

84TH GENERAL ASSEMBLY

REGULAR SESSION

JUNE 13, 1985

PRESIDING OFFICER: (SENATOR SAVICKAS)

The hour of twelve-thirty having arrived, the Senate will come to order. Will our guests in the gallery please rise. Our prayer will be by the Reverend Eugene Weitzel, Director of Chaplains at St. John's Hospital.

REVEREND WEITZEL:

(Prayer given by Reverend Weitzel)

PRESIDING OFFICER: (SENATOR SAVICKAS)

Reading of the Journal.

SECRETARY:

Thursday, June the 6th, 1985.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Nedza.

SENATOR NEDZA:

Mr. President, I move that the Journal just read by the Secretary to be approved unless some Senator has additions or corrections to offer.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Hearing no objections, leave is granted. The motion carries. Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President. I move that the reading and approval of the Journals of Monday, June the 10th; Tuesday, June the 11th and Wednesday, June the 12th, in the year 1985, be postponed...be postponed pending arrival of the printed Journals.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Hearing no objection, the motion carries. Is there leave of the Body to go to House bills 1st reading? Hearing no objection, leave is granted.

SECRETARY:

House Bill 2286, Senator Kustra is the Senate sponsor.

(Secretary reads title of bill)

1st reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Committee reports.

SECRETARY:

Senator Savickas, chairman of Assignment of Bills Committee, assigns House Bill 2286 to the Committee on...Elementary and Secondary Education.

Senator Lechowicz, chairman of Executive Appointments and Veterans'...Affairs, reports out the following House bills:

921, 957, 1975, 2428 and 2429 with the recommendation Do Pass.

Senator...Senator Marovitz, chairman of Judiciary II Committee, reports out the following House bills:

52, 53, 615, 971, 1841 and 2416 with the recommendation Do Pass.

354 and 2132 with the recommendation Do Pass as Amended.

Senator Degnan, chairman of Local Government Committee, reports out the following House bills:

49, 66, 247, 387, 401, 480, 486, 548, 575, 626, 631, 691, 694, 799, 881, 899, 922, 1012, 1023, 1106, 1112, 1126, 1129, 1147, 1178, 1192, 1213, 1262, 1279, 1324, 1338, 1382, 1395, 1453, 1464, 1467, 1510, 1520, 1531, 1539, 1540, 1548, 1565, 1567, 1575, 1577, 1578, 1767, 1768, 1785, 1850, 1900, 1974, 2020, 2351, 2399 and 2407 with the recommendation Do Pass.

253, 467, 1547, 1552, 1598, 1849, 1857, 1889, 1914, 2022 and 2199 with the recommendation Do Pass as Amended.

Senator Sangmeister, chairman of Executive Committee, reports out the following House bills and resolutions:

38, 131, 408, 431, 580, 692, 964, 1072, 1131, 1132, 1249, 1346, 1389, 1413, 1417, 1478, 1523, 1924, 2054, 2067, 2182, 2368, 2391, 2454, 2499 and 2521 with the recommendation Do Pass.

1111, 1217, 1555, 1918, 1922, 1951, 1952, 1977,

2273, 2437...or 2436 and 2437 with the recommendation Do Pass as Amended.

Senate...Resolutions 268 and 347 recommend adoption.

Senate Resolution 263 recommend adoption as amended.

Senate Joint Resolution 70 recommend adoption as amended.

Senator Berman, chairman of Elementary and Secondary Education, reports out the following House bills:

2188, 2202 and 2286 with the recommendation Do Pass.

62, 90, 1037, 1038, 1039 and 2387 with the recommendation Do Pass as Amended.

Senator Jeremiah Joyce, chairman of Finance and Credit Regulations, reports out the following House bills:

...753, 1556, 1589, 2362 with recommendation Do Pass.

419 and 621 with the recommendation Do Pass as Amended.

Senator Jones, chairman of Insurance, Pensions and Licensed Activities, reports out the following House bills:

17, 202, 298, 374, 398, 434, 493, 510, 561, 737, 782, 910, 968, 1075, 1165, 1270, 1284, 1306, 1370, 1624, 1667, 1756, 1929, 2023, 2084, 2089, 2179, 2442 and 2446 with the recommendation Do Pass.

60, 357, 1083, 1142,...1177, 1411, 1979, 2032 with the recommendation Do Pass as Amended.

House Bills 800 and 1558 recommend Do Not Pass.

