

78th General Assembly

May 17, 1973

1. PRESIDENT:

2. Will the Senate please come to order? The prayer  
3. will be delivered by the Reverend LaVon Bayler of St.  
4. Timothy United Methodist Church of Litchfield. Reverend  
5. Bayler.

6. (Prayer by Reverend Bayler,  
7. of St. Timothy United Methodist Church,  
8. Litchfield, Illinois)

9. Reading of the Journal. Senator Glass moves that we  
10. postpone the reading of the Journals of May 10, 11, 12,  
11. 14, 15 and 16 until the arrival of the printed Journal.  
12. On that question, all in favor signify by saying aye.  
13. Contrary no. The motion carries. Committee Reports.

14. SECRETARY:

15. (Secretary reads Committee Reports)

16. PRESIDENT:

17. Introduction of bills.

18. SECRETARY:

19. SB 1171 by Senators Vadalabene, Latherow, Course,  
20. Chew and McCarthy.

21. (Secretary reads title of bill)

22. SB 1172 by Senators Walker, Graham and Ozinga.

23. (Secretary reads title of bill)

24. 1st reading of the bills.

25. PRESIDENT:

26. Message from the House.

27. SECRETARY:

28. (Secretary reads message from the House  
29. and Resolution)

30. PRESIDENT:

31. House Bills on 2nd reading. Senator Davidson, do you  
32. want to advance 32?

33. SENATOR DAVIDSON:

1. House Bill?

2. PRESIDENT:

3. Yes, House Bills on 2nd reading.

4. SECRETARY:

5. HB 32 (Secretary reads title of bill)

6. 2nd reading of the bill. The Committee on Education offers  
7. Amendments numbered 1 and 2.

8. PRESIDENT:

9. Senator Davidson.

10. SENATOR DAVIDSON:

11. Move the adoption of Committee Amendments 1 and 2.

12. PRESIDENT:

13. Senator Davidson moves the adoption of Committee  
14. Amendment No. 1. All in favor signify by saying aye.  
15. Contrary no. The motion carries. Amendment No. 1 is  
16. adopted. On the question of the adoption of Amendment  
17. No. 2, all in favor signify by saying aye. Contrary no.  
18. The motion carries, Amendment No. 2 is adopted. Are  
19. there amendments from the Floor?

20. SECRETARY:

21. Amendment No. 3 by Senator Glass.

22. PRESIDENT:

23. Senator Fawell, do you wish recognition? Yes,  
24. 3rd reading. Oh, I'm sorry. Amendments by Senator  
25. Glass. Senator Glass.

26. SENATOR GLASS:

27. Mr. President, Senators, I know there aren't many  
28. of the Senators here at this time, but this is an important  
29. bill, HB 32. It would create a hearing officer that  
30. would after a board of education determines that it will  
31. discharge a teacher, a hearing officer appointed by the  
32. Office of Superintendent of Public Instruction would  
33. then hold a hearing and decide whether he wished to

1. overrule the decision of the board. Now this amendment  
2. that I am offering would not eliminate the hearing officer,  
3. but would simply hold that he must conduct the hearing  
4. before board action. In other words, I think it's important  
5. that the local elected board of education be the final  
6. body which determines whether a teacher is discharged  
7. or not. I think if we take that power away from the  
8. local board we are eroding the powers which have been  
9. already eroded, I think, too far, and this would preserve  
10. the decision of...the right of the board to make a final  
11. determination in an area of what is really its respon-  
12. sibility that is the hiring and firing of employees. But  
13. it...at the same times would provide a hearing officer as  
14. the purponents of this bill desire. That is, there would  
15. be a hearing officer, appointed by the Superintendent  
16. of Public Instruction who will be a licensed attorney,  
17. to conduct the hearing and reach his findings and then  
18. those findings would be submitted to the board. And  
19. the board would then act upon them. I think this is a  
20. very important amendment. It is supported by the  
21. Illinois Association of School board, and I would...  
22. I ask for the support of the Body for this amendment.

23. PPRESIDENT:

24. Senator Bell.

25. SENATOR BELL:

26. Senator Glass, does not the attachment of this  
27. particular amendment seek to change the whole basic  
28. thrust of that bill?

29. PRESIDENT:

30. Senator Glass.

31. SENATOR GLASS:

32. Really not at all, Senator Bell. I think the people  
33. who are interested, the teachers who are interested

1. in this issue make the point that when they are...when  
2. a board determines that it's going to discharge them,  
3. and then the board holds the hearing, you have kind of  
4. a judge and jury situation by the board. So what they're  
5. interested in is having an independent hearing officer,  
6. and I can see that. What I'm saying is let them have  
7. that hearing officer to hear the facts and make a recommen-  
8. dation to the Board, but let's not, let's not give the  
9. hearing officer the final decision on whether the teacher  
10. should be discharged, that's why we've elected the board  
11. of education. Then if the teacher feels aggrieved by  
12. the decision of the board and goes to court he then  
13. has the record made by the hearing officer, the finding  
14. of facts to rely upon. I think this is a far better  
15. approach and so I don't think in answer to your question  
16. that it...it changes the thrust of the bill.

17. SENATOR BELL:

18. Well, it seems to me that part of the basis of  
19. that whole HB 32 was the idea to bring OSPI into the  
20. negotiations procedure and to have the decision made  
21. outside of the school board, and that's why I say I  
22. think...I think your amendment seeks to radically change  
23. the concept of HB 32. And that is not to say that I'm  
24. in disagreement with it, but I just wanted to point out  
25. to this Body that, in my opinion this is...this is a  
26. going to significantly change the approach that HB 32  
27. is trying to address itself to. Might I ask, Senator,  
28. have you talked to the drafter of that legislation over  
29. in the House at all?

30. SENATOR GLASS:

31. I haven't spoken to the House sponsor. I have spoken  
32. to Senator Davidson at some length, and tried to persuade  
33. him to accept this amendment. He feels however, he cannot

1. accept it. That the people that are really interested  
2. in the bill don't...don't want the bill in this order.  
3. But I...I think we're talking about a really basic issue  
4. on this bill and that is whether to preserve the integrity  
5. of, or responsibility of the elected board, or not. And  
6. I think if we give provide the hearing officer and still  
7. let the board make the final decision, we've done that.

8. PRESIDENT:

9. Senator Wooten.

10. SENATOR WOOTEN:

11. Mr. President, we're discussing an amendment. I do  
12. not have a copy.

13. PRESIDENT:

14. You...what procedure do you?

15. SENATOR WOOTEN:

16. I must have a copy in order to be able to address  
17. this. Otherwise, I must oppose it. But are we not  
18. entitled to a printed copy?

19. PRESIDENT:

20. You can request that the amendment be printed.

21. SENATOR WOOTEN:

22. I request it.

23. PRESIDENT:

24. For what purpose does Senator Davidson arise?

25. SENATOR DAVIDSON:

26. Well, Mr. President, there's apparently two other  
27. people, two other Senators beside Senator Glass who want  
28. to put an amendment, or try to put an amendment on this  
29. bill. And I've seen neither amendment until just now.  
30. I did see Senator Glass' amendment which I refused ....  
31. could not agree with. It goes back to what we tried to  
32. work out when we said we'd hold it and I think in the  
33. essence of time that we hold this until we do get the

1. copies of proposed amendments and pick it back up later  
2. on House Bills on 2nd reading if it's...if that's in  
3. order.

4. PRESIDENT:

5. Well, the...the action I think should be to raise the  
6. question of the amendments to be printed, which Senator  
7. Wooten raised, if he is joined by four other Senators.  
8. All right. All right, that's...that's sufficient  
9. within the rules so that the bill will be held until  
10. the amendments are printed. Now, are there any other  
11. Senators who propose to offer from the Floor Amendments  
12. to HB 32? All right. Are those amendments on the  
13. Secretary's desk? If those will be placed on the  
14. Secretary's desk, on this request of Senator Wooten,  
15. they will all be printed, and the bill will be held  
16. on the order of 2nd reading. Senator Scholl.

17. SENATOR SCHOLL:

18. I just had a question I wanted to ask Senator Glass.  
19. Has the Chicago Teacher's Union taken a position on  
20. this bill?

21. PRESIDENT:

22. Senator Glass.

23. SENATOR GLASS:

24. Well, Senator Scholl, they have taken no position  
25. simply because Chicago is not included in the bill. And  
26. I think Senator Knuepfer's amendment will take that...  
27. take care of that, and so I think your question is most  
28. appropriate and I'm sure that will come into the  
29. debate.

30. PRESIDENT:

31. Senator Weaver, HB 54, advance. For what purpose  
32. does Senator Berning arise?

33. SENATOR BERNING:

1. Thank you Mr. President. I'd like to call attention  
2. to the President and to the Secretary that on page 376 of  
3. the Volume 1 of the digest, under HB 32 it shows, Tabled  
4. by rules. Now that is inappropriate, since it is obviously  
5. directed toward another measure, something to do with  
6. stoplights. But my girl misconstrued this and has been  
7. responding to mail to the effect that HB 32 is Tabled,  
8. and I would respectfully suggest that this be corrected  
9. in the next issue.

10. PRESIDENT:

11. Well, we'll...yeah, all right. That...that is not an  
12. error by...of the Secretary's office. That's an error  
13. from the Reference Bureau, we'll communicate with them,  
14. and have the Journal, or have the digest corrected.  
15. Senator Weaver. HB 54, advance.

16. SECRETARY:

17. HB 54 (Secretary reads title of bill)  
18. 2nd reading of the bill. No committee amendments.

19. PRESIDENT:

20. Are there amendments from the Floor? 3rd reading.  
21. HB 130, Senator Glass, advance.

22. SECRETARY:

23. HB 130 (Secretary reads title of bill)  
24. 2nd reading of the bill. No committee amendments.

25. PRESIDENT:

26. Are there amendments from the Floor?

27. SECRETARY:

28. Amendment No. 1 by Senator Glass.

29. PRESIDENT:

30. Senator Glass.

31. SENATOR GLASS:

32. Thank you Mr. President, Senators, this amendment  
33. was...I agreed that I would put it on in committee.

1. This is Senator Hart's bill, and he had the amendment  
2. prepared. I don't think it's controversial. And I  
3. would move for it's adoption knowing that Senator Palmer  
4. also has a further amendment. I don't think there's  
5. any controversy on this one and I would move for its  
6. adoption.

