Chicago should try and move away from gambling money to support the Catholic Church, if I recall."

McGann: "That's exactly what I... I read, and I feel as though that that's a pie in the sky attitude, because I don't think you'll ever reach that in the Roman Catholic Church. But that's neither here nor there. Now, Representative, I'm going to set a scenario for you which occurred in bingo. And I'd like to ask you to place into the intent of this Conference Committee Report what you really feel as though... is really set forth. In Chicago, we had and we have bingo palaces which operate under the auspices of a charitable, not-for-profit organization. They go ahead and they set up and give a stipend to the individual churches, but basically, these conglomerates operate the bingo, the concessions and what have you not, and deprive the

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neighboring churches of the income to help them to survive. Now, can you tell me - and I know you told Representative Van Duyne and answer, but I want to have your answer - is what the intent you have in order to offset this kind of an operation, because when a bingo license came out, it was supposedly only for the charitable, not-for-profit, but it isn't happening that way in the City of Chicago, because there's many that are making millions and millions of dollars off of this enterprise. Madam Speaker, would you raise up his sound? I can't hear him."

Giglio: "Representative... Representative McGann, I can answer that by saying; number one, that's why the provision in this Bill says that a facility can only accommodate a bingo or a Las Vegas Night four times a year. Let's take, for example, a church in your district. No matter how many people want to have their Las Vegas festivities there, that facility can only have it there four times per year. So, I would say that's one of the reasons why we learn from the bingo Bill that we passed. Hopefully, these will not become Las Vegas Nights palaces."

McGann: "May I interrupt you for a moment?"

Giglio: "Yes."

McGann: "My Leader, can I ask you this question here? Given another scenario that we have, Little Flower, St. Thomas More, St. Bernadette and Christ the King in our community, could each one of them at one given place have a night of gambling?"

Giglio: "Yes, only if that facility has it four times a year."

McGann: "Alright. So, in other words, they could have four different parishes on that one facility, but no more than one for each of the four, and a total of four if one parish took a day to have all four, or a Lutheran church or synagogue or whatever."

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Giglio: "Each one of those parishes can have Las Vegas Nights four times a year, but they can only have it at one place four times. Either one has it at one place all four or each one has one time a year at that facility, making it a total of four."

McGann: "Alright. Now, then, what other restrictions do you have to correct my original scenario that I set forth before you in regards to gambling and allowing individuals to be conglomerates and taking the profits that belong to nonprofit organizations?"

Giglio: "The people that run the games have to be members of that organization, plus, they have to have a criminal background check and be clear, at least for 10 years. And your license is not transferrable."

McGann: "Thank you. Madam Speaker, in regards to this Conference Committee Report of Senate Bill 1552, and to other Members of this Assembly, I will take our respected Member, Representative Giglio, at his word, and I will support this Conference Committee Report because the intent is in the record. And I hope before 1988 that we make sure that every aspect of this Conference Committee Report has been adhered to, because we don't want to have another catastrophe as we have in bingo in the City of Chicago. Thank you."

Speaker Breslin: "The Lady from Cook, Representative Wojcik."

Wojcik: "Thank you, Madam Speaker and Members of the House. It is the... with reluctance that I must rise in opposition of this Bill. I think most of you have known for the past three years I have tried to get bingo legislation through this House. My personal choice of bingo legislation was strictly for charitable purposes, and I say, charitable purposes. Today we have a bingo Bill before us, and you have a... I'm sorry, a Las Vegas Bill before us, and you

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have a cash award of \$250. You also are looking at fraternal organizations being mentioned. For those of you are actively involved with your JC's, Lions, your service or charitable organizations, what they have to do is they have to apply for a 501 C-3 status with the Department of Revenue to become eligible for a license to conduct a Las Vegas Night. This excludes fraternities and it defines fraternal organizations and would only permit dummy corporations per group, a dummy corporation per group. What this means that the JC's or Lions, et cetera, in your area, it would take about nine months to get a license. The original intent for the past three years for Las Vegas Nights was that these organizations could operate their charitable function. What their charitable function entailed was only gifts that were donated, that people who really cared about their charitable function were able to conjure up and obtain an award to the people who tried to help and be a part of the Las Vegas Night. Today what we're looking at, we're looking at gambling. We're looking at opening up the door to the organized crime. Even Patrick Healy had said, "If you put cash awards on this Bill, organized crime would be invited in." As I say, it is a reluctance because in my district, my JC's, my Lions need this. They need to do it now. They don't need to wait nine months. I hope that we could come to an agreement and have a nonconurrence on this, go back, remove the fact that the JC's would have to file for a 501 C-3, come back and then vote for a favorable Las Vegas Night for the State of Illinois. Thank you."

Speaker Breslin: "The Gentleman from Cook, Representative Huff."

Huff: "Thank you, Madam Chairman. Representative Giglio, you would have my vote unequivocally and irrevocably if you could tell me what word it is that appears in the center of

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most bingo cards."

Giglio: "Free. I believe it's free."

Huff "Bingo. Bingo."

Speaker Breslin: "The Gentleman from Cook, Representative
Leverenz."

Leverenz: "I move the previous question."

Speaker Breslin: "The Gentleman moves the previous question. The
question is, 'Shall the main question be put?' All those
in favor say 'aye', all those opposed say 'no'. In the
opinion the Chair, the 'ayes' have it, and the main
question is put. Representative Giglio, to close."

Giglio: "Thank you, Madam Speaker, Ladies and Gentlemen of the
House. Some points were raised and would like to clarify.
It was mentioned somewhat about the Chicago Crime
Commission and the Chicago Police Department who came to
these hearings, and we did all last year have many hearings
up in Chicago, and we had some in Springfield, and we tried
to incorporate in this Bill some of the things that they
wanted. Yes, they did not want cash. However, with the
\$250 limit, plus the background check, plus the people that
have to be members of the organization that are sponsoring
the event, plus I think the big thing that is in the Bill
is the two year sunset provision. After two years, we have
to come back and redo this or it goes out. Also that in
small municipalities if they don't want to have Las Vegas
Nights in the municipalities, then it all... only takes an
act of the city council by ordinance to ban the Las Vegas
Night in that particular municipality. Also, I would
remind you that the bingo, you could win up to \$500 in
bingo. In this Bill, you could only win \$250."

Speaker Breslin: "The question is... Excuse me, go ahead."

Giglio: "Fraternal organizations, yes, they was mentioned because
of the compromise and because of the many meetings with

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fraternal organizations like the Lions, and the KC's and the JC's that want to donate to charitable organizations, but we can do that with this. They could get their... get their charter from the... national charter and conduct these Las Vegas Nights, they have to give the money back to the charitable organizations. I think it's... we've done our best after all this time to put something like this together, and if you want to see Las Vegas Nights in Illinois, for just two years, I would ask for your favorable support."

Speaker Breslin: "The question is, 'Shall the House adopt the First Conference Committee Report to Senate Bill 1552?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Mautino, one minute to explain your vote."

Mautino: "If I may, by having the Sponsor nod his head yes or no, I don't know what the actual definition today is of nonprofit organization. Let us assume that it's a storefront church, Reverend LeRoy's church of what's happening now, are they in this provision for non-profit? Yes or no? Shake your head."

Speaker Breslin: "The Gentleman from Cook, Representative Brookins, one minute to explain your vote."

Brookins: "Thank you, Ms... Madam Speaker. I wanted to speak in debate, but... Madam Speaker, this is a terrible Bill, and this is a terrible thing to have visited on the City of Chicago. There is no... there is no place in this Bill that tell us where that you can have one of these parlors. And I can see one sitting in the middle of a residential area. I also can see one in Chicago on a Saturday and a Friday night when the police officers will be hauling bodies out of there after the fights and the cuttings and the shootings. This is a terrible Bill. This will invite

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professional gambling into it. And for that reason, I vote
'no'."

Speaker Breslin: "The Gentleman from Vermillion, one minute to
explain your vote."

Black: "Thank you, Madam Speaker. One of the things that didn't
come up in discussion, and I join the Gentleman from DeKalb
in congratulating the Sponsor for the work he's done on
this, but it was not pointed out that the Department of
Revenue has requested 33 additional positions to enforce
this Bill at a cost in excess of \$2,000,000. And for that
reason and others, I cannot support this Conference
Committee."