Senator Lenke, chairman of Judiciary I Committee, reports out the following House bills:

75, 89, 220, 277, 377, 381, 497, 508, 755, 852, 1067, 1188, 1265, 1269, 1355, 1566, 1576 and 2447 with the recommendation Do Pass.

House Bills 272, 474 and 2431 with the recommendation Do Pass as Amended.

Senator Dawson, chairman of Public Health, Welfare and Correction Committee, reports out the following House bills:

26, 27, 43, 252, 302, 304, 305, 307, 391, 392, 394, 622, 637, 705, 725, 830, 832, 835, 836, 837, 838, 943, 944, 951, 1289, 1292, 1335, 1410, 1476, 1535, 1703, 1919, 1930, 1971, 2104, 2180, 2310 and 2515 with the recommendation Do Pass.

805, 888, 894, 1474, 1479, 1925, 1947, 1948, 2113, 2189, 2217, 2263 and 2349 with the recommendation Do Pass as Amended.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke, for what purpose do you arise?

SENATOR LEMKE:

Well, just a...a matter of...let the record show that I was absent on May 24th of this Session because I went to my son's graduation at Great Lakes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, the record will so indicate. With leave of the Body, we'll go to the Order of Resolutions. Is leave granted? Resolutions.

SECRETARY:

Senate Resolution 358 offered by Senator...excuse me, Senator Carroll. It's congratulatory.

Senate Resolution 359 offered by Senator Newhouse, and it's congratulatory.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Consent Calendar. All right, with leave of the Body, we will go to the Order of Senate Bills 2nd Reading...or House Bills 2nd Reading, on page 27. House bills 2nd reading. First bill is House Bill 1654, Senator Netsch. Senator Netsch on the Floor? Page 28. 1656, Senator Degnan. Top of page 28. On the Order of House Bills 2nd Reading is House Bill 1656, Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1656.

(Secretary reads title of bill)

HB 1683
2nd Reading

2nd reading of the bill. No committee amendments...no committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, my Calendar indicates there's to be a...a Floor amendment. Senator Degnan.

SENATOR DEGNAN:

I have no knowledge of a Floor amendment being offered, Senator.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any Floor amendments?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. House Bill 1677, Senator Barkhausen. 1683, Senator Berman. On the Order of House Bills 2nd Reading is House Bill 1683, Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1683.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. 1714, Senator Netsch. 1755, Senator Sangmeister. Senator Sangmeister, 1755?...1763, Senator Netsch. 1765, Senator Lenke. House bills 2nd reading is House Bill 1765, Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1765.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 1 offered by Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Amendment No. 1 to Senate Bill...1765 would mandate that no surcharges be used on the credit cards, and I would ask for the adoption of Amendment No. 1 to Senate Bill 1765.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, any discussion? If not, Senator Marovitz has moved the adoption of Amendment No. 1 to House Bill 1765. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. 1769, Senator Philip. 1780, Senator Lemke. House bills 2nd reading is House Bill 1780, Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1780.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. 1801, Senator Barkhausen. 1845, Senator Geo-Karis. House bills 2nd reading is House Bill 1845, Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1845.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Top of page 29, House Bill 1855, Senator Poshard. House bills 2nd reading, top of page 29, is House Bill 1855, Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1855.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. 1880, Senator Lemke. House bills 2nd reading is House Bill 1880, Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1880.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. House Bill 1901, Senator Geo-Karis. House bills 2nd reading is House Bill 1901, Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1901.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 1 offered by Senator Nedza.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President. This is an amendment that was not able to be prepared in time for the committee meeting. It's technical in nature and we're...at this time, presenting the amendment and move its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, Senator Nedza moves the adoption of Amendment No. 1 to House Bill 1901. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 1 is adopted. Any further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. Senate Bill 1902, Senator Berman...or Barkhausen. Senate Bill 1912, Senator Weaver. Read the bill, Mr. Secretary.

AB 1928
2nd Reading

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1912.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any committee amendments?