7. PRESIDENT:

8. Is there further discussion? All in favor of Senator  
9. Glass' motion to adopt committee No...Floor Amendment No. 1  
10. signify by saying aye. Contrary no. The motion carries  
11. the amendment is adopted.

12. SECRETARY:

13. Amendment No. 2 by Senator Palmer.

14. PRESIDENT:

15. For what purpose does Senator Bruce arise?

16. SENATOR BRUCE:

17. I realize we've already adopted the amendment, it's  
18. out of order, but I wonder if we could have a brief  
19. explanation of what we did.

20. PRESIDENT:

21. Senator Glass.

22. SENATOR GLASS:

23. Yes, Mr. President, Senator Bruce this bill creates  
24. a statute of limitations for the collection of special  
25. assessment taxes. The amendment provides that in cases  
26. where any installments of special assessments have been  
27. delinquent for a period of thirty years they shall be  
28. presumed to be uncollectible and in all such cases the  
29. collector shall enter upon the tax records the word  
30. uncollectible and shall adjust the books and records  
31. of the respective offices and it also provides that  
32. actions for the collection of delinquent installments  
33. or the enforcement of foreclosure of the lien shall



1. be commenced within thirty years after the installments  
2. become delinquent and after the thirty years the lien  
3. shall be discharged and released. I believe the amendments  
4. are directed more toward the...administration of the  
5. taxes than anything substitutive. I don't believe there's  
6. any substitutive change in the bill which does establish  
7. the thirty year statute of limitations on these taxes.

8. PRESIDENT:

9. Senator Palmer.

10. SENATOR PALMER:

11. Further explanation, Gentlemen of the Senate, the  
12. original bill covered the matter of special assessment,  
13. directing the...the application only to the county. And  
14. it was at my suggestion that you cover municipalities  
15. because special assessments are assessed by and collected  
16. by municipalities. Senator Donnewald, I...I'm making this  
17. statement to clarify for you Senator Donnewald. That  
18. covers...that covers Amendment No. 1. Now, are you ready  
19. for Amendment No. 2? That...that covers the explanation  
20. of Amendment No. 2. Also in judiciary we suggested this  
21. following amendment. Under the procedures of special  
22. assessments the holders of the certificates or bonds do  
23. not have any remedy of any kind except to demand payments  
24. or request the municipality to take action to foreclose  
25. on these liens. So Section 7, as provided by Amendment No.  
26. 2 provides that they have a right to make a demand on a  
27. municipality, and this would be in line as to the recent  
28. decisions of the...our Supreme Court. And there's been  
29. no objection to these amendments.

30. PRESIDENT:

31. Is there further discussion? Senator Glass.

32. SENATOR GLASS:

33. Well, Mr. President and Senators, I am not as well

1. prepared to argue this amendment as Senator Palmer who  
2. is well versed in this area. But I do know that he and  
3. Senator...Representative Hart attempted to work out an  
4. agreed amendment on this bill which is Senator Hart's  
5. bill. And Senator Hart...Representative Hart did not  
6. want this amendment on the bill. He felt that this  
7. requirement of notice was not necessary and it would  
8. create significant problems in various offices across  
9. the State. And he is opposed to it and I would therefore  
10. ask that the membership oppose this amendment in order  
11. that the bill may be left in the shape that the sponsor  
12. desires. So I would urge your opposition to this  
13. amendment.

14. PRESIDENT:

15. Is there further discussion? All in favor...  
16. Senator Palmer.

17. SENATOR PALMER:

18. I was going to suggest that I conferred with...  
19. Representative Hart. We agreed on Amendment No. 1,  
20. which was presented by Senator Glass. There is this  
21. question about Amendment No. 2. I think it would be  
22. fitting and proper that we do adopt Amendment No. 2  
23. which I find and the Bar Association finds is in...in  
24. compliance and updated with our Supreme Court that  
25. we adopt it here. And then when it gets back to the  
26. House they can take it up or deny it.

27. PRESIDENT:

28. Is there further discussion? All in favor of  
29. the adoption of the amendment signify by saying aye.  
30. Contrary no. All those in favor of the adoption of  
31. the Amendment rise. Those opposed, rise. All right.  
32. It's been...a roll call has been requested on the  
33. question to adopt Amendment No. 2, the Secretary will

H. C. ...  
2-11-33

1. call the roll.

2. SECRETARY:

3. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,  
4. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,  
5. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth  
6. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,  
7. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard  
8. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman, Ozinga,  
9. Palmer, Partee, Regner, Rock, Roe, Romano, Saperstein,  
10. Savickas, Schaffer, Scholl, Shapiro, Smith, Sommer,  
11. Soper, Sours, Swinarski, Vadalabene, Walker, Weaver, Welsh,  
12. Wooten, Mr. President.

13. PRESIDENT:

14. On that question the yeas are thirteen, the nays  
15. are twenty, and the motion fails. Senator Davidson.

16. SENATOR DAVIDSON:

17. Mr. President, Ladies and Gentlemen of the Senate,  
18. I would like to take a point of personal privilege and  
19. introduce to you the 7th grade at the Ben Franklin  
20. Middle School in Springfield, Illinois who happens to  
21. have a student among them whose name is John Davidson,  
22. and they are accompanied by their teacher Mr. Dearnig  
23. and all you old fellows, he has a single lady teacher  
24. over here, the back gallery. Would you please stand?  
25. Mr. Mahler, Miss Hoopendeck and Mrs. Schaffer. John,  
26. you can wave at them, so they'll know who you are.

27. PRESIDENT:

28. Are there further amendments from the Floor to  
29. HB 130? 3rd reading. Senator Partee, 143. Advance.

30. SECRETARY:

31. SB 143 (Secretary reads title of bill)  
32. 2nd reading of the bill. The Committee on Revenue offers  
33. one amendment.

1. PRESIDENT:

2. Senator Partee.

3. SENATOR PARTEE:

4. This amendment conforms...this amendment brings this  
5. bill in conformance with SB 29 which also was amended,  
6. and I move the adoption of the amendment.

7. PRESIDENT:

8. Is there further discussion? The question is, the  
9. adoption of Amendment No. 1. All in favor signify by  
10. saying aye. Contrary no. The motion carries, the Amendment  
11. No. 1 is adopted. Are there amendments from the Floor?  
12. 3rd reading. Senator Netsch, 158. Advance.

13. SECRETARY:

14. HB 158 (Secretary reads title of bill)  
15. 2nd reading of the bill. The Committee on Health, Welfare  
16. and Corrections offers one amendment.

17. PRESIDENT:

18. Senator Netsch.

19. SENATOR NETSCH:

20. ...Mr. President, the amendment which was in part  
21. inspired by some suggestions from the mental retardation  
22. groups, provides that before any regulation or amendment  
23. is prescribed with respect to the list of diseases which  
24. are to be immunized against the department shall conduct  
25. a public hearing regarding such regulation. This I think  
26. satisfies any possible questions about the bill. I would  
27. move it's adoption.

28. PRESIDENT:

29. Is there further discussion? The question is the  
30. adoption of Amendment No. 1. All in favor signify by  
31. saying aye. Contrary no. The motion carries, Amendment  
32. No. 1 is adopted. Are there amendments from the Floor?  
33. 3rd reading. 159, Senator Netsch, advance.

1. SECRETARY:

2. HB 159 (Secretary reads title of bill)

3. 2nd reading of the bill. The Committee on Public Health,  
4. Welfare and Corrections offers one amendment.

5. PRESIDENT:

6. Senator Netsch.

7. SENATOR NETSCH:

8. Mr. President, this is a companion bill to HB 158,  
9. and the amendment is identical to the one adopted with  
10. respect to HB 158. I move its adoption.

11. PRESIDENT:

12. Is there further discussion? The question is the  
13. adoption of Amendment No. 1, all in favor signify by  
14. saying aye. Contrary no. The motion carries. Amendment  
15. No. 1 is adopted. Are there amendments from the Floor?  
16. 3rd reading. Senator Schaffer, do you wish to advance  
17. 211? Advance.

18. SECRETARY:

19. HB 211 (Secretary reads title of bill)

20. 2nd reading of the bill. No committee amendments.

21. PRESIDENT:

22. Senator Berning, do you...Are there amendments from  
23. the Floor? 3rd reading. Senator ParTEE.

24. SENATOR PARTEE:

25. Senator Berning, was there an amendment spoken about  
26. in committee that you were going to offer?

27. PRESIDENT:

28. This was Senator Schaffer's bill.

29. SENATOR PARTEE:

30. Oh, I'm sorry. I'm sorry. Well, maybe it was  
31. Senator Schaffer then, I should ask the question of.  
32. Was there an amendment that was discussed in committee  
33. that you said you might put on, or you would put on,

1. or something? 211 is the bill number.

2. PRESIDENT:

3. Senator Schaffer.

4. SENATOR SCHAFER:

5. To be perfectly honest with you Senator I'm not...  
6. not sure what you mean. I don't recall any discussion  
7. specifically on that...

8. PRESIDENT:

9. Senator ParTEE.

10. SENATOR PARTEE:

11. Maybe it was Senator Mitchler, but I'm not going to  
12. go you know round robin, why don't you just hold it where  
13. it is. If you hold it there a day, and we'll find out  
14. what you want on it.

15. SENATOR SCHAFER:

16. Mr. President, this bill has nothing to do with  
17. the size of acreage You may have it confused with  
18. another bill.

19. SENATOR PARTEE:

20. No, we don't have it confused with another bill.  
21. But, if you'll hold it for...until next week before you  
22. try to move it, then we'll have a chance to get back to  
23. it.

24. SENATOR SCHAFER:

25. Fine. Fine, fine.

26. PRESIDENT:

27. Well, it has been ordered to 3rd reading, so...Yeah.  
28. Senator Schaffer indicates he'll be happy to recall it,  
29. so we don't have to correct the record. All right.  
30. Senator Hall, let's see, is he on the Floor? Senator  
31. Harber Hall, he...do you wish to advance? Do you wish  
32. to advance 199? Advance.