Speaker Breslin: "Have all voted who wish? Have all voted who
wish? The Clerk will take the record. On this question
there are 65 voting 'aye', 48 voting 'no', and 1 voting
'present', and the House does adopt the First Conference
Committee Report to Senate Bill 1552, and this Bill, having
received the Constitutional Majority, is hereby declared
passed. Senate Bill 1666, Representative Hoffman. Clerk,
read the Bill."

Clerk O'Brien: "Senate Bill 1666, a Bill for an Act to amend the
School Code with First Conference Committee Report."

Speaker Breslin: "Representative Hoffman. Representative Greiman
in the Chair."

Hoffman: "Thank you very much, Madam Speaker, Ladies and
Gentlemen of the House."

Speaker Breslin: "Representative Hoffman, what's the problem?"

Hoffman: "I'm just waiting for a little attention."

Speaker Breslin: "Okay. Ladies and Gentlemen, you know the news
is that the Tort Reform has passed the Senate, so now let's
give Representative Hoffman his attention. And
Representative Greiman in the Chair."

Hoffman: "Now, we'll move forward to more mundane issues. The

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Conference Committee Report on Senate Bill 1616 (sic - Senate Bill 1666) dealt with the definition of... of dropout. We made a couple of minor Amendments in the House as your analysis will show and in the Senate, the... it came... came back to us and we have the following Amendments, one, provides that community colleges may joint invest as elementary and secondary school districts have the authority to do... to do now. We made a technical change in the election procedure for the establishment of new school districts. The present law provides that the secretary of the board of education shall receive the receipt from the county clerks since there is no board of education on a new district. We provide that that will be accepted by the regional superintendent of schools. And then, the main Amendment in the Bill provides for the extension for one more year of the elementary district whole harmless in the state aid. In the appropriation Bill we passed the other day, we included 11.5 million dollars to fund this program, but it's necessary to change the language in Section 18-8 and this Conference Committee does that. This also provides in the City of Chicago that bids up to \$10,000 can be taken without competitive bids that presently is \$5,000, and we also provided that on perishable food stocks and perishable beverages would be added to the noncompetitive contract which are available to school districts in the... in Section 10 of the School Code. That is the entire Conference Committee Report, and I move that the House concur in Conference Committee Report #1 on Senate Bill 1666."

Speaker Greiman: "Gentleman from DuPage, Mr. Hoffman, moves that the House adopt First Conference Committee Report to Senate Bill 1666. And on that, is there any discussion? There being none, the question is, "Shall the Report adopted?"

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All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is open, and this final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 104 voting 'aye', 10 voting 'no', and 1 voting 'present', and the House does adopt Conference Committee Report #1 to Senate Bill 1666, and this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order... on Supplemental Calendar #3, Conference Committee Reports, appears Senate Bill 1808. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1808, a Bill for an Act making appropriations to the Office of State's Attorney Appellate Prosecutor. Conference Committee Report #2."

Speaker Greiman: "Gentleman from Cook, Mr. Leverenz."

Leverenz: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1808, the Second Conference Committee, which I ask that you adopt is a basic technical change from Conference Committee Report #1, and that is the following. We had a \$7,000,000 amount of money, it would go to the Supreme Court for reimbursements of pretrial service agencies. It was to go down to a 3.2, and in the first Conference Committee Report, we added 3.2 instead of coming down to 3.2. We also made one other change, and that is to the State's Attorney Appellate Prosecutor Office for the purpose of conducting training programs through the Illinois Attorneys and the Assistant State's Attorneys, and that has been lowered from two... 240,000 down to 160,000. At this time, I ask for your 'aye' vote to adopt Conference Committee Report #2 to Senate Bill 1808."

Speaker Greiman: "Gentleman from Cook, Mr. Leverenz, moves that the House do adopt the Second Conference Committee Report to Senate Bill 1808. On that, is there any discussion?"

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There being none, the question is, 'Shall the House adopt this Report?' All in favor signify by voting 'aye', those opposed vote 'no'. Voting is open. This is final action. Supplemental Calendar announcement."

Clerk Leone: "Supplemental Calendar #6 is now being distributed."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 116 voting 'aye', none voting 'no', 1 voting 'present'. The House does adopt Second Conference Committee Report to Senate Bill 1808, and this Bill, having received the Constitutional Majority, is hereby declared passed. And now we return to Supplemental Calendar #1, and on that, appears... under Conference Committee Reports, Senate Bill 2042. Mr. Clerk. 2042."

Clerk Leone: "Senate Bill 2042, amends the Senior Citizens' Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act. Conference Committee Report #1."

Speaker Greiman: "The Gentleman from Cook, Mr. Daley."

Daley: "Thank you, Mr. Speaker and Members of the House. I move to adopt the corrected copy of the First Conference Committee Report on Senate Bill 2042."

Speaker Greiman: "The Gentleman from Cook, Mr. Daley, moves that the House do adopt Corrected First Conference Committee Report to Senate Bill 2042. And on that, the Gentleman from Cook, Mr. Piel."

Piel: "Thank you, Mr. Speaker. Would the Gentleman mind telling us exactly what's in Supple... or in Conference Committee Report #1, please?"

Speaker Greiman: "Mr. Daley."

Daley: "House Amendment #1 was offered on behalf of the Department of Revenue. It was flawed in regards into the phasing dates for arthritis and diabetes. And now, they both run concurrently of January of '87."

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Piel: "Thank you very much."

Speaker Greiman: "The question is, 'Shall the House adopt Corrected First Conference Committee Report to Senate Bill 2042?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 116 voting 'aye', none voting 'no', and none voting 'present'. And the House does adopt Corrected Conference... First Conference Committee Report to Senate Bill 2042, and this Bill, having received the Constitutional Majority, is hereby declared passed. On page three on the Calendar under Conference Committee Reports appears House Bill 1321. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1321, amends the Illinois Income Tax Act. Conference Committee Report #1."

Speaker Greiman: "And on that, the Gentleman from Cook, Mr. Keane."

Keane: "Thank you very much, Mr. Speaker. House Bill 1321 has a number of items. The Senate Amendment #1 added Revenue Act provision to allow those counties that have tort liability funds that the sums paid... the sums from fees paid to county treasurers by purchase of tax delinquent real property... property may be deposited in such... in the county's general fund rather than in an indemnity fund. Second, it adds a Sub-part F dividends for tax years ending on and after December 31, '87. The present law says that foreign corporate dividends are exempt. Sub-part F foreign dividends are a special form of dividends which courts in other states have found to be... should be considered as foreign dividends, and therefore, exempt from taxes. There are four other parts of this Conference Committee. The

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third part allows a time for notifying the Department of Revenue of a change in the taxpayer's federal income tax return from 20 to a 120 days. The ROT tax Act... interest penalty for late filing is reduced from two point... from 2% to 1.25 per month. The third... the fifth provision adds a provision to the penalty provision of the retail occupation tax with regard to late filing of returns. It's an... Amendment that says that if the late filing was unintentional and nonfraudulent and has not occurred in the two years immediately proceeding the failure to file, penalties ought to be waived, and then, finely, the Bill adds... or the Conference Committee adds an... to the individual tax return an appropriate space for the identification of the taxpayer's residence, high school or unit school district, which is not mandatory to the taxpayer. I'd be happy to answer any questions and ask for a favorable Roll Call."

Speaker Greiman: "Gentleman from Cook, Mr. Keane, moves that the House adopt First Conference Committee Report to House Bill 1321. And on that, the Gentleman from McHenry, Mr. Klemm."

Klemm: "Thank you, Mr. Speaker. Will the Sponsor yield for a question?"

Speaker Greiman: "Indicates he will."

Klemm: "Just one question, Representative Keane. I noticed that you have on the income tax returns a request for indicating the high school and the unit school district on the returns, was there any reason... what is the reason for that, perhaps?"

Keane: "That was a... an Amendment requested by Representative Ewing, so that we could determine... we could begin to look at... the Department of Revenue could start together data on the types of income that is being generated in different school districts."