ACTING SECRETARY: (MR. FERNANDES)

No committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 1926, Senator Maitland. House Bill 1928, Senator Coffey. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1929.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. Senate...House Bill 1937, Senator Donahue. House Bill 1944, Senator Geo-Karis. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1944.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Transportation offers one amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

NS 1955
2nd Reading

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, the amendment to House Bill 1944 was prepared by the Department of Transportation. I have no objection to it and it covers certain sections in the Illinois Code, and I move the passage of this amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, Senator Geo-Karis moves the adoption of Amendment No. 1 to House Bill 1944. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 1 is adopted. Any further committee amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 1953, Senator Geo-Karis. House Bill...read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1953.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 1955, Senator Philip. Read...read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1955.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Judiciary offers one amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move to Table Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Senator Philip moves to Table Committee Amendment No. 1 to House Bill 1955. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. The motion to Table carries. Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President. I think I filed a Floor amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any further committee amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 2 offered by Senator Philip.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. As you know, this is the...the subject is malpractice. What a...a...Floor Amendment No. 2 does is when a doctor who sits on a panel decides against a fellow doctor and says, you shouldn't be practicing at that hospital, that this gives him...protection that that doctor will not file suit against him. It's an agreed amendment and I would move

the adoption of Floor Amendment No. 2.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, Senator Philip moves the adoption of Amendment No. 2 to House Bill 1955. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 2 is adopted. Any further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 1958, Senator Dunn. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1958.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Judiciary offers one amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Dunn.

SENATOR DUNN:

...thank you, Mr. President and members of the Senate. Committee Amendment No. 1 is a technical amendment, clarifies that the bill applies to the intentional or knowingly cutting of trees, that's Amendment No...Committee Amendment 1.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator...if not, Senator Dunn moves the adoption of Amendment No. 1 to Senate Bill 1958. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 1 is adopted. Any further committee amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 2 offered by Senator Dunn.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Dunn.

SENATOR DUNN:

Thank you, Mr. President and members of the House. Amendment No. 2 clarifies that the bill does not apply to the suppliers of electricity, gas or telephone service who cut any trees which impair that suppliers of utility ability to provide safe and reliable service. The amendment is approved by the Department of Conservation. I move its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, Senator Dunn moves the adoption of Amendment No. 2 to House Bill 1958. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 2 is adopted. Any further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. For what purpose Senator Smith arise?

SENATOR SMITH:

Thank you, Mr. President and members of the Senate. I stand on a point of privilege...privilege. We have in the President's Gallery some constituents from my district, Miss Mary Jones, Virginia Adams and her guardian boy...little Adam is with her and Erma Sherman and Mr. Cola. These persons are workers with the Corps Housekeepers and Homemakers Staff Builders that I wanted to recognize there presence here. They've come all the way from Chicago to Springfield. Thank you

PRESIDING OFFICER: (SENATOR SAVICKAS)

Would they rise and be recognized. House Bill 1959, Senator Donahue. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1959.

HB 2002
2nd reading
HB 1970
2nd reading

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 1962, Senator Dunn. House Bill 1963, Senator Barkhausen. House Bill 1970, Senator Davidson. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 1970.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 2002, Senator Rock. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2002.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 2003, Senator Berman. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2003.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 2011, Senator Geo-Karis. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2011.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 2062, Senator Etheredge. House Bill 2066, Senator Bloom. House Bill...2103, Senator Lemke. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2103.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 2106, Senator Lemke. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2106.

HB 2129
2nd reading

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the floor?

ACTING SECRETARY: (MR. FERNANDES)

Amendment No. 1 offered by Senator Lemke.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke. Senator Lemke, your amendment on 2106.

SENATOR LEMKE:

What this is is the committee amendment, isn't it?

PRESIDING OFFICER: (SENATOR SAVICKAS)

It's a floor amendment.

SENATOR LEMKE:

Oh, this is a request by DCF, I think. I think it's a amendment to clear up some language in there. I think it's...I ask for its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there a discussion? If not, Senator Lemke moves the adoption of Amendment No. 1 to Senate Bill...or House Bill 2106. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No...was adopted. Any further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 2108, Senator Lechowicz. House Bill 2115, Senator Maitland. House Bill 2129, Senator Davidson. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2129.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Insurance offers...the Committee on Finance and Credit Regulation offers one amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, the amendment strikes out the verbiage and limits to any commercial, industrial purposes. I move the adoption of the amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, Senator Davidson moves the adoption of Amendment No. 1 to House Bill 2129. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 1 is adopted. Any further amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 2162, Senator Lemke. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2162.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 2165, Senator Berman. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2165.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Elementary and Secondary Education offers one amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Amendment No. 1 adopted in committee changed it from a mandate to a goal regarding the pupil council ratio. Move the adoption of Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, Senator Berman moves the adoption of Amendment No. 1 to House Bill 2165. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 1 is adopted. Any further committee amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 2181, Senator Maitland. House Bill 2205, Senator D'Arco. House Bill 2219, Senator Smith. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2219.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Elementary and Secondary Education offers one amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Smith. Read the amendment, Mr. Secretary.