33. SECRETARY:

1. HB 199 (Secretary reads title of bill)  
2. 2nd reading of the bill. No committee...  
3. PRESIDENT:  
4. Well, Senator Hall requested that it be held, so  
5. take, take 199 out of the record. 24...HB 245, Senator  
6. Davidson, advance.  
7. SECRETARY:  
8. HB 245 (Secretary reads title of bill)  
9. 2nd reading of the bill. The Committee on Appropriations  
10. offers one amendment.  
11. PRESIDENT:  
12. Senator Davidson moves the adoption of Committee  
13. Amendment No. 1. Is there further discussion? All in  
14. favor signify by saying aye. On the motion to adopt.  
15. Contrary no. The motion carries, Amendment No. 1 is  
16. adopted. Are there amendments from the Floor? 3rd  
17. reading. Senator Knuepfer, do you wish to advance 251?  
18. Advance.  
19. SECRETARY:  
20. HB 251 (Secretary reads title of bill)  
21. 2nd reading of the bill. No committee amendments.  
22. PRESIDENT:  
23. Are there amendments from the Floor? 3rd reading.  
24. Senator Hall, Harber Hall, do you wish to advance 273?  
25. Advance.  
26. SECRETARY:  
27. HB 273 (Secretary reads title of bill)  
28. 2nd reading of the bill. No committee amendments.  
29. PRESIDENT:  
30. Are there amendments from the Floor? 3rd reading.  
31. Senator Johns on the Floor? Do you wish to advance 282  
32. Senator Johns.  
33. SENATOR JOHNS:

1. Mr. President, I was off the Floor just for a  
2. moment, and we have a...a group of bills, this is a  
3. group of bills whereby the Korean War Veterans failed  
4. to file on a specific date, and we are asking legislation  
5. to give these men the...

6. PRESIDENT:

7. Do you wish to advance them?

8. SENATOR JOHNS:

9. I'd like to advance that one sir and go back if you  
10. would to 78, 79, 80 and 81...

11. PRESIDENT:

12. We'll return to that.

13. SENATOR JOHNS:

14. ...there's about five of them.

15. PRESIDENT:

16. We'll...we'll return to that.

17. SECRETARY:

18. HB 282 (Secretary reads title of bill)

19. 2nd reading of the bill. No committee amendments.

20. PRESIDENT:

21. Are there amendments from the Floor? 3rd reading.

22. HB 78.

23. SECRETARY:

24. HB 78 (Secretary reads title of bill)

25. 2nd reading of the bill. No committee amendments.

26. PRESIDENT:

27. Are there amendments from the Floor? 3rd reading.

28. HB 79.

29. SECRETARY:

30. HB 79 (Secretary reads title of bill)

31. 2nd reading of the bill. No committee amendments.

32. PRESIDENT:

33. Are there amendments from the Floor? 3rd reading.



1. HB 80.

2. SECRETARY:

3. HB 80 (Secretary reads title of bill)

4. 2nd reading of the bill. No committee amendments.

5. PRESIDENT:

6. Are there amendments from the Floor? 3rd reading.

7. HB 81

8. SECRETARY:

9. HB 81 (Secretary reads title of bill)

10. 2nd reading of the bill. No committee amendment.

11. PRESIDENT:

12. Are there amendments from the Floor? 3rd reading.

13. Senator Johns, 383. Advance.

14. SECRETARY:

15. HB 283 (Secretary reads title of bill)

16. 2nd reading of the bill. No committee amendments.

17. PRESIDENT:

18. Are there amendments from the Floor? 3rd reading.

19. Senator Fawell, do you wish to advance 372? Advance.

20. SECRETARY:

21. HB 372...HB 372 (Secretary reads title of bill)

22. 2nd reading of the bill. No committee amendments.

23. PRESIDENT:

24. Are there amendments from the Floor? 3rd reading.

25. Senator Ozinga, do you advance 373? Perhaps we should

26. hold those, yes. Senator Dougherty, do you wish to

27. advance 386? Advance.

28. SECRETARY:

29. HB 386 (Secretary reads title of bill)

30. 2nd reading of the bill. No committee amendments.

31. PRESIDENT:

32. Senator McCarthy, do you wish...Are there amendments

33. from the Floor? 3rd reading. 391, Senator McCarthy.

1. Advance.

2. SECRETARY:

3. HB 391 (Secretary reads title of bill)

4. 2nd reading of the bill. No committee amendments.

5. PRESIDENT:

6. Are there amendments from the Floor? 3rd reading.

7. Senator Roe, 414, advance.

8. SECRETARY:

9. HB 414 (Secretary reads title of bill)

10. 2nd reading of the bill. No committee amendments.

11. PRESIDENT:

12. Are there amendments from the Floor? 3rd reading.

13. Senator Clarke, 445, advance.

14. SECRETARY:

15. HB 445 (Secretary reads title of bill)

16. 2nd reading of the bill. No committee amendments.

17. PRESIDENT:

18. Are there amendments from the Floor? 3rd reading.

19. Senator Donnewald, you want to advance 660? Advance.

20. SECRETARY:

21. HB 660 (Secretary reads title of bill)

22. 2nd reading of the bill. No committee amendments.

23. PRESIDENT:

24. Are there amendments from the Floor? 3rd reading.

25. Senator Sours, 719, advance.

26. SECRETARY:

27. HB 719 (Secretary reads title of bill)

28. 2nd reading of the bill. No committee amendments.

29. PRESIDENT:

30. Are there amendments from the Floor? 3rd reading.

31. Senator Glass, 1680, advance.

32. SECRETARY:

33. HB 1680 (Secretary reads title of bill)

HB 129  
2nd Reading  
5-17-73

- 1. 2nd reading of the bill. No committee amendments.
- 2. PRESIDENT:
- 3. Are there amendments from the Floor? 3rd reading.
- 4. Senator Sours, do you wish to advance 129? HB 129.
- 5. SECRETARY:
- 6. HB 129 (Secretary reads title of bill)
- 7. 2nd reading of the bill. No committee amendments.
- 8. PRESIDENT:
- 9. Are there amendments from the Floor? 3rd reading.
- 10. House Bills on 1st reading. HB 288, Representative Martin.
- 11. HB 368, Representative Catania. HB 444, Representative
- 12. Fennessey. For what purpose does Senator Newhouse arise?
- 13. SENATOR NEWHOUSE:
- 14. HB 288.
- 15. PRESIDENT:
- 16. HB 288, Senator Newhouse.
- 17. SECRETARY:
- 18. HB 288 (Secretary reads title of bill)
- 19. 1st reading of the bill.
- 20. PRESIDENT:
- 21. HB 449, Representative Hanahan. Senator Conolly.
- 22. SECRETARY:
- 23. HB 449 (Secretary reads title of bill)
- 24. 1st reading of the bill.
- 25. PRESIDENT:
- 26. HB 464, Representative Stone. HB 579, Representative
- 27. Rayson. HB 616, Representative Kelly. HB 627, Representative
- 28. Bernard Wolf. Senator Knuppel.
- 29. SECRETARY:
- 30. HB 627 (Secretary reads title of bill)
- 31. 1st reading of the bill.
- 32. PRESIDENT:
- 33. Also, 628, Senator Knuppel.

1. SENATOR KNUPPEL:

2. Yeah, I'll take it too. I don't think it has any  
3. relation, but I'll take it.

4. PRESIDENT:

5. All right. HB 628, Senator Knuppel.

6. SECRETARY:

7. HB 628 (Secretary reads title of bill)

8. 1st reading of the bill.

9. PRESIDENT:

10. HB 630, Representative Gibbs. HB 675, Representative  
11. Rayson. HB 678, Representative Day. HB 732, Representative  
12. Stedelin. I have two Senators seeking the sponsorship.

13. All right, Senator Knuppel.

14. SECRETARY:

15. HB 732 (Secretary reads title of bill)

16. 1st reading of the bill.

17. PRESIDENT:

18. Senator Johns.

19. SENATOR JOHNS:

20. Senator Knuppel, Senator Knuppel, right here Senator  
21. Johns talking. Thank you. No, the 732, I'd like to join  
22. you in co-sponsor of that please. OK. Because Representative  
23. Stedelin talked to me at great lengths about this, and  
24. I'd feel honored to be co-sponsor with Senator Knuppel.

25. PRESIDENT:

26. The record will so show. HB 749, Representative  
27. Catania, Senator Newhouse.

28. SECRETARY:

29. HB 749 (Secretary reads title of bill)

30. PRESIDENT:

31. Senator Newhouse.

32. SENATOR NEWHOUSE:

33. I didn't rise for the purpose of accepting sponsorship

1. of that bill. I rose on a point of personal privilege.

2. PRESIDENT:

3. Well, then take...take that out of the record.  
4. Is...HB 749. Senator Newhouse, and not as sponsor,  
5. but is recognized on a point of personal privilege.

6. SENATOR NEWHOUSE:

7. Thank you for that distinction, Mr. President.  
8. I'd like to introduce the students from Thelton Paul  
9. School in the City of Chicago on a point of personal  
10. privilege, Mr. President. They're to my left in the  
11. balcony, and I'd like to ask them to rise and be  
12. recognized by the Senate.

13. PRESIDENT:

14. HB 756, Senator Scholl.

15. SECRETARY:

16. HB 756 (Secretary reads title of bill)  
17. 1st reading of the bill.

18. PRESIDENT:

19. HB 767, Senator Knuppel.

20. SECRETARY:

21. HB 767 (Secretary reads title of bill)  
22. 1st reading of the bill.

23. PRESIDENT:

24. HB 783, Representative Boyle. HB 788, Representative  
25. Kelly. HB 805, Representative Pierce, Senator Nimrod.

26. SECRETARY:

27. HB 805 (Secretary reads title of bill)  
28. 1st reading of the bill.

29. PRESIDENT:

30. HB 783, Senator Knuppel.

31. SECRETARY:

32. HB 783 (Secretary reads title of bill)  
33. 1st reading of the bill.

1. PRESIDENT:

2. HB 827, Representative Epton, and 828. Senator  
3. Donnewald.

4. SENATOR DONNEWALD:

5. Yes, Mr. President, HB 1320 has been reported in  
6. to the Secretary this morning, it's not on your Calendar.  
7. But what it is is an emergency appropriation to the  
8. Department of Labor. If this bill doesn't get through  
9. by Tuesday, they will have been late with their pay-  
10. checks by several days already. So, in order to expedite  
11. the matter, and I think the proper motion is to, let's  
12. see...