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Klemm: "Why would we leave out, perhaps, elementary school districts; because, perhaps, this data is important, and I think it is, if you recall sometimes ago we, I think you were among them, looking at alternatives of income generating for districts. We even talked about a school district income tax type of approach that we looked at. We were talking about, possibly, getting data of what income... personal income comes from different school districts, and I would think this would be excellent to have, but if we don't have the high... the elementary districts, aren't we, may be, forgetting or leaving out one little element that could be helpful?"

Keane: "If I could, I'd yield to Representative Ewing."

Speaker Greiman: "Gentleman from Livingston, Mr. Ewing, for... in response to Mr. Klemm's question. Mr. Klemm still has the floor."

Ewing: "Representative, I assume that it would be very advantageous or it could be advantageous to have every..."

Klemm: "I'm... I'm sorry. I didn't hear what you said."

Ewing: "No. I guess... I was waiting for you."

Klemm: "I apologize."

Ewing: "I think, you know, that certainly there's some opportunity or some advantage to having every school district. While in your district, you may have some very large grade school districts in the rural areas. We have some very small grade school districts which would make the cost of this much greater to the state. That information would be pretty much meaningless. And I think that to start with, and that's really where we're at, to start with, the high school or unit districts, if you have a unit district, should give us a lot of information to judge the economic vitality of that school district."

Klemm: "I certainly agree. I have no problem with providing it."

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I just thought maybe we're missing an element that may be helpful down the road as we determine incomes from the various school districts. I'm not opposed to it. I have no problem with it. I thought maybe, if we think about it, maybe some day we want to expand it. Thank you."

Speaker Greiman: "Yes, Mr. Keane, to close. Briefly."

Keane: "I'd... yeah, I'd ask for a favorable Roll Call."

Speaker Greiman: "The question is, 'Shall the House adopt First Conference Committee Report to House Bill 1321?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 106 voting 'aye', 4 voting 'no', 2 voting 'present', and the House does adopt the First Conference Committee Report to House Bill 1321, and this Bill, having received the Constitutional Majority, is hereby declared passed. Supplemental Calendar #4 and on that Order, appears House Bill 2785. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 2785, amends the Juvenile Court Act. Conference Committee Report #1."

Speaker Greiman: "Gentleman from Cook, Mr. Bowman."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The First Conference Committee Report on House Bill 2785 reflects an agreement that was reached between the childrens' advocates and the Cook County State's Attorneys Office. It provides among other things for delaying the effective date to January 1, 1988 of the portion of the Bill that provides for the 120 day period for the hearings to be held. This is to permit time to clear up the lengthy backlogs in Cook County, and it will also help in counties, such as, St. Clair and DuPage, where backlogs have developed. It incorporates the tolling provisions of

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Senate Bill 2008 which has passed both chambers. It includes clarifying language on the service of summons which was to have been added in the House, but the Amendment had not been printed and distributed. This language was developed at the request and suggestion of Representative McCracken. The fifth thing that it does, and this is new to the... the Bill, it is... like many of these Conference Committees, Bills get drafted together. There are some provisions that are included that were in another Bill. In particular, this language limits access to juvenile files to law enforcement youth officers. Now, in doing so, it also expands the scope of that particular Section by striking language that had limited previous access to felony cases only. I believe the language represents a balance between competing interest, and I am in support of it. I would say for the record, for those of you who might be concerned about the smaller police departments where they do not have separately identified youth officers that in those cases that officers who... who handle youth cases would be defect youth officers and would be covered by the scope of this legislation. Lastly, I would just remind the House that this is the Bill that clears up a very serious problem that was developed by a Supreme Court decision, the People re Day, where a case was involving child abuse was over turned and a... an abused child was returned to its family merely because this child, who was an infant of two months, would not serve his summons. I believe that it is unconscionable that we should require a service of summons on an infant. The legislation that I am presenting to you this evening would permit services summons on the... an infant agent, such as, an attorney or guardian at litem or other officials of the state acting on behalf of the child. So, I believe this is

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needed legislation. It represents a balancing of the interests that are affected. I am pleased to present it to you, and I move for adoption of the First Conference Committee Report on House Bill 2785. Thank you."

Speaker Greiman: "The Gentleman from Cook, Mr. Bowman, moves that the House adopt First Conference Committee Report to House Bill 2785. And on that, the Gentleman from Knox, Mr. Hawkinson."

Hawkinson: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Greiman: "Indicates he will."

Hawkinson: "Representative, I'm concerned about your explanation and I didn't hear all of it with regard to the language on page one of the Conference Committee Report, regarding who shall have access among police officers to inspect and copy law enforcement records of minors. I believe I understood you to say that this language, although, on its face, restricted to youth officers of law enforcement agencies for smaller departments who do not have designated juvenile officers that any officer who handles juvenile cases would fall within this category. Is that correct?"

Bowman: "Yes, Representative Hawkinson, that is absolutely correct. Thank you. Further questions?"

Hawkinson: "My problem went a bit beyond that..."

Bowman: "Excuse me."

Hawkinson: "...I was concern, not only for smaller departments, but for larger departments as well, that we not restrict this to youth officers or persons who normally handle juvenile cases, but that there are someone investigating a felony or a homicide or rape or any kind of felony as an adult crime should be able, in certain instances, to have access to those records without having to hunt up, either a designated juvenile officer, or in the case where there is none, some officer on the department who traditionally

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handles juvenile cases. So, my question is this, is it your intent to restrict this access to either designated juvenile officers or in departments without such designation to officers who handle juvenile cases?"

Bowman: "Representative Hawkinson, in larger departments where they do have designated juvenile officers, I would hope that they would use those offices. However..."

Hawkinson: "Well, my question, though, is, can the other officers have access?"

Bowman: "Representative Hawkinson, I'm trying to answer your question. Just please don't interrupt me. I would hope that... that they would use the youth officers. I understand that there will be emergency situations, but I would hope that they would be rare. I would hope that the departments would try to structure their activities in a way, whereby they take advantage of the specialization that the youth officer permits."

Hawkinson: "Thank you, Mr. Bowman, you didn't give me a yes or a no. Mr. Speaker, to the Bill, if I could have the attention of the Body."

Speaker Greiman: "Proceed, Sir. Give the Gentleman your attention, please, Ladies and Gentlemen. Proceed, Mr. Hawkinson."

Hawkinson: "I would draw the Body's attention to page one of the Conference Committee Report. It deals with Section 2.8 of the Juvenile Code which gives law enforcement officers access to juvenile records. This Bill, this Conference Committee Report, would prevent police officers from having... who now have access to juvenile records, this would prevent those law enforcement officers from having access to the juvenile records in the investigation of the serious crime that may have been committed by that juvenile later or for which that information is necessary. This

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Conference Committee Report would only allow access to those records to designated juvenile officers who may not, in any way, be involved in the investigation of the adult felony. I think it's a terrible Bill. It's a terrible Conference Committee Report which would deprive law enforcement agencies of an investigative tool, and I would strongly urge your 'no' vote on this part of the Bill."

Speaker Greiman: "Further discussion? There being none, the Gentleman from Cook, Mr. Bowman, to close."

Bowman: "Well, thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would just like to respond briefly to Representative Hawkinson's last point, although this is only one part of the Bill, and it was one part that was added in the Senate. I would like to point out that the Senate Sponsor of this Bill is Representative Marovitz (sic - Senator Marovitz), who is Chairman of the Judiciary Committee in the Senate, and it was added at the request of Representative Joyce, who is a former police officer and an attorney, and I believe that those Gentlemen certainly do have the best interest of law enforcement at heart, and I would trust their judgment in this matter. The important point that I want to make, however, is that this Bill is... deals with a couple of very serious problems that we really must resolve now. This... This piece of legislation is one of those true emergency pieces of legislation that we should be considering properly in the second year of biennium, because it deals with an unconscionable delay that is taking place in Cook, DuPage, St. Clair counties among other counties in our state, where children remain in temporary custody for years. And the underlying Bill has been worked out between the State's Attorney of Cook County and the advocates for the juvenile interest. And so, this is, I believe, a consensus piece of legislation. I offer

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It to you for your consideration. I recommend an 'aye' vote. Thank you very much."