SENATOR SMITH:

Please read that for me. I'm sorry...

ACTING SECRETARY: (MR. FERNANDES)

(Secretary reads the amendment)

SENATOR SMITH:

Thank you, Mr...Chairman and members of the Senate. 2219...amendment clarifies that the...not only do the teachers who are guilty of absenteeism will be put in the...local newspapers so that it would become competitive with other community schools to see if the teachers are...are coming up to par as teachers because merely the teachers there are absentee and then also to...to put this in the newspapers just to clarify the work that they are trying to do in these local communities to avoid dropouts and also to drop the dropouts of the...of the teachers.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, Senator Smith moves the adoption of Amendment No. 1 to House Bill 2219. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 1 is adopted. Any further committee amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 2226, Senator Marovitz. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2226.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 2275, Senator Karpziel. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2275.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 2276, Senator Etheredge. House Bill 2278, Senator Marovitz. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2278.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 2290, Senator Friedland. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2290.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 2311, Senator Welch. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2311.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 2328, Senator DeAngelis. House Bill 2352, Senator Darrow. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2352.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 2364, Senator Berman. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2364.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

House Bill 2400...3rd reading. House Bill 2400. House Bill 2421, Senator Bloom. House Bill 2434, Senator Maitland. House Bill 2440, Senator Rigney. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2440.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 2441, Senator Etheredge. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2441.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 2443, Senator Schuneman. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2443.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 2449, Senator Coffey. House Bill 2452, Senator Schaffer. 2492, Senator Marovitz. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2492.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. House Bill 2517, Senator Mahar. House...House Bill 2525, Senator Lemke. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2525.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

With leave of the Body,...2nd...3rd reading. With leave of the Body, we can pick up House Bill 2108 on page 31. Leave granted? Leave is granted. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 2108.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Elementary and Secondary Education offers one amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz.

SENATOR LECHOWICZ:

Move the adoption of the committee amendment...it's a clarifying amendment requested by the department.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, Senator Lechowicz, moves the adoption of Amendment No. 1 to House Bill 2108. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 1 is adopted. Any further committee amendments?

ACTING SECRETARY: (MR. FERNANDES)

No further committee amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Any amendments from the Floor?

ACTING SECRETARY: (MR. FERNANDES)

No Floor amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. With leave of the Body,...for what...for what purpose Senator Nedza arise?

SENATOR NEDZA:

Thank you, Mr. President. I would...at this time, I...ask that Senator Dudycz be a...a...added as a cosponsor to House Bill 593.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Hearing no objection, leave is granted. We have with us a special request by Senator Hudson to introduce two of his constituents to you, and at this point I will turn the microphone over to Senator Hudson.

SENATOR HUDSON:

Ladies and Gentlemen of the Senate, it is my privilege at this time to introduce to you a young man and his father. Now, I'm introducing to you, Adam...this young fellow here is Adam Von Ola and his father, Herman. And Adam is the...in the fourth grade at...in Bolder Hill, Montgomery, he's in my district, and he's the winner of the nutrition poster contest in that category and you can see his poster, if you wish,

down in the Rotunda. It's posted down there, but he's the first place award winner of that contest in that category. As you know, this was sponsored by the Department of Public Health and the American Academy...Pediatrics, Nutrition Association, Dietetic Association and so forth. So, with that, I simply will introduce to you...Adam, here who is a talented young man and his father.

MR. HERMAN VON OLA:

(Remarks made by Mr. Von Ola)

PRESIDING OFFICER: (SENATOR SAVICKAS)

Also with another winner, we have Senator Frank Watson.

SENATOR WATSON:

Thank you, Mr. President. I've been here six years representing my particular district and four of those six years we've had a nutrition poster contest winner, so...from my district, so I feel very proud and pleased to...to..present to you, this is Rachel Reed. Rachel is from Marion County and from Central City and she is going to be in the third grade, and she's a first place contest winner in the nutrition poster contest and what I'd like for Rachel to do is tell you what she had on her poster. Would you mind doing that, Rachel? Okay. I'm going to put the microphone down to her and tell her what...tell...so she can tell you what she had on the poster. Okay?

MISS RACHEL REED:

(Remarks made by Rachel Reed)

SENATOR WATSON:

Very good and we have Rachel's family here, Mr. and Mrs. Reed...also from Central City in Marion County, and I'd like for them to stand in the gallery here on the Democrat side and her brother...you want to stand too...okay. Thank you, very much, and I'm proud and pleased to have these people with me today, and thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

We have also on our parade of stars today, Senator Coffey with the seventh and eight grade winners and he would like to present them to you.