13. PRESIDENT:

14. Have it read a first time.

15. SENATOR DONNEWALD:

16. Read for the 1st time...

17. PRESIDENT:

18. And advanced to 2nd reading.

19. SENATOR DONNEWALD:

20. ...request that it be advanced to the order of 2nd  
21. reading without reference. And I make the appropriate  
22. motion.

23. PRESIDENT:

24. HB 1320, Senator Donnewald.

25. SECRETARY:

26. HB 1320 (Secretary reads title of bill)  
27. 1st reading of the bill.

28. PRESIDENT:

29. Senator Donnewald moves to have the bill read a  
30. 1st time and advanced to the order of 2nd reading with-  
31. out reference to committee. All in favor signify by  
32. saying aye. Contrary no. The motion carries. The  
33. motion carries and the bill is advanced to the order

1. of 2nd reading. Senator Donnewald.

2. SENATOR DONNEWALD:

3. Why don't we let our records show that Senator  
4. Swinarski will handle this from now.

5. PRESIDENT:

6. You want to...let the record show that Senator  
7. Swinarski will be the Senate sponsor of HB 1320.  
8. On the order of House Bills 1st, HB...well, Senator  
9. Knuppel, all right. Well, then, let the record show  
10. that Senator Carroll is the Senate sponsor of 627,  
11. and 628 rather than Senator Knuppel. Senator Carroll.

12. SENATOR CARROLL:

13. All right, if I could, Mr. President, Senate...  
14. House Bills 827 and 828.

15. PRESIDENT:

16. Yes. HB 827.

17. SECRETARY:

18. HB 827 (Secretary reads title of bill)  
19. 1st reading of the bill.

20. HB 828 (Secretary reads title of bill)  
21. 1st reading of the bill.

22. PRESIDENT:

23. Senator Chew on HB 368.

24. SECRETARY:

25. HB 368 (Secretary reads title of bill)  
26. 1st reading of the bill.

27. PRESIDENT:

28. We'll...we'll return to the order of Committee  
29. Reports and proceed with the report of the Committee  
30. on Executive.

31. SECRETARY:

32. (Secretary reads Committee Report)

33. PRESIDENT:

1. Senator Ozinga.

2. SENATOR OZINGA:

3. Mr. President, I would now move that the Senate do  
4. resolve itself into Executive Session for the purpose of  
5. considering some of these appointments.

6. PRESIDENT:

7. Senator Ozinga moves that the Senate resolve itself  
8. into Executive Session. All in favor signify by saying  
9. aye. Contrary no. The motion carries. So ordered.

10. Senator Ozinga.

11. SENATOR OZINGA:

12. Now, Mr. President, I would move that the Senate  
13. do advise and consent to the nomination of Mr. Robert  
14. H. Allphin of Pittsburgh, Pennsylvania, to be Director of  
15. the Department of Revenue for a term expiring on the  
16. third Monday in January of 1975.

17. PRESIDENT:

18. The question is, does the Senate advise and consent  
19. to the nomination just made. On that question the Secretary  
20. will call the roll.

21. SECRETARY:

22. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,  
23. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,  
24. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth  
25. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,  
26. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard  
27. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman, Ozinga,  
28. Palmer, Partee, Regner, Rock, Roe, Romano, Saperstein,  
29. Savickas, Schaffer, Scholl, Shapiro, Smith, Sommer,  
30. Soper, Sours, Swinarski, Vadalabene, Walker, Weaver, Welsh,  
31. Wooten, Mr. President.

32. PRESIDENT:

33. Senator Buzbee, aye. Senator McBroom, aye.



1. Senator Rock, Senator Vadalabene, Senator Roe, aye.

2. On that question the yeas are forty-nine, the nays are  
3. none and the nomination is consented to. Senator Ozinga.

4. SENATOR OZINGA:

5. Now, Mr. President, in order to conserve time, I  
6. wonder if it would be in order that we take the...all  
7. of the rest on one roll call.

8. PRESIDENT:

9. It is in order.

10. SENATOR OZINGA:

11. I would then move that we do...that the Senate do  
12. advise and consent to the following nominations. Namely,  
13. Thomas H., I'm sorry. To...Harold Ellsworth of Springfield,  
14. Illinois to be Assistant Director of the Department of  
15. Conservation for a term expiring on the third Monday of  
16. January, 1975. And also to advise and consent to the  
17. nomination of Earl C. Seltzer of Hillsboro, Illinois to  
18. be a member of the St. Louis Metropolitan Area Airport  
19. Authority for a term expiring the third Monday of January,  
20. 1977. And, also, that the Senate do advise and consent  
21. to the nomination of Mrs. Susan M. Bezucha of Evanston  
22. to be a member of the Fair Employment Practices Commission  
23. for a term expiring on the third Monday in January of  
24. 1977. I also move that the Senate advise and consent  
25. to the nomination of James Kemp of Chicago, Illinois,  
26. a member, Fair Employment Practices Commission for a  
27. term expiring on the third Monday of January, 1977.  
28. Also, I would move that the Senate advise and consent  
29. to the nomination of Dennis Frailey of Benton, Illinois  
30. to be a member of the State Mining Board for a term  
31. expiring on the third Monday of January of 1975. Also,  
32. I would move that the Senate advise and consent to the  
33. nomination of Thomas...Mr. Doherty to be Chief Factory

1. Inspector of the Department of Labor for a term expiring  
2. on the third Monday of January, 1975. Also I would move  
3. that the Senate advise and consent to the nomination  
4. of Elliott S. Epstein of Chicago, Illinois to be Direct-  
5. or of the Department of Finance for a term expiring  
6. on the third Monday of January, 1975. And also, I  
7. would move that the Senate advise and consent to the  
8. nomination of James Hatcher of Peoria, Illinois to  
9. be a member of the Civil Service Commission for a term  
10. expiring on March 1, 1979. And I would therefore ask  
11. for a roll call.

12. PRESIDENT:

13. The question is, does the Senate advise and consent  
14. to the nominations just made. Is there discussion?  
15. Senator Schaffer.

16. SENATOR SCHAFFER:

17. I have no objections to all of the appointees save  
18. one. Mr. James Hatcher of Peoria who, my understanding  
19. was the, Walker for Governor Chairman of Peoria County,  
20. and another area related in that area, and while I have  
21. no objections to his political activities, I don't  
22. think that they will qualify him to serve on the Civil  
23. Service Commission. As a matter of fact, I think they  
24. disqualify him and I would certainly like to be recorded  
25. as no on that particular appointment.

26. PRESIDENT:

27. Well, Senator, the action would be to have Senator  
28. Ozinga strike this name from consideration because the  
29. group has been submitted as a group and this will be  
30. just a single roll call. Under the rules, that's where  
31. we are. Senator Ozinga, do you wish to take from this  
32. list the nomination of Mr. Hatcher.

33. SENATOR OZINGA:

1. Mr. President, I will then withdraw the nomination  
2. of Mr. Hatcher for the present time from the present roll  
3. call.

4. PRESIDENT:

5. All right, is there further discussion. The question  
6. is, does the Senate advise and consent to the nominations  
7. just made. On that question the Secretary will call the  
8. roll.

9. SECRETARY:

10. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,  
11. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,  
12. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth  
13. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,  
14. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard  
15. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman, Ozinga,  
16. Palmer, Partee, Regner, Rock, Roe, Romano, Saperstein,  
17. Savickas, Schaffer, Scholl, Shapiro, Smith, Sommer,  
18. Soper, Sours, Swinarski, Vadalabene, Walker, Weaver, Welsh,  
19. Wooten, Mr. President.

20. PRESIDENT:

21. Senator Weaver, aye. Senator Newhouse, aye. On  
22. that question the yeas are forty-six, the nays are none.  
23. And the nominations are consented to. Senator Ozinga.

24. SENATOR OZINGA:

25. Now Mr. President, I would move the Senate advise  
26. and consent to the nomination of James Hatcher of Peoria,  
27. Illinois to be a member of the Civil Service Commission  
28. for a term expiring March 1, 1979.

29. PRESIDENT:

30. The question is does the Senate advise and consent  
31. to the nomination just made. On that question the  
32. Secretary will call the roll.

33.

1. SECRETARY:

2. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,  
3. Chew, Clarke, Conolly, Course, Daley, Davidson,  
4. Donnewald, Dougherty, Fawell, Glass, Graham, Harber  
5. Hall, Kenneth Hall, Hynes, Johns, Keegan, Knuepfer,  
6. Knuppel, Kosinski, Lahterow, McBroom, McCarthy, Merritt,  
7. Mitchler, Howard Mohr, Don Moore, Netsch, Newhouse,  
8. Nimrod, Nudelman, Ozinga, Palmer, Partee, Regner, Rock,  
9. Roe, Romano, Saperstein, Savickas, Schaffer,

10. PRESIDENT:

11. Senator Schaffer.

12. SENATOR SCHAFFER:

13. I have no doubt that Mr. Hatcher is an honest  
14. man and well qualified. And I'd be the last person to  
15. criticize someone for political activities. But it occurs  
16. to me that perhaps the one place that someone actively  
17. involved in an active partisan for a particular candidate  
18. should not be as a Civil Service Commission. I'm new  
19. here. Maybe I don't understand the workings of that  
20. Commission, but It's my opinion that that Commission  
21. should be filled with people who are not active partisans  
22. and consequently, I vote no.

23. SECRETARY:

24. Scholl, Shapiro, Smith, Sommer, Soper, Sours.

25. PRESIDENT:

26. Senator Sours.

27. SENATOR SOURS:

28. I'm going to vote to confirm Jim Hatcher. I don't  
29. think we're going to be putting any mice in the cheese  
30. factory. So far as I know he's strickly honest and  
31. honorable, and I think his appointment also confirms for  
32. anybody who up to now has been in doubt that the Governor's  
33. appointments are either are all political, and they

1. go to those who either gave him large sums of money  
2. or large amounts of time. So I voted to confirm him.

3. SECRETARY:

4. Swinarski, Vadalabene, Walker, Weaver, Welsh,  
5. Wooten, Mr. President.

6. PRESIDENT:

7. On that question the yeas are forty-five, the nays  
8. are one. The nominee having received a constitutional  
9. majority, the nomination is consented to. Senator  
10. Bruce did you wish to make a...I'm sorry. Now, Senator  
11. Ozinga.

12. SENATOR OZINGA:

13. Mr...Mr. President, I would now move that the Senate  
14. do now arise from its Executive Session.

15. PRESIDENT:

16. Senator Ozinga moves that the Senate arise from  
17. Executive Session. All those in favor signify by saying  
18. aye. Contrary no. The motion carries. Senator Bruce.