Speaker Greiman: "The question is, 'Shall the House adopt the First Conference Committee Report to House Bill 2785?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open, and this is final action. Gentleman from Lake, Mr. Matijevich... Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Mr. Hawkinson 'yes'. On this question there 64 voting 'aye', 48 voting 'no', 2 voting 'present'. Mr. Saltsman 'aye'. 65 voting 'aye', 48 voting 'no', 2 voting 'present', and the House does adopt First Conference Committee Report to House Bill 2785, and this Bill, having received the Constitutional Majority, is hereby declared passed. On Supplemental Calendar #4, Conference Committee Report, appears House Bill 2989. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 2989, a Bill for an Act making appropriations to the Department of Commerce and Community Affairs. First Conference Committee Report."

Speaker Greiman: "The Lady from Cook, Ms. Barnes."

Barnes: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Conference Committee Report #1 to House Bill 2989 recommends the Senate recede from all adopted Senate Amendments. It further amended by deleting everything after the enacting clause and making the following changes with respect to the Bill as it passed the House: Reduces the various operation line items by a total of \$1,051,900, General Revenue Fund, contained in Senate Amendment #1, 5 and 19. It also made various reappropriations totalling \$1,090,360 from the Spring Supplemental Appropriation Bill, House Bill 3165. As it passed the Senate, it was \$693,041,007. After the Conference Committee Report, the

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new total for the budget is \$623,982,453.30. I would recommend 'do adopt'."

Speaker Greiman: "The Lady from Cook, Ms. Barnes, moves that the House do adopt First Conference Committee Report to House Bill 2989. And on that, is there any discussion? There being none, the question is, 'Shall the Report be adopted?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is open, and this is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 115 voting 'aye', 1 voting 'no', 1 voting 'present', and the House does adopt First Conference Committee Report to House Bill 2989. This Bill, having received the Constitutional Majority, is hereby declared passed. In Supplemental Calendar #4 appears House Bill 3043. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3043, amends the State Mandates Act. Conference Committee Report #1."

Speaker Greiman: "The Gentleman from Cook, Mr. Cullerton."

Cullerton: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Conference Committee Report has been adopted by the Senate. The reason is because we, in the House, are giving up on the... the original Bill. Senate Amendment #3 knocked out the original Bill dealing with the State Mandates Act reimbursement. So, that is not going to be included in the Bill. The only thing left will be the Section dealing with metropolitan and exposition auditorium and office building in West Frankfort and the County of Williamson and the authorization of the State's Attorneys Appellate Prosecutor to receive funds and distribute them per capita. This is the subject of Senate Amendment #2. I move for the adoption of the Conference Committee Report."

Speaker Greiman: "Gentleman from Cook, Mr. Cullerton, moves that

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the House do adopt First Conference Committee Report to House Bill 3043. And on that, the Gentleman from Morgan, Mr. Ryder."

Ryder: "Thank you, Mr. Speaker. Would the Sponsor yield?"

Speaker Greiman: "Indicates he'll for a question."

Ryder: "Thank you. Representative, did I hear you correctly that the 100% reimbursement of cost on due process is no longer in the Conference Committee Report?"

Cullerton: "That's correct. It passed the House and it got 27 votes in the Senate. So, rather than go through a long involved battle, we took it out."

Ryder: "Okay. So, now we're just dealing with some civic centers and the State's Attorneys Appellate Act. That part I don't understand. Could you explain that to me?"

Cullerton: "That was the subject matter of a Bill - I don't have the number with me - we authorized the office of the State's Attorneys Appellate Prosecutor to receive state funds and distribute those funds per capita to counties to reimburse them for cost associated with the criminal justice activities. It is an authorization to distribute money per capita by population to the counties, and we've already debated the Bill and it's already passed the House."

Ryder: "Okay."

Cullerton: "The controversial one in the Senate was the Mandates Act, which we're taking out in this Conference Committee."

Ryder: "Now, the... the money that's being distributed, is that an extra appropriation or is that just part of there basic appropriation?"

Cullerton: "Well, it's an extra appropriation. I don't know if it's... I don't know if it's been appropriated. I'm not... as you know, when the appropriation time comes around, I get to go up and read the Bills. So, I don't know. This

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is an authorization to receive funds..."

Ryder: "Alright."

Cullerton: "...To fight crime."

Ryder: "It was my understanding that it had something to do with negotiation on collective bargaining, but if that's not correct, I..."

Cullerton: "No."

Ryder: "...Obviously not..."

Cullerton: "No."

Ryder: "Okay. Thank you."

Speaker Greiman: "Gentleman from Knox, Mr. Hawkinson."

Hawkinson: "Thank you, Mr. Speaker. Will the Sponsor yield for a question?"

Speaker Greiman: "Indicates he will."

Hawkinson: "Representative, are the first two parts of Senate Amendment 1 still contained in this Bill relating to civic centers and the grant recovery Act?"

Cullerton: "Civic centers are still in. The Conference Committee concurs in Senate Amendment #3. There is a technical change in Senate Amendment #1, but its agreed to."

Hawkinson: "So, Senate Amendment #3 contain what was in 1 and 2 with a technical change."

Cullerton: "No. Senate Amendment #3 knocked out the Bill."

Hawkinson: "The original Bill."

Cullerton: "Right."

Hawkinson: "But it kept in everything that was in Senate Amendment 1 and 2."

Cullerton: "Right. I understand you're interested in a... And if it's not in there, it's this guy's fault. He tells me it's in there. Alright?"

Hawkinson: "Thank you."

Cullerton: "You can strangle him."

Speaker Greiman: "The Gentleman from Will, Mr. Davis."

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Davis: "Question of the Sponsor?"

Speaker Greiman: "Indicates he will yield for a question."

Davis: "Representative Cullerton, I'm interested in your crime fighting portion of the Bill for the formula for the State Prosecutor's... how was it, you rephrase it? What's the formula for the..."

Cullerton: "Per capita."

Davis: "How much does the... how much money will we be shipping to the City of Chicago or to Cook County?"

Cullerton: "It's approximately..."

Davis: "What is it per capita?"

Cullerton: "It's approximately half of the population of the state. So, whatever the..."

Davis: "Yeah. Well, how..."

Cullerton: "...If the appropriation was ten dollars, they get five dollars. If the appropriation is..."

Davis: "What... what is the formula?"

Cullerton: "Per capita."

Davis: "Per capita whatever the appropriation is."

Cullerton: "Right."

Davis: "So, if the appropriation was, say, \$20,000,000, Cook County would get, what, ten, 10 million?"

Cullerton: "Ten. And..."

Davis: "That's all."

Cullerton: "Alright. Thank you."

Speaker Greiman: "Further discussion? There being none, the question is, 'Shall the House adopt the First Conference Committee Report to House Bill 3043?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 88 voting 'aye', 26 voting 'no', none voting 'present'. The House does adopt First

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Conference Committee Report to House Bill 3043, and this Bill, having received the Constitutional Majority, is hereby declared passed. On Supplemental Calendar #7 on the Order of Motions. Mr. Clerk, Motion by Representative Cullerton."

Clerk Leone: "Motion. 'I move to suspend Rule 37(g) pursuant to Rule 72 to set the date for hearing Senate Bills 332 and 2000 until December 4, 1986.'"

Speaker Greiman: "Mr. Cullerton."

Cullerton: "Yes, I believe the... Excuse me, Mr. Speaker. The Senate is beating up on me at this moment as I speak right here in taking my name in vain, so it's difficult to make this Motion."

Speaker Greiman: "Mr. Cullerton, everyone takes your name in vain."

Speaker Greiman: "But I... I... it's an emotional thing, but I want to pass this Motion. It's an emotional thing. I want to extend the Third Reading deadline."

Speaker Greiman: "Mr. Cullerton wishes to amend the Motion so that he will... yes, to extend the deadline for hearing. And on that, is there any discussion? Gentleman from Morgan, Mr. Ryder."

Ryder: "Will the Speaker yield?"

Speaker Greiman: "Indicates he'll yield."

Ryder: "Thank you. Representative, what is the reason that at this time and date that we find it necessary to postpone the deadline?"