SENATOR COFFEY:

Thank you, Mr. President and my colleagues. We have here with us today some people I'm very proud of. Heather is the seventh and eighth grade winner of the nutritional poster presenter and I'd like to see if she would want to say anything. I don't think she particularly wants to say anything, but we're very proud of her. She's a first place for the State of Illinois. Here with her...her...her father, Reverend Patients and...and his wife, Christine and sister, Sara, and we're proud of you all of you and we appreciate you coming to Springfield today. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Committee reports.

SECRETARY:

Senator Lechowicz, chairman of the Committee on Executive Appointments, Veterans' Affairs and Administration to which was referred to the Governor's Message of June the 6th, 1985, reported the same back with the recommendation that the Senate advise and consent to the following appointments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move that the Senate resolve itself into Executive Session for the purpose of acting on the Governor's appointments set forth in his Message of June 6th, 1985.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've...you've heard the motion. Is there objection? Hearing no objection, the motion carries. The Senate is resolved into Executive Session. Senator Lechowicz.

SENATOR LECHOWICZ:

With respect to the Governor's Message of June 6th, 1985, I'll read the salaried appointments to which the Senate Committee on Executive Appointments, Veterans' Affairs, Administration recommends that the Senate do advise and consent.

To be a member of the Illinois Human Rights Commission for a term expiring on January 16th, 1989, Mr. Aloysius A. Mazewski of Chicago.

To be members of the Illinois Industrial Commission for a term expiring January 19th, 1987, Alvin Cooke of LaGrange, Barbara Sherman of Chicago.

Mr. President, having read the salaried appointments, I now seek leave to consider these appointments on one roll call unless some Senator has objection to a specific appointment. Will you put the question as required by our rules.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Is leave granted to consider on one roll call? Hearing no objection, leave is...granted. Now the question is, does the Senate advise and consent to the nominations just made. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. A majority of the Senators elected concurring by record vote the Senate does advise and consent to the nominations just made. Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. With respect to the Governor's Message of June 6th, 1985, I will read the unsalaried appointments to which the Senate Committee on Executive Appointments, Veterans' Affairs and Administration recommends that the Senate do advise and consent.

To be members of the Board of Aeronautical Advisor for a term expiring January 1, 1987, John Bennett of Mt. Vernon,

Casimir Laskowski of Chicago, Henry Taylor of Savoy, Judith Van Kampen of West Chicago, Robert Waddell of Illiopolis, Charles Wenk of Highland Park.

To be a member of the Employee Owned Enterprise Council for a term expiring November 7, 1988, Daniel Cosgrove of Springfield.

To be a member of the Illinois Health Care Cost Containment Council for a term expiring September 5th, 1987, Donald C. Ames of Elmhurst.

To be the chairman and member of the Illinois State Scholarship Commission for a term expiring...July 1, 1991, J. Robert Barr of Evanston.

To be a student member of the Illinois State Scholarship Commission for a term expiring July 1, 1987, Jonathan O'Neil of Wheaton.

Mr. President, having read the unsalaried appointments, I now seek leave to consider those appointments on one roll call unless some State Senator has objection to a specific appointment. Mr. President, will you put the question as required by our rules.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion...any objection to considering these nominations on one roll call? Hearing no objection, the motion carries. Then the question is, does the Senate advise and consent to the nominations just made. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. The majority of the Senators elected concurring by record vote the Senate does advise and consent to the nominations just made. Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. I...now move that the Senate

HB 1604
3rd Reading

arise from Executive Session.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Hearing no objection, the motion carries. The Senate does arise from Executive Session. With leave of the Body, we will go to...to the business of House bills 3rd reading and on that...on that question...we will...on House Bill 1955, Senator Philip. Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I was going to ask leave to go to House bills 3rd reading for the purpose of House Bill 1604, which is, you know, is medical malpractice. I would ask leave to do that. I...I don't think that we're ready for 1955. I think we just put an amendment on it and it's still on 2nd reading; hopefully, it just went to 3rd reading, but I think Senator Rock and I have the agreement just to go to 1604.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Hearing no objection, leave is granted. On the Order of House Bills 3rd Reading, House Bill 1604. Read the bill, Mr. Secretary.