19. SENATOR BRUCE:

20. Yes, Mr. President I was off the Floor momentarily.  
21. HB 1320 was assigned to Senator Swinarski, I was asked  
22. by the Department to pick that bill up, and I'd like to  
23. be shown as the sponsor.

24. PRESIDENT:

25. Let the record show that Senator Bruce will be the  
26. Senate sponsor of HB 1320 rather than either Senator  
27. Donnewald or Swinarski. Senator Merritt.

28. SENATOR MERRITT:

29. Mr. President...Mr. President, I don't know whether  
30. I'm in order or not, are we at a juncture here that we could  
31. move Senate Bills on 3rd reading back to 2nd for purposes  
32. of amendment. Or...

33. PRESIDENT:

1. We are moving to the order of 2nd reading in a  
2. moment. What...what is your bill number?

3. SENATOR MERRITT:

4. It's SB 930, which I want to offer Amendment No. 2,  
5. merely giving an effective date to the act. That's that  
6. simple.

7. PRESIDENT:

8. All right.

9. SENATOR MERRITT:

10. Could I have...

11. PRESIDENT:

12. SB...We'll revert to the order, we will move to  
13. the order of 3rd reading, SB 930 which is ordered to the  
14. order of 2nd reading for purposes of amendment.

15. SECRETARY:

16. Amendment No. 2 by Senator Merritt.

17. PRESIDENT:

18. Senator Merritt.

19. SENATOR MERRITT:

20. Mr. President, as I said it merely makes an effective  
21. date in the act...I move the adoption of Amendment No. 2.

22. PRESIDENT:

23. Is there discussion? All in favor of the motion  
24. to adopt the amendment, signify by saying aye. Contrary  
25. no. The motion carries, the amendment is adopted. Are  
26. there further amendments? Senator Nudelman.

27. SENATOR NUDELMAN:

28. Mr. President, I have the same problem with SB...

29. PRESIDENT:

30. Well...is your discussion on SB 930? All right,  
31. let's finish with it, and then...are there further  
32. amendments to SB 930? 3rd reading. Senator Nudelman.

33. SENATOR NUDELMAN:

Mr. President, Ladies and Gentlemen of the Senate,

1. SB 538 is at 3rd reading presently. I would request  
2. it be recalled to 2nd for purpose of adding an amendment.

3. PRESIDENT:

4. SB 538 is order to the order of 2nd reading...  
5. Senator Nudelman.

6. SENATOR NUDELMAN:

7. Mr. President, Ladies and Gentlemen of the Senate,  
8. Amendment No. 1 to SB 538 is merely a language amendment,  
9. it cleans up some question as to meaning of language. It  
10. has no bearing whatsoever on the act. I would move its  
11. adoption.

12. PRESIDENT:

13. Is there further discussion? Senator Nudelman moves  
14. the adoption of Amendment No. 1. All in favor signify  
15. by saying aye. Contrary no. The motion carries, the  
16. amendment is adopted. Are there further amendments?  
17. 3rd reading. Senator Saperstein, you also have a bill on  
18. 3rd reading you wish to recall. Senator Saperstein.

19. SENATOR SAPERSTEIN:

20. I would like to recall SB 658 to 3rd reading for the  
21. purpose of Tabling Amendment No. 1 and adding Amendment  
22. No. 2 which is on the Secretary's desk.

23. PRESIDENT:

24. SB 538 is order...

25. SENATOR SAPERSTEIN:

26. 658...I'm sorry if I said 5, it's 638. 658.

27. PRESIDENT:

28. SB 658.

29. SENATOR SAPERSTEIN:

30. Right.

31. PRESIDENT:

32. 658. SB 658 is order to the...is recalled from 3rd  
33. to 2nd reading for purposes of amendment. First motion

1. is to reconsider the vote by which Amendment No. 1 was  
2. adopted be reconsidered. All in favor of the motion,  
3. signify by saying aye. Contrary no. The motion carries.  
4. Senator Saperstein moves to Table Amendment No. 1. All  
5. in favor signify by saying aye. Contrary no. The motion  
6. to Table carries. Senator Saperstein.

7. SENATOR SAPERSTEIN:

8. I wish to offer for your consideration Amendment  
9. No. 2, amends...Amendment No. 2 is in...incorporates the  
10. same language as in the amendment we just Tabled, and  
11. adds three more lines which we hope clarifies the bill  
12. in terms of what is a provider. It states that individuals  
13. can be recommended to the Advisory Committee who represent  
14. the long term home for the infirm and for the chronically  
15. ill. I move the adoption of Amendment No. 2.

16. PRESIDENT:

17. Is there further discussion? The question is on  
18. the adoption of Amendment No. 2, all in favor signify  
19. by saying aye. Contrary no. The motion carries, Amendment  
20. No. 2 is adopted. 3rd reading. Senator Romano.

21. SENATOR ROMANO:

22. Mr. President, I'd like to recall SB 576 from the  
23. order of 3rd reading to 2nd reading for the purpose of  
24. ...offering an amendment.

25. PRESIDENT:

26. SB 576 is recalled from the order of 3rd reading to  
27. 2nd reading for the purpose of an amendment. Senator  
28. Romano.

29. SENATOR ROMANO:

30. This amendment merely changes the effective date  
31. from October, 73 to January, 74. And I move it's adoption.

32. PRESIDENT:

33. Is there further discussion? All in favor of the



1. adoption of the amendment signify by saying aye. Contrary  
2. no. The motion carries, the amendment is adopted. 3rd  
3. reading. Senator Regner, do you wish to consider SB 796?  
4. SB 796 is recalled from the order of 3rd reading to 2nd  
5. reading for the purposes of an amendment. Senator Regner.  
6. SENATOR REGNER:

7. Yes, Mr. President, members of the Senate, I want  
8. to offer another amendment incorporating parts of Amendment  
9. No. 2, but Amendment No. 2 that was adopted did have some  
10. technical errors in it, and I would like to move to  
11. Table Amendment No. 2 to SB 796.

12. PRESIDENT:

13. Senator Regner moves to reconsider the vote by which  
14. Amendment No. 2 was adopted be reconsidered. On that  
15. motion all in favor signify by saying aye. Contrary no.  
16. The motion carries, the amendment is reconsidered. Senator  
17. Regner now moves to Table Amendment No. 2. All in favor  
18. of Tabling Amendment No. 2 signify by saying aye. Contrary  
19. no. The motion carries, the Amendment No. 2 is Tabled.  
20. Senator Regner.

21. SENATOR REGNER:

22. I believe the Secretary has another amendment on his  
23. desk. It would be Amendment No. 6...

24. PRESIDENT:

25. This will be Amendment No. 6.

26. SENATOR REGNER:

27. Yes. And this incorporates the correct part of  
28. Amendment No. 2 and it's just a corrective amendment  
29. from one we adopted a couple of days ago. And I'd like  
30. to move for adoption of Amendment No. 6 to SB 796.

31. PRESIDENT:

32. Is there further discussion? The question is on  
33. the adoption of Amendment No. 6. All in favor signify by

1. saying aye. Contrary no. The motion carries, the Amendment  
2. No. 6 is adopted. Are there further amendments from  
3. the Floor? 3rd reading. SB 715; Senator Rock. SB 715  
4. is ordered recalled from the order of 3rd reading to  
5. 2nd reading for purposes of amendment. Senator Rock.  
6. SENATOR ROCK:

7. Yes, Mr. President, Members of the Senate, on the  
8. Secretary's desk is Amendment No. 1 to SB 715. This  
9. bill is the one which would exempt from the townships  
10. zoning act public utilities. I've been asked to also  
11. include electric co-ops, and that's what this amendment  
12. does. And I would move it's adoption.

13. PRESIDENT:

14. Is there further discussion? Senator Rock moves  
15. the adoption of Amendment No. 1 to SB 715. All in favor  
16. signify by saying aye. Contrary no. The motion carries,  
17. Amendment No. 1 is adopted. Are there further amendments  
18. from the Floor? 3rd reading. Senate Bills on...I've  
19. been asked to announce it was I believe made clear yester-  
20. day, but there may not have been everyone on the Floor  
21. at the time. We will work straight through until...  
22. until 2:00 today and adjourn at 2:00 for the committee  
23. schedule at 2:15, and then we will return here in the  
24. Senate for a Senate Session at 6:15. So we will work  
25. through now until 2:00, or as close thereto as we can  
26. recess, and reconvene at 6:15 for further work this  
27. evening. Senate Bills on 2nd reading. Senator McBroom,  
28. do you wish to advance that series of bills of yours?  
29. Senator Conolly, 180, Senator Conolly. Do you wish to  
30. advance...I'm sorry, 150? Senator Berning. Senator  
31. Johns. Senator Berning. Senator Chew, 417, advance.

32. SECRETARY:

33. SB 417 (Secretary reads title of bill)

1. 2nd reading of the bill. No committee amendments.  
2. PRESIDENT:  
3. Are there amendments from the Floor? 3rd reading.  
4. 466, Senator Chew, advance.  
5. SECRETARY:  
6. SB 466 (Secretary reads title of bill)  
7. 2nd reading of the bill. No committee amendments.  
8. PRESIDING OFFICER (SENATOR WEAVER):  
9. Any amendments from the Floor? 3rd reading. 477,  
10. Senator Mitchler. 513, Senator Vadalabene, advance.  
11. SECRETARY:  
12. SB 513 (Secretary reads title of bill)  
13. 2nd reading of the bill. The Committee on Industry and  
14. Labor offers one amendment.  
15. PRESIDING OFFICER (SENATOR WEAVER):  
16. Senator Vadalabene offers Committee Amendment No. 1.  
17. All in favor signify by saying aye. Opposed nay. The  
18. Amendment is adopted. Any amendments from the Floor?  
19. 3rd reading. SB 515, Senator Chew.  
20. SECRETARY:  
21. SB 515 (Secretary reads title of bill)  
22. 2nd reading of the bill. The Committee on Licensed  
23. Activities and Credit Regulations offers Amendments 1  
24. and 2.  
25. PRESIDING OFFICER (SENATOR WEAVER):  
26. Senator Chew offers Committee Amendment No. 1.  
27. All in favor signify by saying aye. Opposed nay. The  
28. motion carried. Any amendments from the Floor? enator  
29. Chew offers Committee Amendment No. 2. All in favor  
30. signify by saying aye. Opposed nay. The amendment  
31. is adopted. Any amendments from the Floor? 3rd reading.  
32. SB 516.  
33. SECRETARY:

1. SB 516 (Secretary reads title of bill)  
2. 2nd reading of the bill. No committee amendments.  
3. PRESIDING OFFICER: (SENATOR WEAVER)

4. Any amendments from the Floor? 3rd reading.  
5. SB 522.

6. SECRETARY:

7. SB 522 (Secretary reads title of bill)  
8. 2nd reading of the bill. No committee amendments.

9. PRESIDING OFFICER: (SENATOR WEAVER)

10. Any amendments from the Floor? Senator Carroll.

11. SENATOR CARROLL:

12. On the Secretary's desk there is an amendment that  
13. was agreed to in committee, we promised to put it on at  
14. 2nd reading. It says that the amount of the insurance  
15. set up and provided is at least the same as that provided  
16. by the FSLIC. I move the adoption of the amendment.