Cullerton: "It's 10:41, June 30th."

Ryder: "I understand that, Representative, there are a lot of other good Bills that are not going to be able to be examined tonight as well. Why can this not go to the resting place in the sky that all of those go to?"

Cullerton: "Well, as you know, these deal with regulation of

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insurance, and we want to make sure that the insurance companies know that their Bills are still here, but that we're not going to try to pass them tonight. And I think that that's a fair message to send them."

Ryder: "Representative, first of all..."

Cullerton: "I'm not moving to adopt these Bills."

Ryder: "I understand that."

Cullerton: "So for that, I think you should be grateful. We're on a roll. That's just to extend the deadline."

Ryder: "There is no reason to adopt this once you've already adopted 1200, which had your regulations in it as well, but the point is, we don't understand why it's necessary now that you've got success and you're on the roll that you still need to have this hanging over our heads. Let's let it die. If we need something in the fall, we'll have it. Let's let this one go to a quiet demise."

Cullerton: "Well, I'm sorry that you felt that these Bills which passed out of Committee are things that we're hanging over your head. I think that it makes sense to extend the deadline for hearing these Bills until December 4th. It'll be after the elections, and we'll have a lot of lame ducks, perhaps, people that will be able to vote their consciences so we can consider the merits of these Bills under times when people aren't so tired, and we can give it a great thought."

Speaker Greiman: "Gentleman from Champaign, Mr. Johnson."

Johnson: "Question of the Sponsor before I address. This, Representative Cullerton, is an attempt to keep alive the potential area of rate regulation. Is that right?"

Cullerton: "I'm sorry. I'm still getting beat up in the Senate, so it's difficult for me to answer your questions. I'm getting beat up in the..."

Johnson: "What?"

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Cullerton: "I'm getting beat up in the Senate over there now. They're using my name in debate, but what was your question again, please?"

Johnson: "Now, your Motion, if it succeeds, would keep the subject area of insurance rate regulation alive. Is that right?"

Cullerton: "That's my idea, yes."

Johnson: "Well, I don't know how in the hell people can come in there, into this chamber and make the biggest change in our civil justice system in two hundred years and walk away and tell the insurance industry, we just passed a comprehensive tort reform Act. We changed joint and several liability. We made every other change in the world, but we're going to let you go scot-free. We're the only state in the union that doesn't have some meaningful form of rate regulation and whether you are for it or against it, I don't know how we can leave this chamber and say we've taken a responsible approach to the problem of small business, the problems of local government, when we don't say that the insurance industry as well as the civil justice system has some responsibility for it. This is a damn good Motion, and I hope everybody votes for it."

Speaker Greiman: "The Gentleman from Macon, Mr. Tate."

Tate: "Thank you, Mr. Speaker. My first question is, how many votes would this be required?"

Speaker Greiman: "60 votes."

Tate: "60 votes. Okay. Thank you, Mr. Speaker..."

Speaker Greiman: "You're welcome."

Tate: "...Ladies and Gentlemen of the House. To the Motion. I rise in opposition to this Motion, and... I rise in opposition to this Motion. We've already heard the Conference Committee Report on 1200. This issue was assigned to the Judiciary Committee, rather than the

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Insurance Committee, and I would ask for the appropriate number of Members to join in me on this Motion and request an oral verified Roll Call. Speaker, I'm requesting an oral verified Roll Call on that."

Speaker Greiman: "There is no... there is no limit to a mischief. Absolutely, if you are joined by the appropriate number people who would like to not have this matter put over. Alright, fine. Ms. Zwick."

Zwick: "Thank you, Mr. Speaker. Just a question of the... I guess the Sponsor of the Motion. Is this a Motion to extend the deadline on both 2000 and 332?"

Speaker Greiman: "That's correct."

Zwick: "I would move to divide the question, then. I think that these issues have separate merits and should be looked at individually. They're both that deal in separate issues, and I think we should look at them individually."

Speaker Greiman: "Yes. The Lady is within her rights. Mr. Tate, did you want the oral... oral verified Roll Call on 2000? Is that what you wanted? What? Yes, one of the Members on your side of the aisle has asked for a division of question. She's within her rights. I wanted to know whether you wanted the oral verified Roll Call on House... on Senate Bill 2000 and just a record call on the other one, Mr. Tate. Yes, Mr. Tate."

Tate: "That's fine."

Speaker Greiman: "Mr. Ropp. Mr. Tate, so that we don't have any misunderstanding, I take it what you said... what I said was correct. Is that right, Mr. Tate, on 2000?"

Tate: "Okay. Just on Senate Bill 2000. That's fine."

Speaker Greiman: "Thank you, Mr. Tate, I appreciate the ability to communicate. Alright, Mr. Hallock, from Winnebago."

Hallock: "Thank you, Mr. Speaker, Members of the House. Will the Sponsor yield for a question?"

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Speaker Greiman: "Indicates he will."

Hallock: "Could you please tell us just what so onerous about this Bill that it has to be delayed until a later date?"

Cullerton: "Well, maybe, I... maybe, you misunderstood me. I think the Bill is important. The Bill came to Committee and received a lot of debate, and now, it's... we're running out of time to give it the fine debate that it needs to understand all of the issues. We did, as you know, previously spend a couple of hours, debating very important issues involved with the changing of civil practice Act. This would deal with either insurance or insurance depending upon where you're from, and I think given the hour, it's best that we delay it to have a chance to read the Bill over the course of the summer at the beach, and I think we can then come back and vote on it."

Hallock: "Well, it seems to me that since it is on the insurance issue, if you want to follow your normal procedures, we can do as we did on 1200 and not redebate the issue at all until a Bill is presented to all the Members here. So, that doesn't seem to be a problem in terms of needing more time to debate this. It's clear now that we would probably be in Session here tomorrow and perhaps, I suppose, even the next day. It seems to me that we have enough time to debate this, in fact, if we want to do that. Let me ask you another question about that, are you saying by your posture on this issue that you really want to delay this until a point and time where the issue is forgotten about or to a point and time where we won't deal with it at all? Are you listening to music or are you listening to debate?"

Cullerton: "I'm sorry. I just..."

Hallock: "Did you have a good rock-n-roll station on there? Was that..."

Cullerton: "No, we got the Senate on here. What they just did

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was unbelievable."

Hallock: "Well... I thought maybe it was a song that you just had to hear."

Cullerton: "No, it was the Senate. It was the Senate."

Hallock: "Are they doing anything wise over there? Is there a good..."

Cullerton: "Yes, sort of."

Hallock: "Are they debating this Bill also?"

Cullerton: "I think they just passed it. That's why I... You better delay the effective date of this one if you want to..."

Hallock: "No, maybe, since they have taken that action, we ought to debate it here ourselves tonight or tomorrow morning, but I'll repeat my question, and that is..."

Cullerton: "Representative Hallock, I think we should get to the vote on this. I think we have House Bill 3473 on concurrence. I want to get to that tonight before midnight. I know you do too, and I think we don't have to spend a lot of time on something we know is going to pass."

Hallock: "That's a fine Bill. That's a fine Bill. Well..."

Speaker Greiman: "Turn on Mr. Hallock."

Hallock: "I wasn't done. I had a few more important questions that had to be resolved here. I'd like to still find out just why it is that with the rush on House Bill 1200, we debated that for awhile and zoomed that over to the Senate, why we can't debate this one here tonight also? I mean, Members on this side are dedicated to this... that need to some changes in this area, and I'm confident that we will stay here until this issue gets addressed and resolved."

Cullerton: "Well, I didn't say we couldn't here it sometime tomorrow or the next day, I just want to extend the deadline to December 4th in case we don't get to it."

Hallock: "Well, I would assume if we extend the deadline to

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December 4th that we probably aren't going to deal with it on July 1st. We have a bit more time beyond that. Mr. Speaker, Members of the House, I think that, you know, we've waited for six months to really address the insurance issue, and I'm not confident that we've done that satisfactorily yet here tonight. I think we should debate this Bill here now and not delay any further, and I would ask that we do that now."

Speaker Greiman: "Lady from Champaign, Ms. Satterthwaite."