SECRETARY:

House Bill 1604.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. As you know, Senator Rock and I have passed out the amendment and the explanation to the amendment to 1604. It's on your desk. It's a very complicated, sensitive issue to say the least. I want to commend Senator Rock for working and knocking out this agreement. As you know, the four leaders and some of our members have worked long and hard on

this compromise, and to say the least, it was not easy. I would like to personally commend Senator Rock...of course, he was defending the trial lawyers which, quite frankly, is not very easy to do, but he did a great job, quite frankly, and if it wasn't for Senator Rock, we probably would not have had this compromise, and it's been a compromise between the medical profession and the trial lawyers. It was not an easy...how should I say it...amendment...neither side is very happy. It's a very complicated subject. I'll be happy to answer any questions. I said both sides are in agreement and, hopefully, we will pass it and stand up and do what's right.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1604 as amended is, as Senator Philip said, the result of some rather lengthy and at times heated negotiations between representatives of the medical society, the Governor's Office, the trial lawyers and those of us from the Assembly who, I think, were working in the best interest of the poor, unfortunate victims of malpractice. The fact is that we are confronted in this State with something of a crisis in terms of the affordability of malpractice insurance, and certain members of the medical profession have indicated very strongly that they were either not continue to practice in their specialty because of the insurance premium difficulty or, in addition, and mostly in addition, they have to resort to the practice of what is called defensive medicine, whereby literally more costs are assessed against the consumer, the patient, in terms of ultimate protection from liability for the doctor. I think this is a reasonable compromise. As with any compromise neither of the principals is particularly pleased, but the fact is that the effort is

to do two things; to reduce the number of frivolous lawsuits that are to be filed and this Act will become effective August 15th and will apply to all suits filed on or after that date, and that's the reason we're trying to go out of the ordinary course of business and get it to the Governor so that there will be this couple of month period of time within which your constituents and mine can truly understand what the new law will be; and in addition to the reduction of the frivolous lawsuits, we are at the same time by the virtue of the provisions of 1604 as amended truly protecting the rights of those unfortunate victims of medical malpractice. We are not, in fact, putting a cap on any recovery that they might receive because of the misfeasance or malfeasance of a medical professional; and at the same time, we are recognizing that there is an insurance crisis and so there is provision for collateral source, deductions, there is provision for a structured verdict. All in all, I think it is a result of which we can all be proud, and I would suggest that we have a...a unanimous affirmation of House Bill 1604 as amended.

PRESIDING OFFICER: (SENATOR SAVICKAS)

We have the following Senators that are seeking recognition in this order, Senator Lemke, Berman and Geo-Karis. Senator Lemke.

SENATOR LEMKE:

Just a statement for the record. It's...it's my belief, as chairman of Judiciary, that this bill is unconstitutional. It takes the powers away from the Judiciary and I believe it will be set forth in the courts to determine, and any...any...any judge in the Supreme Court that had...him or any of his members of his family connected with the drafting of this legislation should excuse himself and another Supreme Court judge appointed. I also say that this bill is special legislation for a select group of individuals which is against the Illinois Constitution in this State and should

not be done. Another thing, we have not been shown there has been a...affordable...malpractice crisis in insurance 'cause the insurance company has not revealed those records yet and we have no way of getting those. The other point is on the collateral source rule, we are passing the expense of medical to the people that pay for group insurance, the common man, to exempt one of the highest paid professionals in the State of Illinois, that's the doctors. As far as the other provisions in the rule...in the bill, as far as frivolous lawsuits, the lawyers have conceded and have...don't want frivolous lawsuits and there aren't any lawyers that are filing frivolous lawsuits, and if they are, they are under the sanctions of the Supreme Court and have been properly disciplined. That has not happened in the medical profession. There is no doctor that has ever been disciplined in the State, their license revoked. In the matter of Blickman who was...who had...practicing malpractice in the form of an abortion clinic and also absconding with public aid funds, he has never lost his license in the State of Illinois. No one has ever done that, they have gotten their licenses back. So, let it be known to this State that this is a bill we're going to pass to try to protect reputable doctors, but it's up to the medical society to get rid of the bums in the profession; and when we have doctors that come here from a foreign...land and can't speak English to the patients, you are going to have malpractice, 'cause if you can't understand the person's...person's problems in English, how can they talk to them in a different language? I think this is a...I think something should be done in this realm and I don't think 1955 goes as much to remove the...the doctors in this State, the minority of them, who are poor and should be kicked out of the profession and it's up to the medical society to do that and I'd like to see them do it now. I was here in '76 when we had affordable malpractice crisis, we