17. PRESIDING OFFICER: (SENATOR WEAVER)

18. Senator Carroll moves the adoption of Amendment No. 1  
19. to SB 522. Is there any discussion? All in favor signify  
20. by saying aye. Opposed nay. The amendment's adopted.  
21. Any further amendments? 3rd reading. SB 539,. SB 566,  
22. Senator Sours. 567. Senator...SB 652, Senator Romano.  
23. Senator Romano. 652. SB 724.

24. SECRETARY:

25. SB 724 (Secretary reads title of bill)  
26. 2nd reading of the bill. No committee amendments.

27. PRESIDING OFFICER: (SENATOR WEAVER)

28. Any amendments from the Floor? 3rd reading.  
29. SB 731, Senator Savickas. 731. SB 763, Senator Course.  
30. SB 811, Senator Hynes. SB 884, Senator Fawell.

31. SECRETARY:

32. SB 884 (Secretary reads title of bill)  
33. 2nd reading of the bill. No committee amendments.

1. PRESIDING OFFICER (SENATOR WEAVER):

2. Any amendments from the Floor?

3. SECRETARY:

4. Amendment No. 1 by Senator Fawell.

5. PRESIDING OFFICER (SENATOR WEAVER):

6. Senator Fawell.

7. SENATOR FAWELL:

8. Yes, this is an amendment which the Education Committee  
9. requested. There are nonsubstantive amendments, but there's  
10. also the amendment that makes it clear that the appeal  
11. procedures involved here would be to the Superintendent  
12. of Public Instruction for both an approval and a denial, if  
13. a petition for the creation of a community unit school  
14. district. And I move the adoption of Amendment No. 1.

15. PRESIDING OFFICER (SENATOR WEAVER):

16. Senator Fawell offers the adoption of Amendment  
17. No. 1 to SB 844. Is there any discussion? All in favor  
18. signify by saying aye. Opposed nay. The amendment's  
19. adopted. Any further amendment? 3rd reading. SB 597,  
20. Senator Latherow wish to move. Senator Bell.

21. SENATOR BELL:

22. Mr. President, I'd like to recall from...back from  
23. 3rd reading to 2nd reading for the...

24. PRESIDING OFFICER (SENATOR WEAVER):

25. Let's go ahead and finish these 2nd readings first  
26. Senator and then we can get back to it.

27. SENATOR BELL:

28. All right.

29. PRESIDING OFFICER (SENATOR WEAVER):

30. Senator Davidson.

31. SENATOR DAVIDSON:

32. Point of personal privilege before you call the next  
33. one. I'd like to introduce the other half of the 7th grade

1. from the Franklin Middle School which my son attends.  
2. They're in the rear gallery, and if they would all stand,  
3. we'd...in the back gallery there, accompanied by Mrs.  
4. Schaffer and Mr. Marlage.

5. PRESIDING OFFICER (SENATOR WEAVER):

6. SB 905, Senator Fawell. 907. Senator Merritt,  
7. SB 915. 915, Senator Merritt. Senator Merritt.

8. SECRETARY:

9. SB 915 (Secretary reads title of bill)  
10. 2nd reading of the bill. No committee amendments.

11. PRESIDING OFFICER (SENATOR WEAVER):

12. Any amendments from the Floor? Senator Merritt.  
13. SENATOR MERRITT:

14. Mr. President, I want to make this entirely clear  
15. to the Body, I've checked this out with the leadership  
16. on the other side, Senator Partee, we both know that  
17. an amendment will be forthcoming, next week. And we'd  
18. like to move it to 3rd at this time, and then it will  
19. be held there subject to amendment being approved.

20. PRESIDING OFFICER (SENATOR WEAVER):

21. 3rd reading. SB 973, Senator McBroom. Senator  
22. McBroom.

23. SENATOR McBROOM:

24. Senator Partee, I mentioned to you yesterday and  
25. you were busy at the time. What are your feelings on  
26. SB 973, it's...you indicated that Mr. Hubbey might  
27. have an amendment to that bill the other day, I though.  
28. We'll move it to 3rd and pull it back, Senator?

29. PRESIDING OFFICER (SENATOR WEAVER):

30. Senator Donnewald.

31. SENATOR DONNEWALD:

32. I think, go ahead and move it Senator, I think probably  
33. on this side, we'll oppose the whole concept anyway, so

1. go ahead.

2. SECRETARY:

3. SB 973 (Secretary reads title of bill)

4. 2nd reading of the bill. No Committee amendments.

5. PRESIDING OFFICER (SENATOR WEAVER):

6. Any amendments from the Floor? 3rd reading.

7. SB 1008, Senator Hall.

8. SECRETARY:

9. SB 1008 (Secretary reads title of bill)

10. 2nd reading of the bill. The Committee on Insurance

11. and Financial Institutions offers one amendment.

12. PRESIDING OFFICER (SENATOR WEAVER):

13. Senator Hall moves the adoption of Committee Amendment

14. No. 1. Senator Hall would you like to explain the amendment?

15. SECRETARY:

16. Committee amendment.

17. SENATOR HARBER HALL:

18. I understood that Senator McCarthy had an amendment.

19. I didn't realize there was a committee amendment on it.

20. PRESIDING OFFICER (SENATOR WEAVER):

21. The Secretary informs me that it is a committee  
22. amendment, Senator Hall.

23. SENATOR HARBER HALL:

24. Would the Secretary read the amendment?

25. SECRETARY:

26. (Reads Amendment No. 1)

27. PRESIDING OFFICER (SENATOR WEAVER):

28. Senator Hall.

29. SENATOR HARBER HALL:

30. This was a technical amendment. It doesn't materially  
31. change...it doesn't change the bill whatsoever, and I move  
32. for adoption of this amendment.

33. PRESIDING OFFICER (SENATOR WEAVER):

Senator McCarthy.

1. SENATOR MCCARTHY:

2. Senator Hall, I...I guess this is right. I wonder  
3. if you would consider this. If this amendment is adopted,  
4. I think it makes my Floor amendment out of order, because  
5. I propose to amend the bill not as amended. I wonder if we  
6. could take action on my amendment prior to your adoption  
7. of this amendment? You understand what I'm talking about?  
8. In other words, I'm not...I'm not objecting to your  
9. amendment, I just wanted my amendment...ok. All right.  
10. I understand there's no problem, that my amendment will  
11. still be in proper form.

12. PRESIDING OFFICER (SENATOR WEAVER):

13. Senator Hall moves the adoption of Committee Amendment  
14. No. 1 to SB 1008. Any further discussion? All in favor  
15. signify by saying aye. Opposed nay. The amendment is adopted.  
16. Any further amendments?

17. SECRETARY:

18. Amendment No. 2 by Senator McCarthy.

19. PRESIDING OFFICER (SENATOR WEAVER):

20. Senator McCarthy, explain the amendment.

21. SENATOR MCCARTHY:

22. Let it be read.

23. SECRETARY:

24. (Secretary reads Amendment No. 2)

25. PRESIDING OFFICER (SENATOR WEAVER):

26. Senator McCarthy moves the adoption of Amendment No. 2  
27. to SB 1008. Is there any discussion? Senator Hall.

28. SENATOR HARBER HALL:

29. Well, I haven't been down in Springfield too long  
30. a time, this is my seventh year in the General Assembly,  
31. and I have seen some unusual amendments argued, and some  
32. unusual amendments even passed and made part of a bill  
33. to go to 3rd reading for serious consideration. But I



1. by no stretch of the imagination would I, nor you gentlemen  
2. consider this a serious amendment. I don't think I have  
3. to...if you read the amendment, or if you heard the  
4. Secretary read the amendment, you would recognize this  
5. as a...an amendment that is not seriously proposed.  
6. Would have no part in the law should it be adopted.  
7. And I simply move that the amendment be rejected.

8. PRESIDING OFFICER (SENATOR WEAVER):

9. Senator McCarthy.

10. SENATOR MCCARTHY:

11. Yes, Mr. President, I handed the text of this amendment  
12. to Senator Hall yesterday. He and I...have engaged in  
13. some activities other than being Senators. We've played  
14. a game of tennis together, and I enjoy playing tennis  
15. with him and as far as I was able to observe, he calls the  
16. balls the way he sees them. They're on the line, they're  
17. in, doesn't call them out and I've tried to reciprocate  
18. and we're...we have no lack of communication between us.  
19. So that this is not a surprise amendment. His characterization  
20. of it as frivolous may or may not be correct, depending  
21. upon how you want to listen to it. But I'd like to speak  
22. very briefly. I pause, Mr. President, before I offered  
23. this amendment. I didn't want to take the time of this  
24. Body to offer this amendment if it didn't have a point.  
25. But I got to thinking how long it takes a borrower of  
26. a home mortgage to pay off the loan, twenty-five, thirty,  
27. thirty-five, I think they've gone to forty years. And  
28. in view, Mr. President, that sometimes it will take them  
29. that long to pay off the mortgage loan, I think we can take  
30. a few minutes of our time here today. What this bill  
31. proposes to do, Mr. President, is to make inapplicable  
32. the usury statute with its limitation of 8% on home  
33. loans, if the loan itself after May is sold to some

1. Federal agency. That, Mr. President, is a great deal  
2. different than the guarantee of a loan made by either  
3. the FHA or VA because you have controls in the rate  
4. of interest on FHA and GI loans. On loans made by a  
5. borrower to a lender for home construction where the  
6. Illinois usury statute does not apply but where the  
7. loan is sold to a governmental agency...