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

Speaker Greiman: "The Lady from Champaign moves the previous question be put. All those in favor signify by voting 'aye', those opposed... All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is open. On this question there are 71... Okay, Mr. Clerk, take the record. On this question there are 72 voting 'aye', 44 voting 'no', and the Motion falls. The Gentle... the Gentleman from Cook, Mr. Peterson. Mr. Tate, excuse me, you spoke... you have spoken already now. What purpose are you seeking recognition? Mr. Peterson."

Peterson: "To explain my vote."

Speaker Greiman: "Roll Call has been taken. Mr. Adams... Mr. Mays from Adams."

Mays: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. It seems that we're now asked to once again look at this insurance issue in a clearer light. We're led to believe by the Majority Party that, again, you can go down this same path that we've been down in the last six months, we can hold hearings statewide, drum up all the kind of support and all of the kind of testimony we want to have heard, then we can disregard it. We can go to private summit meetings and have a couple of months of that, a couple of weeks on top of that, then we can have Majority

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reports and Minority reports, keep the thing fan all the way. Frankly, it seems to me it would be much in everybody's interest to keep this issue in front of us, to keep it on a bipartisan basis or to try to reestablish it on a bipartisan basis, and if, indeed, there is need on a bipartisan basis, we can address that need in taking a Bill from the table for a Conference Committee Report at that time. I would seem to me to be a more appropriate way to move at this time. We got a lot of issues that are yet before us, not the least of which are some budget matters, and I think those are rightfully still before us. We should just let this go the way of the world. If, indeed, something needs to be revived on a bipartisan basis which that need explained, I'm sure that we could meet the occasion."

Speaker Greiman: "The Gentleman from Marlon, Mr. Friedrich."

Friedrich: "Mr. Speaker, Members of the House, with all respect to the Sponsor, I would like to suggest that he table this Bill. It can always be taken from the table by 71 votes, and he's aware of that. It'll take 71 votes to pass it tomorrow anyway. So, I think that we have done enough damage in the area of insurance for one Session, and I think we should have time to let that jell a little bit and see what we have done and what the effects are, so with all respect, I'd respectfully ask him to table the Bill."

Speaker Greiman: "Mr. Ropp."

Ropp: "Mr. Speaker, are we still permitted to ask questions of the Sponsor?"

Speaker Greiman: "You are."

Ropp: "Representative... Representative Cullerton, how is things going in the Senate? Are you with us?"

Cullerton: "I'm with you. I'm with you."

Ropp: "Representative Mays, I thought, made some very important

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questions about the process that you intend to carry out. Do you plan to have the same kind of process in dealing with 332 and 2000 that you did with..."

Cullerton: "Wait a minute. Representative, Senate Bill 2000 is on Third Reading. We debated this on Second Reading. Representative Tate filed an Amendment. The Amendment was not adopted. It's now on Third Reading. The Bill came through a Committee, passed out of Committee. It hasn't passed the... it has not been exempted... I'm sorry, it has not been amended, and therefore, has passed the Senate after debate, and it's... it's ready to almost go to the Governor's desk. Now, that's the process. There is no... there is no... the public has been notified of the Bill being posted in Committee twice. It's been on Second Reading. They've had the opportunity to ask their Legislators to file Amendments. Those Amendments were filed. They were defeated and now the Bill is on Third Reading, and I'm suggesting that we vote on it sometime between now and December 4th. We have extended deadline on a Bill dealing with airports a couple of days ago till November, and lo and behold, we ended up voting on it before June 30th, yesterday we voted on it. So, it's very possible that the same thing might happen with this Bill."

Ropp: "In other words, there is a possibility we might get at this even today or tomorrow."

Cullerton: "But the Motion, I'm not talking about the merits of the Bill, the Motion is to extend the deadline."

Ropp: "Okay. Thank you very much."

Speaker Greiman: "The Gentleman from DeWitt, Mr Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The problem I have with this Motion is that in extending the deadline at this time, we suggest that inadequate presentation, inadequate preparation, inadequate

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attention to detail was put into our previous efforts in regard to the problem of liability insurance cost. I don't understand how the Gentleman could suggest that. I heard his speech. I heard his... saw his vote. I listened to your speech, Mr. Speaker. I listened to a number of speeches earlier this evening from your side of the aisle that said that we had the best solution possible under the circumstances to deal with the high cost of liability insurance in the good State of Illinois. I presumed people were sincere about those speeches. I presumed the people believed that we had adequately dealt with the problem of the high cost of liability insurance and the availability of liability insurance in Illinois. I presumed that the Bill that we voted upon was a good faith effort to deal with that problem, but here now before us is a Motion that carries with it every pregnant intention of returning to the issue. Why would we have to return to this issue if we dealt with the subject adequately already? It doesn't stand a reason. Now, for that... given that fact which seem to me, Mr. Speaker, that, perhaps, it wasn't the idea solution, the best solution possible under the circumstances to deal with the cost, affordability, availability of liability insurance in Illinois. There must have been defects in that Bill. There must have been problems with it. There must be better things that could be done to deal with the problem or one could take a more cynical twist of mind. One could presume that this Bill is being used for something else in dealing with the cost, affordability and availability of liability insurance in Illinois. One could presume that just, perhaps, this Bill is going to be used for something else, a vehicle, a vehicle for some legislative purpose or some other purpose. I don't know if we could get a good faith effort to deal in

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a non-partisan matter with matters of this nature that Motions like this would not be as nearly controversial as they prove to be. There was a time... there was a time with the better part of the last three years after Mr. Madigan became Speaker of the House when things like this didn't happen, when no sense of partisanship and controversy suffused the House. There was a time when we were able to sit, discuss, deliberate in an orderly fashion in a non-partisan fashion at times on those major issues. We dealt with crisis of urgent and extreme importance, Mr. Speaker. I remember when we saved the State of Illinois its bond rating from a serious fiscal problem, and I remember when we dealt with the RTA crisis in Chicago in a way that astounded people of Illinois, because the Legislature had delayed so long, so very, very long in dealing with it before that, but that's when we had a spirit of cooperation, deliberation, orderliness in the House, when no one person assumed to themselves the complete control and power over legislation when matters were brought to the House, discussed, voted upon, debated, ideas were brought up in the process gradually of all and to want to compromise in conciliation and progress. That's what the House ought to return to, Mr. Speaker, and that's why it bothers me greatly that we could have a Bill here used for some other purpose that appears on the surface. That's what bothers me enormously about this Bill in this particular Motion. I don't know why it is that we can't deal with these matters before June 30th at midnight. I don't know why it is that we couldn't deal with all of these things a couple of months ago. I'd think that that would have been better for Illinois. I would have thought that that would have been better for business in Illinois, but we didn't. And for that reason, and because this Bill

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could be used for some purpose that no one is aware of, I kind of think that we ought to defeat this Motion. Now, let me tell you, let me tell you about the potential in a Bill like this, this state is the domicile of some of the most biggest and largest insurance companies in the world. As a matter of fact, at the very time when Illinois has declined as a manufacturing state, its service industries are large and vibrant, progressive, economic forces for revitalization, and insurance is a major factor in that, Mr. Speaker. Why, in my old legislative district that included Bloomington, Normal, thousands of people depend for their livelihood on the insurance industry, and all around Chicago the insurance industry is a major force for economic growth for jobs, for public benefit. Now, a Bill like this could be used to stoppel that growth. A Bill like this could almost have the effect of driving insurance out of the state, at least they're not making it very hospitable as a place that continues to do things, and I don't think that that's appropriate, because when you really get down to economic reality, it's the private sector, not the public sector. That makes the state..."

Speaker Greiman: "Gentleman from DuPage, Mr. Hensel."

Hensel: "Thank you, Mr. Speaker, Members of the House. Would the Sponsor yield?"

Speaker Greiman: "Mr. Cullerton, you intend to yield?"

Cullerton: "Absolutely."

Hensel: "I have a very serious question that I... I would like you to explain for me. Previously or earlier this morning..."

Cullerton: "I... I know what it is. It was what... was Representative Vinson talking about."