gave them what they wanted and yet the premiums...the...company they control, still the premiums keep going up and the claims keep going down in the amount of money paid out. I don't know what's going on, but I hope that we can get at the real serious problem and that's the culprits that are milking the premiums in this State, the insurance industry. I will vote on this bill Aye only to...to protect the good doctors, but let the profession of the medical society get rid of the bad ones.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Would the...Senator Rock yield to a question? Senator, calling your attention to page 5 of the bill, lines 25 and thereafter. Would you explain in regard to the calculation of future damages how those damages will be calculated considering the affects of inflation and future payments?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Yes, thank you, Mr. President and Ladies and Gentlemen of the Senate. Senator Berman, I'm sure you're aware that this amendment was subject to a number of different provisions and drafts, particularly as it applied to...to the question of...of future damages and how we take into account what everybody acknowledges as an inflation factor. One of the earlier drafts and one of the things we talked about was tying the ultimate recovery for future damages to the T-bill rate and that was felt, frankly, at the last couple of moments to be a little unworkable. So, what we have done is that under Section 2-1707...it is the intent of this legislation that this will be done by jury instruction, so that the jury, as instructed by the court, will itself determine

how inflation and the possible increase in wages of the plaintiff would, in fact, affect future damages. It is a factor that is to be presented to the jury by virtue of an instruction.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Then it's my understanding that future inflation...can be taken into account in the deliberations of the jury and that's anticipated. Is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

That is correct, that is the intent of this legislation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, and thank you, Senator Rock. Just to comment on the bill. I think there's one item that I would like to bring to your attention. When the medical society came down on their lobbying day, they did a very effective job and in the closing hours of that particular day, there was the announcement of a package of legislation. House Bill 1604 before us today is an amendment to that original package that was announced two or three weeks ago. I want to point out, to my knowledge and I believe I'm correct, that in the negotiations that have taken place in these past two weeks or so, the trial bar has addressed what they viewed as certain inequities that were built into the original proposal, inequities as related to the injured victim, to the plaintiff. I think it's fair to point out that one of the proposals that was in the original package and has been untouched in the negotiations is a provision that reduces and for the first time, to my knowledge, legislates attorneys'

fees, and I'm very proud to explain that point, and I'm proud because of the fact that the bar association did not jump in to try to reestablish any higher level of fees than was originally suggested. And let me give you a specific example, that under this bill, for the first time, in any type of personal injury action, there is legislation that sets forth the amount of fees allowable and the one-third...thirty-three and a third percent of the first hundred and fifty thousand dollars. Now as we all know, in many of these cases, because of the substantial uncertainty involved in these cases, a thirty-three and a third percent fee is...is not uncommon. That third...one-third fee is still built in only to the first hundred and fifty thousand dollars. Twenty-five percent is the legislated fee for the next eight hundred and fifty thousand and twenty percent for anything over a million dollars. A fast calculation, ladies and gentlemen, says to you and to me that the attorney that is able to recover a million dollar judgment or a million eight hundred thousand dollar judgment has, in fact, shaved his fees by approximately a hundred and thirty-three thousand dollars. The bar associations in the negotiations did not touch that provision. I'm proud of the bar for that type of commitment to seeing to it that the plaintiffs and the injured persons get more money out of the proceeds. I would...commend that kind of approach to the medical society when we're talking about affordability. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, those of us who are conscientious lawyers are a little bit tired of some of the ambulance chasing lawyers who feel they can make so much more money just prosecuting any case against any doctor they desire for anything. I feel

that this bill as amended in the House does provide the safeguards for the people and also for the conscientious doctors. I'm going to vote for this bill predicated on the fact that 1955...House Bill 1955 also has language in it which states in effect that the hospital administrators and individual health care providers who without malice and in good faith go after doctors who don't deserve to be in the medical profession or who...constantly do the wrong things for their patients. I do feel that this bill does have safeguards for the patients, also has safeguards for the doctors. In addition, this bill gets rid of punitive damages, which it should. It also has...malicious prosecution elements in favor of the doctors against people who prosecute them without good grounds, and it does have the opportunity to a doctor to go after the lawyer who sues them on a spurious case to go after them for all their expenses. All in all, I think if we are to...going to keep good doctors here, we have to do something and I think this bill is in the right direction. Hopefully, it will be considered constitutional and I will vote Aye and urge my colleagues here to vote Aye for it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Philip may close.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. As you know, this has been a very sensitive, detailed amendment. I said nobody on either side is happy, quite frankly, but I think generally speaking, the consensus of opinion is something that we ought to do, the time is now, the time is right and I would hope that we would see a lot of green votes up there.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 1604 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is

open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill 1604 having received the constitutional majority is declared passed. Resolutions.