8. PRESIDING OFFICER (SENATOR WEAVER):

9. For what purpose does Senator Harber Hall arise?

10. SENATOR HARBER HALL:

11. On a point of order, I don't believe the good  
12. Senator is arguing his amendment which refers to  
13. Dr. Martin Luther King, refers to the age of the borrower,  
14. and the free enterprise system. He's not speaking to  
15. his amendment and I would ask that he do so and try  
16. and justify his amendment. We'll have ample time to  
17. discuss the bill.

18. PRESIDING OFFICER (SENATOR WEAVER):

19. Senator McCarthy will confine his remarks to the  
20. amendment.

21. SENATOR MCCARTHY:

22. I...I shall attempt. And I...I think your point is well  
23. raised. I was just trying to explain the relevancy.  
24. Let me say, and it must be viewed the amendment must  
25. be viewed against the background of the proposed bill.  
26. Or else, you don't get a full picture. But what this  
27. means, Mr. President, is the ceiling's off. Now, my  
28. amendment is this, that where the borrower goes to the  
29. lending institution, let's assume it's a savings and  
30. loan, and asks for a conventional mortgage on his home,  
31. with the protection of the 8% interest law that we  
32. have in Illinois, suppose the borrower says we don't have  
33. those type of funds available for you, to give us 8%,

1. but we do have a loan available for you at 10%, or we're  
2. going to sell this loan to Ginny May or Fannie May. The  
3. fellow is without practical remedy. And so this amendment,  
4. Mr. President, is that the person who needs a home loan  
5. when he approaches the institution can say no...no, you  
6. can't charge me 10% or 9.8, because I'm offering you a  
7. statement, sir, that I'm a member of a veterans'  
8. organization, or I believe that the death of Martin  
9. Luther King was a national tragedy, or that I expect to  
10. live to be a senior citizen, or that I believe in the  
11. free enterprise system of economics. That is to say,  
12. that if anyone makes a statement like this, and it doesn't  
13. have to be notarized or under the penalties of perjury,  
14. he then is clothed with the protection of the 8% usury  
15. limitation which is part of the law of our land. I might  
16. add parenthetically that I didn't put anything in there  
17. about the equal rights people, and if they want to propose  
18. an amendment, covering that situation, I certainly would  
19. support it insofar as the context of this matter is  
20. concerned. Let me summarize quickly. The amendment  
21. can be considered frivolous by some, Mr. President  
22. and members of this Body, you and I have sat in Executive  
23. Committee when Veterans' organizations come down and  
24. we spend literally hours trying to decide what day of  
25. the year we're going to call Veteran's Day. We have  
26. spent uncounted, countless hours, arguing as to whether or  
27. not we should make the death of Martin Luther King a  
28. State holiday. We have talked about the rights of the  
29. senior citizen many, many times and I think all of us  
30. on both sides of the aisle like to believe in the free  
31. enterprise system of economics. But it doesn't do us any  
32. good to do all of that talking about giving holidays, or  
33. what we believe in and how nice it would be to help the senior

1. citizens if you take the money away from all of these  
2. people when they want to borrow money for a home. And I  
3. think I've said enough to make my point in support of  
4. the amendment on this act.

5. PRESIDING OFFICER (SENATOR WEAVER):

6. Senator McCarthy moves the adoption of Amendment  
7. No. 2 to SB 1008. All in favor signify by saying aye.  
8. Senator McCarthy has requested a roll call. A roll call  
9. will be had.

10. SECRETARY:

11. Bartulis, Bell, Berning,

12. PRESIDING OFFICER (SENATOR WEAVER):

13. Senator Bell.

14. SENATOR BELL:

15. Mr. President, I...as one of the new Senators here  
16. I...I really don't hardly know how to react to this  
17. particular amendment. SB 1008, I think seeks to redress  
18. or to address itself to the laws of competition for  
19. mortgage money, and I don't really think that the question  
20. of usury is properly addressed here. You can go into  
21. State after State in this United States where there's  
22. people competing for money for mortgage purposes, at  
23. 8 1/2%, some areas 9% because that's the law of supply  
24. and demand. And I have the greatest respect for my  
25. learned colleague, Senator McCarthy, he's an extremely  
26. able Senator. But I am absolutely floored as a new  
27. member to this Senate to see this type of amendment  
28. attempted to be placed upon a piece of legislation that  
29. on the basis of it you can accept as either good or bad,  
30. but it is certainly not an irresponsible piece of  
31. legislation, in my opinion. I feel this amendment is.  
32. I vote no.

33. SECRETARY:

1. Berning, Bruce, Buzbee, Carroll, Chew, Clarke,  
2. Conolly, Course, Daley, Davidson, Donnewald, Dougherty,  
3. Fawell, Glass, Graham, Harber Hall,  
4. PRESIDING OFFICER (SENATOR WEAVER):

5. Senator Hall.

6. SENATOR HARBER HALL:

7. Mr. President we have a three page Calendar  
8. we're going to have a three page Calendar next week  
9. and we have some important legislation. This is an  
10. important piece of legislation and it deserves good,  
11. strong argument when it comes to 3rd reading. But  
12. how can we waste our time by seriously trying to decide  
13. and debating whether to put this facetious amendment  
14. on to a bill, irrespective of the value of the bill.  
15. The sponsor of this amendment does not seriously consider  
16. it as a logical proposal to improve a bill. He's drawing  
17. attention to the bill, but let's don't put this poor  
18. amendment on...on a bill that has no place there, would  
19. have no place in the law, would not be able to be  
20. sustained by a...the Constitution either of the State  
21. or the Federal. And let's vote this amendment down and  
22. discuss the bill on 3rd reading, properly. I vote no.

23. SECRETARY:

24. Kenneth Hall, Hynes, Johns, Keegan, Knuepfer,  
25. Knuppel, Kosinski, Latherow, McBroom, McCarthy, Merritt,  
26. Mitchler, Howard Mohr, Don Moore, Netsch, Newhouse,  
27. Nimrod, Nudelman, Ozinga, Palmer, Partee, Regner, Rock,  
28. Roe, Romano, Saperstein, Savickas, Schaffer, Scholl,  
29. Shapiro, Smith, Sommer, Soper, Sours, Swinarski,  
30. Vadalabene, Walker, Weaver, Welsh, Wooten, Mr. President.

31. PRESIDING OFFICER (SENATOR WEAVER):

32. Latherow, no. Saperstein, aye. Vadalabene, aye.  
33. Savickas, aye. On that question the ayes are eighteen,

1. nineteen, the nays are twenty-six. The amendment having  
2. failed...the amendment is declared failed. Senator Mitchler.  
3. SENATOR MITCHLER:

4. Mr. President, I would like to rise on a point of  
5. personal privilege. In the President's gallery is the  
6. mother and father of Mike Baum who has been serving as  
7. a page for the last two days in the Illinois State Senate.  
8. Mr. and Mrs. Baum from the City of Aurora. Mr. Baum is  
9. one of our fine members of the Aurora fire department.  
10. Would you rise and please be recognized by the Senate.

11. PRESIDING OFFICER (SENATOR WEAVER):

12. Any further amendments? 3rd reading. SB 1010,  
13. Senator Hall. For what purpose does Senator...

14. SECRETARY:

15. SB 1011, 1010 (Secretary reads title of bill)  
16. 2nd reading of the bill. No committee amendments.

17. PRESIDING OFFICER (SENATOR WEAVER)

18. Any amendments from the Floor? 3rd reading.

19. SB 1011.

20. SECRETARY:

21. SB 1011 (Secretary reads title of bill)  
22. 2nd reading of the bill. No committee amendments.

23. PRESIDING OFFICER (SENATOR WEAVER):

24. Any amendments from the Floor? Senator McCarthy.

25. SENATOR McCARTHY:

26. ...I do have an amendment prepared on this bill,  
27. but I don't believe I'm going to offer it, if Senator  
28. Hall will just answer me a question about this bill.

29. PRESIDING OFFICER (SENATOR WEAVER):

30. Senator Hall.

31. SENATOR McCARTHY:

32. Senator Hall, I don't want to offer this amendment  
33. if you can answer me this question. This is a \$50,000

1. nonlimitation bill. Do you know sir, whether or not  
2. the socalled variable interest rate would be then  
3. premissible under this amendment if passed. The  
4. variable interest rate.

5. PRESIDING OFFICER (SENATOR WEAVER):

6. Senator Hall.

7. SENATOR HARBER HALL:

8. ...you mean constitutional? What do you mean  
9. permissible?

10. SENATOR MCCARTHY:

11. I'm sorry.

12. SENATOR HARBER HALL:

13. Do you mean would it be unconstitutional, what...  
14. you say would it be permissible, I don't know what  
15. you mean by permissible.

16. SENATOR MCCARTHY:

17. Would it...would it be legal? If we understand that  
18. a fixed rate of interest cannot be changed every month  
19. or every year. The variable interest rate concept can  
20. be changed from time to time upwards because this act  
21. takes the 8% protection out. Now what I want to know  
22. is if this bill passes, whether or not then a loan can  
23. be made employing the variable interest rate over the  
24. period of the loan, the change, if it might be 9 the  
25. first year and then 10 the second, and then...and then  
26. 9 1/2, that's what I mean by the variable.

27. SENATOR HARBER HALL:

28. I...I don't see the connection between the two  
29. proposals, and I don't see that this...this change  
30. were it to be adopted would have any net effect of  
31. havaing...having any effect on your...your question.

32. SENATOR MCCARTHY:

33. All right. Well then, I won't offer the amendment,

1. I'll attempt to find the answer to that which would be  
2. more properly a subject of debate on the bill.

3. PRESIDING OFFICER (SENATOR WEAVER):

4. Any further amendments? 3rd reading. Senator  
5. Partee.

6. SENATOR PARTEE:

7. Mr. President, we would like a ten minute break  
8. for the purpose of a Democratic caucus. And we can leave  
9. immediately, we will be back within ten to fifteen minutes,  
10. maximum. It's very essential.

11. PRESIDING OFFICER (SENATOR WEAVER):

12. The Senate will stand at recess. There'll be a  
13. Republican caucus in the President's office at the  
14. same time.