Hensel: "No. No, this is even more serious than that. Earlier this morning, late last night, you were really concerned

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about the constituents in Kane County and how they were being abused by the airport authority and so forth, now we have a Bill that could help these people set insurance rates and everything, and now you're going to deny them the right to have this Bill heard. Could you explain to me how you can deny them after you were so concerned about Kane County?"

Cullerton: "No, you misunderstand the purpose of the Amendment. You misunderstand the purpose of the Amendment... of the Motion. On that very Bill that you talked about dealing with airports, we extended the deadline to make sure that we could hear it without violating our rules between the date the Motion was passed and November, and we got around to that Bill last night, as you know. This Motion simply extends the Third Reading deadline for these Bills, and it pushes it to December 4. So, it's just a procedural vote to keep this Bill alive to give them potential relief, if you may believe would come if such a Bill was to pass."

Hensel: "Well, if I'm correct, this Bill is on Third Reading, right?"

Cullerton: "Yes."

Hensel: "Then, it could be called right now."

Cullerton: "That's correct."

Hensel: "But you want to extend it."

Cullerton: "I'm not the Sponsor."

Hensel: "You're the Sponsor of the Motion."

Cullerton: "The Motion. I'm not the Sponsor of the Bill. I don't have control of it, and so I want to make sure that the Sponsor doesn't try to, you know, deep six it by not calling it, so I'm trying to extend the deadline to December 4th so that he can't do that."

Hensel: "Well, I understand that, but I'm concerned about my constituents between now and December. I mean, they're

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going to be paying outrageous insurance rates and everything."

Cullerton: "Your constituents are upset about the airport, not about this Bill."

Hensel: "No. No, they're... I am concerned about my constituents and all their problems out there. That's just one problem. Insurance is another problem, and I think we ought to hear it as soon as possible and not put it off until December."

Speaker Greiman: "Gentleman from St. Clair, Mr. Stephens."

Stephens: "Thank you, Mr. Speaker. Will the Gentleman yield?"

Speaker Greiman: "Indicates he will."

Stephens: "Representative Cullerton, what was Representative Vinson talking about?"

Cullerton: "All I know is the staff person around him had a straight face until he started talking about the previous speaker, the one we had before this speaker, and how fair he was in the process, and she started laughing uncontrollably. That's... that's all I could gather he was talking about from his speech, and the other thing is, of course, that he hasn't been on the floor for awhile. He hasn't given a speech in awhile, and I think that was speech number ten A, which took 10 minutes, I might add."

Stephens: "I... I haven't seen his file, but ten A is probably right. I had a similar understanding to his presentation. What... Someone asked you a question earlier and you were called... your attention was called away because you said you were being abused in the Senate. What... what's going on over there? Is it anything we should know about?"

Cullerton: "I had a good law and order Bill, and they didn't agree to the Conference Committee. I'm very disappointed."

Stephens: "And they used your name in vain?"

Cullerton: "I'm also disappointed that we're taking all this time

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on a simple Motion and we're not getting to the racing reform Bill that we want to get to that you are... refuse to call and take out of the record."

Stephens: "I certainly understand that. Well, let me... let me address the Motion then. You're... your Motion affects Rule 37(g) which, if I read correctly, this is a Senate Bill whose deadline is the fourth Monday in June. Is that correct?"

Cullerton: "It's very possible."

Stephens: "And your Motion, then, for both of these Senate Bills delays or extends the deadline until December 4th, is that an appropriate change for the rules that you would use a date rather than a day, for instance, the fourth Monday or the first Monday."

Cullerton: "Yes, because..."

Stephens: "Will that be causing any problems?"

Cullerton: "No, because the rules apply over a two year period, and you don't have a specific date. Whereas, in this particular Motion with one Bill, we want... we know what day December 4th is, and therefore, we picked the specific day."

Stephens: "Okay, well, I appreciate your explanation to that."

Speaker Greiman: "Gentleman from Will, Mr..."

Stephens: "I wasn't finish, Mr. Speaker."

Speaker Greiman: "Oh, I'm... Yes, Mr. Stephens, go ahead."

Stephens: "I'm sorry, I was... I just thanked him for his explanation. The... you also mentioned in your remarks that a lame duck would... would maybe vote better than a Representative here tonight. What did you mean by that?"

Cullerton: "Oh, I'm very happy you mentioned that. My former colleague, Michael Slape, that's what I'm talking about. Michael Slape, my former colleague, who's coming back to this General Assembly, and when you come back here on

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December 4th, you will know what a lame duck is, Mr. Stephens."

Stephens: "Do you mean I have to wait until December to find out what a lame duck is?"

Cullerton: "No, it's sometime in November I think you'll find out."

Stephens: "Sometime in November. Well... well, if there is anybody who can give us a good description of what a lame duck is, I imagine it's Mr. Slape, and I'll... If I ever see him in the district..."

Cullerton: "He's... he's been one. He's been one, and he knows what it's like."

Stephen: "He's been one. If he ever shows up in the district, I'll ask him. To the Motion, Mr. Speaker. I'm not sure that delaying action on the Bill of this importance to that lame duck Session is really appropriate, although Ronald Regan, who is a lame duck President, has certainly gone against the general political trends of being effective as a lame duck, and he's shown a great deal of effectiveness. Political tradition tells us that lame ducks can be very ineffective and at times, passed pay raises and act on Bills affecting the insurance industry in an inappropriate manner. What I think might be more appropriate is for us to do, perhaps, what we did last evening and debate this Bill to its fullest so that we can discuss the Amendments that were added in Committee and, you know, some of us are not... were not on that Committee and maybe have a more extended discussion about the Senate Amendments that were added both in Committee or on the... on the Senate floor. Now, I don't know if there were any Amendments to this Bill on the House floor. I understand it is on Third Reading, so it certainly had the possibility of being amended, but I think that it's probably more appropriate for those of us

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who are here as elected Members of our representative districts and not as lame ducks to go ahead and deal with the issue and see if we can't work out the problem that maybe will dovetail with the legislation that we passed earlier that had the supposed purpose of relieving the insurance crisis. Now, I'm... It was a very complexed Bill that we passed Senate Bill 1200, and I understand that the Senate acted on that and concurred with our judgement earlier and passed the Bill, but if this... if these concepts that are being dealt with in Senate Bill 2000 affect Senate Bill 1200, then, maybe, tonight will be a more appropriate..."

Speaker Greiman: "Mr. Regan, to close. Mr. Regan. Mr. Piel."

Piel: "Do you want me, Mr. Speaker, or do you want Mr. Regan? You called on Mr. Regan."

Speaker Greiman: "Mr. Regan didn't move... swiftly enough. Call, Mr. Regan."

Regan: "Mr. Speaker, Members of the House, the Motion before us sends a very dangerous message to the insurance industry, particularly, reinsurance industry overseas. Now, we had a situation on the floor earlier where we went through a tort reform situation that got the problem all solved according to the other side of the aisle. There was reform in regards to joint and several liability that certainly was going to solve the problem, comparative negligence was going to solve the problem. The Trial Lawyers are sitting upstairs when the Bill passed and they laughed and chuckled and clapped each other on the hands. So, the Bill certainly must have been a successful tort reform. I hope we got a picture of that, Mr. Speaker. The Trial Lawyers can't stand anymore excitement tonight. We can't let them go through this much excitement tonight and this pleasure surging through their veins. Their wind was exceptional.