SECRETARY:

Senate Resolution 360 offered by Senator Poshard. It's congratulatory.

Senate Resolution 361, by Senators Demuzio, Rock and all Senators, congratulatory.

Senate Resolution 362, by Senator Rupp, congratulatory.

Senate Resolution 363, by Senators Lechowicz, Degnan, Marovitz, Rock and all members, and it's congratulatory.

And Senate Resolution 364, by Senator Lechowicz and all members, and it's congratulatory.

Senate Resolution 365, by Senators Keats and Kustra. It's congratulatory.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Consent Calendar.

SECRETARY:

Senate Resolution 366, by Senators Bloom and Sangmeister.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Executive. Senator Smith, for what purpose you seek recognition?

SENATOR SMITH:

Thank you, Mr. President. I'd like to be identified as a hyphenated sponsor to House Bills...301 through 307, please, hyphenated sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the request by Senator Smith. Hearing no objection, leave is granted. Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President. I would like to recommit to subcommittee status of the Health Committee, House Bill 391. It

somehow got out on Agreed Bill...List yesterday and it should not have, and it should go back to subcommittee.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, you can't put it in subcommittee. It's an action of the committee. We can rerefer it back to committee and let them...Senator Topinka moves to rerefer House Bill...to rerefer House Bill 381 back to the Committee on Public Health. You've heard the motion. Any objection? Hearing no objection, leave is granted. House Bill 391 will be referred to the Committee on Public Health. Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. There'll be a caucus...Democratic Caucus immediately in Senator Rock's Office. Immediately.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard that now, immediately upon adjourning. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. For the benefit of the membership, we have committees scheduled at two, I'm hopeful that the caucus will take a very few minutes. Senator Sangmeister will shortly announce a nine o'clock Executive Committee meeting tomorrow morning. We will go into Session at ten and be finished with our business before noon so that everybody can plan on leaving by noon tomorrow, but we'll have a Democratic Caucus immediately in my office for the members of the Democratic Party.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is that your announcement, Senator Sangmeister? Senator Sangmeister.

SENATOR SANGMEISTER:

Well, yes, that's part of my announcement but because the committee adjourned yesterday...rather than recessing, I want

to make sure that House Bills 567, 568, 570, 2481 and 2472, that we suspend the appropriate rule to hear those in Executive, as Senator Rock has indicated, tomorrow morning at nine o'clock. Also, I would like that Senate Resolution 244 which has nothing to do with Build Illinois also can be heard.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister moves to suspend the Six-Day Posting Notice Rule. Is there any objection? Hearing no objection, leave is granted. Senator Hall, for what purpose do you arise?

SENATOR HALL:

Thank you, Mr. President. Senator Collins has asked me to make the announcement that there's a...a salute to her at the State House Inn from seven to nine and she wants all of the Senators to know that they have a complimentary invitation. Seven to nine at the State House Inn this evening.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Thank you. Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. I'd like to...I'd like to add Senator Jeremiah Joyce as a...hyphenated cosponsor to House Bill 1656.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Is leave granted? Hearing no objection, leave is granted. Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. I just would like to make an announcement. There is a meeting of the Election and Reapportionment Committee this evening at five o'clock in Room A-1. It's a recess meeting. I'd be very appreciative of the members being there and will make it quite fast. There's only five bills, as I understand, to be considered.

PRESIDING OFFICER: (SENATOR SAVICKAS)

There further announcements? If not, we'll go to commit-

tee reports.

SECRETARY:

Senator Jerome Joyce, chairman of Agriculture, Conservation and Energy, reports out the following House bills:

300, 611, 703, 793, 1000, 1026, 1184, 1251, 1436, 1717, 1774, 1775, 1776, 1867, 1915, 1933, 1934, 1935, 1939, 1943, 1956, 1957, 1961, 2061, 2154, 2250, 2251, 2261, 2266, 2450, 2451 and 2487 with the recommendation Do Pass.

1544, 1596, 1814, 1969 and 2426 with the recommendation Do Pass as Amended.

PRESIDING OFFICER: (SENATOR SAVICKAS)

If there's no further announcements or business to come before the Senate, the Senate will stand adjourned until ten o'clock Friday morning.