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The Senate came over with a wind form. They... the blood thundered in their veins. They didn't win much. The State of Illinois didn't win much. What we're supposed to do here is try to address the problem of availability of insurance. So, we sent a watered down Bill over to the Senate. They continue to pass it. More than likely the Governor will sign it. He has no opportunity to change it now. We didn't solve a thing. We're still going to have a problem here in the State of Illinois. Next year the rates will go up 25%. The year after that, they'll go up 50%. They'll probably level off about four or five years, and then, we'll be addressing it again because they'll surge up another 100% and another 200%, because it's a... it's not a progression. When lawsuits come thundering in and when we allow people, they are not at fault, to be sued because they have a lot of bucks, many, many times you'll have lawsuits that don't mean anything. Behind doors, we'll settle them for 6, 7, 8 thousand. One million, five thousand dollar lawsuits are just important as one million dollar lawsuit. The frivolous lawsuits in the State of Illinois will go and gallop upward and upward and upward. Eventually, we will have to solve the problem with some illegitimate tort reform. In the meantime, if what you had said with the tort reform makes any sense at all and that the Lloyds of London in the reinsurance market will open up, it certainly won't now. Sending them a message, hanging this over their head that rate regulation is right around the corner will definitely stall anybody jumping into the state, will definitely send the message to them that says, insurance will constantly be staying at the rate that it is now and going forward upward. So, all the people in the state will wound up about a 100% more premiums for about the next four years. They'll won't get

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use to paying those premiums because they'll cause a little rate increases in their products, taxes will have to go up, inflation will start to go up, insurance industry will just sit back and take their normal 10% profit and eke out the big bucks from everybody. I don't think this the time to send a message to them. I think it's a time to send a message to them, that we're going to look forward later on next year to more tort reform. Insurance regulation is a situation that causes insurance companies to say, 'We can't survive in the state. We can't make any money in the state.' If you don't have the right premium structure, the availability to plan right structures where you can make a small profit on a large investment, they won't come into the state. Florida is a good example. The insurance companies in Florida say, 'We don't like one of our biggest insurance here is... It handles about 70% of our workmen's comp. They will not deal in Florida. Florida has rate regulation. Pretty soon, they won't deal in Illinois. Other companies won't deal in Illinois. The more companies that leave the state, the more the rates will go up. The more the unavailability of insurance is, the higher the rates goes. The insurance company is definitely the most competitive of all companies doing business in the state. The insurance companies have more people in the streets selling insurance than anybody else, any other occupation in the state, other than possibly lawyers. Now, there may be more lawyers than insurance salesmen, but that be a close one and two. Now, it's time to send a message to the insurance companies that said, 'We're willing to work with you.' It's also time to send the message to the business community. The business community fault hard, very hard to help us get the premiums down. Legitimate tort reform definitely would have lowered premiums, and it would have

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lowered it quickly. As companies since said, "Alright, the State of Illinois makes sense with its tort reform. We're going to open up our markets and come in their because we can make a profit there." And by the way, the word "profit" is not something negative. The word "profit" is something the American system stands on. Anybody that feels bad about a company making a profit, stand up and say, it's wrong to make a profit. That's the American way to make a profit."

Speaker Greiman: "No verification? Okay. The Gentleman from Cook, Mr. Piel."

Piel: "Thank you, Mr. Speaker. Will the Gentleman yield to a question, please?"

Speaker Cullerton: "Mr. Cullerton."

Cullerton: "Another battle of wits with the Republicans."

Speaker Greiman: "I think he says he will."

Piel: "I guess that was a yes, right? John, what is the main reason for planning to put it off until December when the major issue today that we have been talking about this whole Session is insurance. I can't figure out why we have to put this off until a later day?"

Cullerton: "It's simply procedural."

Piel: "Simply procedural. People are going out of business because of insurance problems?"

Cullerton: "Yeah, the Bill will be tabled if this Motion doesn't pass."

Piel: "Fine. To the Bill, Mr. Speaker."

Speaker Greiman: "Proceed."

Cullerton: "That to the... that to the Motion."

Piel: "To the Motion."

Cullerton: "On the Bill. Thank you, Mr. Speaker."

Piel: "Thank you, Mr. Speaker, Ladies and Gentlemen..."

Cullerton: "Proceed. Proceed."

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Piel: "Thank you, Mr. Speaker, Ladies and Gentlemen..."

Cullerton: "Representative Greiman in the Chair."

Piel: "Mr. Speaker."

Speaker Greiman: "Mr. Piel, I'm trying desperately to stay awake.
Proceed, Mr. Piel, please."

Piel: "No. Fine. Just keep..."

Speaker Greiman: "Proceed, Mr. Piel, please."

Piel: "I don't care, I mean, John and I can sit here and talk to
you back and forth."

Speaker Greiman: "Mr. Piel, to the Motion, Sir."

Piel: "Fine, thank you, Mr. Speaker, Ladies and Gentlemen of the
House. Ladies and Gentlemen of the House, we spent about 3
1/2 hours earlier today in probably the most major issue
that will come before us last year or this year. And it
basically boiled down to one thing, one thing, which I
don't feel that was covered hardly at all in the 3 1/2
hours. People are complaining because of insurance rates.
They're having problems getting insurance. They're having
problems buying insurance, and they're having problems
making the payment because their payments are doubling or
tripling. This Bill deals strictly with that area. It's
talking about insurance rates. It's not something I
believe that we can afford to put off to December. It is
something I feel that we are here to serve the citizens of
the State of Illinois and do the job that they elected us
to. Everyone of us here have gotten dozens and dozens of
letters explaining one case after another from people who
had problems obtaining insurance. This Bill here deals
with the insurance rates set forth in the State of
Illinois. Whether you are for the Bill or against the
Bill, it is a Bill that needs to come out and be discussed
fully from A to Z. The way this Bill is set up, it is set
up so we can come before a deliberative Body of a 118

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Members and decide what the major problem is. I don't care how you voted earlier today, we did not have a lot of insight into it. Five, six, seven people made the decision exactly what we were going to vote on. Whether you vote 'yes' or 'no', seven people maximum made that decision on what you were going to vote on. This Bill here addresses the problem that we have been discussing for the last year to year and a half in the State of Illinois, escalating insurance rates. Many of us have been contacted by people who say, 'Please, do something about the insurance rates. I have problems getting insurance.' This tackles the problem head on."

Speaker Greiman: "Mr. Parke."

Parke: "Thank... Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker, Mr. Piel would like a moment."

Speaker Greiman: "Mr. Parke, I have recognized..."

Parke: "Pardon me?"

Speaker Greiman: "I've recognized you, Mr. Parke."

Parke: "Well, will the Sponsor of the Motion yield, please?"

Speaker Greiman: "He indicates he will."

Parke: "I guess I'm confused. As of most of the people here are, I'm not sure I understand why you want to extend the deadline. Could you please tell all of us why?"

Cullerton: "Because otherwise the Bill would be tabled."

Parke: "And what's wrong with that?"

Cullerton: "Well, I think it's a very interesting Bill. It deals with the Illinois Insurance Code. It's probably the only one in dealing with the Illinois Insurance Code that hasn't been tabled, and we need the Bill to... for a number of possible reasons. It's possible that the Bill could be amended to... for a cleanup to the Bill we passed. It's possible that...(MALFUNCTION) Excuse me. Speaker, I can't speak."

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Speaker Greiman: "Well, I can't hear, so Mr. Cullerton to close.

Proceed Mr. Cullerton."

Cullerton: "Appreciate... Appreciate a favorable Roll Call."

Speaker Greiman: "The question is, 'Shall the Motion be adopted?'

All those in favor signify by voting 'aye', those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 66 voting 'aye', 36 voting 'no', 2 voting 'present', and the Motion is adopted. On the Order of... On the Order of Concurrence on page three of the Calendar on the Order of Concurrence, House Bill 3548. Mr. Clerk, read the Bill. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3548, a Bill for an Act to require the study of solid waste management in Illinois, together with Senate Amendments #2 and 3."

Speaker Greiman: "The Gentleman from Winnebago, Mr. Hallock, on House Bill 3548."

Hallock: "Out of the record. Take this out of the record, please."

Speaker Greiman: "Alright. Out of the record. On Supplemental Calendar #4 on the Order of Conference Committee Reports appears Senate Bill 1763. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1763, a Bill for an Act making appropriations to the Capital Development Board. First Conference Committee Report."

Speaker Greiman: "The Lady from Cook, Ms. Barnes, on Senate Bill 1763. Ms. Barnes? Mr. Clerk, would you change the board?"

Barnes: "Out of the record."

Speaker Greiman: "The Gentleman from Cook, Mr. Cullerton, for a Motion."

Cullerton: "Yes, I move that the House stand adjourned."

Speaker Greiman: "The Gentleman from Cook, Mr. Cullerton, moves

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that the House stand adjourned until the hour of 11:00 tomorrow. All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The House stands adjourned until the hour of 11:00 tomorrow."

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