15. (RECESS)

16. PRESIDING OFFICER (SENATOR WEAVER):

17. The Senate will come to order. Senator Partee.

18. SENATOR PARTEE:

19. We're still on 2nd reading, are we not? Fine, ok.

20. PRESIDING OFFICER (SENATOR WEAVER):

21. Yes, Sir. Senator Glass, 1087, 78, 1078.

22. SECRETARY:

23. SB 1078 (Secretary reads title of bill)  
24. 2nd reading of the bill. The Committee on Education offers  
25. one amendment.

26. PRESIDING OFFICER (SENATOR WEAVER):

27. Senator Glass moves the adoption of Committee  
28. Amendment No. 1 to SB 1078. All in favor signify by  
29. saying aye. Opposed nay. The amendment's adopted. Any  
30. amendments from the Floor? 3rd reading. 1097, Senator  
31. Nimrod. 1099, Senator Schaffer.

32. SECRETARY:

33. SB 1099 (Secretary reads title of bill)



1. 2nd reading of the bill. No committee amendments.

2. PRESIDING OFFICER (SENATOR WEAVER):

3. Any amendments from the Floor? 3rd reading.  
4. Move to the order of...Senator Knuppel has a bill that  
5. he'd like to move back to 2nd for the purposes of an  
6. amendment. Senator Knuppel.

7. SENATOR KNUPPEL:

8. SB 114, that's the strip mining bill. I'd like  
9. to have it recalled to 2nd reading for the purpose of  
10. Senator Wooten offering an amendment which he has  
11. prepared.

12. PRESIDING OFFICER (SENATOR WEAVER):

13. Senator Wooten.

14. SENATOR WOOTEN:

15. Yes, Mr. President, this changes Section 14,  
16. I'm sorry I thought you had them. The...in it's original  
17. form Section 14 provided for the State to pay local  
18. property taxes on lands acquired, strip mining lands  
19. acquired by the Department of Conservation. This strikes  
20. that section, and substitutes language to assure that  
21. surface mined lands acquired by the State pursuant to  
22. this Act shall be exempt from taxation from the date of  
23. transfer of such land to the State for reclamation purposes  
24. until disposed of by the State. And I move it's adoption.

25. PRESIDING OFFICER (SENATOR WEAVER):

26. Senator Knuppel.

27. SENATOR KNUPPEL:

28. I have no objection to this amendment. It doesn't  
29. necessarily gel with what I would like to have in the  
30. bill, but it's a compromise situation and I think it  
31. reflects the sentiments of most the members of the Body.  
32. And I would recommend that it be adopted.

33. PRESIDING OFFICER (SENATOR WEAVER):

1. The motions made to adopt Senate Amendment No. 1  
2. to SB 114. All in favor signify by saying aye. Opposed  
3. nay. The amendment's adopted. Senator Partee.

4. SENATOR PARTEE:

5. I would like to move Mr. President to take SB 894  
6. from the order of 3rd reading to return it to the order  
7. of 2nd reading for the purpose of an amendment. An  
8. amendment which only postpones the effective date of  
9. the act by six months.

10. PRESIDING OFFICER (SENATOR WEAVER):

11. Excuse me just a second, Senator Partee. Are there  
12. any other amendments from the Floor on SB 114? 3rd  
13. reading. Recalling 894 to the order of 2nd reading for  
14. the purpose of an amendment. Senator Partee.

15. SENATOR PARTEE:

16. Yes, I think the Secretary has the amendment.  
17. And as I said it only postpones the effective date  
18. of the act by six months.

19. PRESIDING OFFICER (SENATOR WEAVER):

20. Is there any discussion...

21. SENATOR PARTEE:

22. Thereby obviating the necessity for an appropriation,  
23. in this Session.

24. PRESIDING OFFICER (SENATOR WEAVER):

25. Senator Partee moves the adoption of the amendment.  
26. All in favor signify by saying aye. Opposed nay. The  
27. amendment's adopted. 3rd reaing. Senator Walker.

28. SENATOR WALKER:

29. Mr. President, I would like to return SB 561 to  
30. the order of 2nd reading for the purpose of offering an  
31. amendment.

32. PRESIDING OFFICER (SENATOR WEAVER):

33. Secretary have the amendment?

1. SECRETARY:

2. Yes, I have the amendment.

3. PRESIDING OFFICER (SENATOR WEAVER):

4. Senator Walker, Will you explain the amendment.

5. SENATOR WALKER:

6. The amendment adds to the bill, a copies have  
7. been distributed, states violations of the provisions  
8. of this Section shall be enforced by local authorities  
9. through their respective State's Attorneys where such  
10. violations occur. It doesn't change the existing bill.  
11. It just adds to it, and I would like to move the adoption  
12. of the amendment.

13. PRESIDING OFFICER (SENATOR WEAVER):

14. Senator Walker moves the adoption of the amendment.  
15. Is there any discussion? All in favor signify by saying  
16. aye. Opposed nay. The amendments adopted. 3rd reading.  
17. Senator Bell, you have an amendment, you wanted to revert  
18. one bill back to 2nd reading for the purpose of amendment.

19. SENATOR BELL:

20. Yes, Mr. President, I'd like to bring SB 429...  
21. let's...well, I've got of them I want to bring back  
22. to 2nd reading, shall I address them both at the same  
23. time, or...one at a time. All right. I'd like to  
24. bring SB 429 back to 2nd reading for purpose of attaching  
25. an amendment. The amendment was inadvertently attached  
26. to SB 475, or excuse me was attached to 429 and should  
27. be attached to 475. So I'll be recalling 475 also. But  
28. at this time I'd like to bring SB 429 to...let's see  
29. would the proper procedure be to Table the present  
30. amendment there? Beg your pardon.

31. PRESIDING OFFICER (SENATOR WEAVER):

32. Senator Hall...or Senator Bell would like to recon-  
33. sider the vote by which Amendment No. 1 to SB 429 was

1. adopted. All in favor signify by saying aye. Opposed  
2. nay. The motion is adopted. Senator Bell moves to Table  
3. Amendment No. 1 to SB 429. All in favor signify by  
4. saying aye. Opposed nay. The amendment is Tabled.  
5. Senator Bell.

6. SENATOR BELL:

7. Mr. President, now I'd like to bring back from 3rd  
8. reading to 2nd reading for purpose of attachment of  
9. an amendment SB 475 which is where the amendment that  
10. was attached to 429 belongs in the first place.

11. PRESIDING OFFICER (SENATOR WEAVER)

12. SB 429, 3rd reading.

13. SENATOR BELL:

14. Mr. President, leave 475 for the time being...for  
15. the time being on 3rd reading.

16. PRESIDING OFFICER: (SENATOR WEAVER)

17. SB 429 is on 3rd reading. Senate Bills on 3rd read-  
18. ing. Senator Harris on 416.

19. SENATOR HARRIS:

20. Mr. President, I'd like to recall SB 416 from the  
21. order of 3rd reading to 2nd reading for purposes of  
22. considering the amendments that were placed on the  
23. Secretary's desk yesterday.

24. PRESIDING OFFICER (SENATOR WEAVER)

25. Senator...Senator Fawell.

26. SENATOR FAWELL:

27. I...I would like a parliamentary inquiry at this  
28. time, if I may address the question to Senator Harris.  
29. I...I'm assuming that at this point we are going to, as  
30. indicated go back to the order of 2nd reading for the  
31. purposes of debating the amendments which various members  
32. have. I...I'm inquiring though, are we at this point,  
33. recognizing the calling of SB 416 for 3rd reading, or

1. actually I suppose it will have to be a time period  
2. take place...

3. SENATOR HARRIS:

4. Yes, it might...I would suggest that we deal with  
5. the amendments on 416 to the extent that there are members  
6. who want to propose them, return it to the order of 3rd  
7. reading, then consider SB 187 and then consider 416,  
8. if that...procedure is acceptable to you, that would  
9. be my suggestion, Senator. And...and SB 187 would be  
10. the intervening business between 2nd reading consideration  
11. of 416 and 3rd reading consideration of 416. I would like to  
12. get these two matters before us today.

13. PRESIDING OFFICER (SENATOR WEAVER)

14. SB 416...

15. SENATOR HARRIS:

16. Is that satisfactory to you Senator Partee?

17. PRESIDING OFFICER (SENATOR WEAVER)

18. Senator Partee.

19. SENATOR PARTEE:

20. That will be satisfactory to me, I would like,  
21. however, if you could sandwich in between them a very  
22. noncontroversial bill 336, which has not controversy  
23. whatsoever, and I'd like to get it passed today because  
24. they want to make an announcement in the State Chamber  
25. of Commerce tomorrow...

26. SENATOR HARRIS:

27. Yes, I...that, that's a good idea. SB 336 is the  
28. one in which a great number from this side of the aisle  
29. join Senator Partee in cosponsorship of. That should  
30. offer no controversy, whatsoever. Is there leave, Mr.  
31. President to proceed with 416 on 2nd reading?

32. PRESIDING OFFICER (SENATOR WEAVER)

33. Senator McCarthy.

1. SENATOR MCCARTHY:

2. Yes, Mr. President, will not take any time, but I  
3. have a motion on Senator Harris' request to move his  
4. bill to 2nd reading. My motion under Rule 45, I think  
5. has precedent, and I'd like the Secretary to read the  
6. motion and voice vote is sufficient.

7. PRESIDING OFFICER: (SENATOR WEAVER)

8. ...Senator McCarthy, there's a motion on the Floor  
9. to bring 416 back to the order of 2nd, so your motion  
10. is out of order at the present.

11. SENATOR MCCARTHY:

12. The motion, according to Rule 45, has precedence.  
13. I don't mean to dispute the ruling of the Chair.

14. PRESIDING OFFICER (SENATOR WEAVER)

15. Senator Partee and Senator Harris...I thought at  
16. first there was an agreement to take SB 336 before we  
17. got on to 416? No, am I mistaken? Senator McCarthy,  
18. for what purpose do you arise?

19. SENATOR MCCARTHY:

20. I'm just standing here. But, Mr. President, it's  
21. my understanding that Senator Harris made a motion to  
22. go to the order of 2nd reading. That motion is before  
23. the Body, I'm just asking that my motion which has  
24. precedence be heard.

25. SENATOR HARRIS:

26. Mr. President, I sought unanimous consent, if Senator Mc-  
27. Carthy raised an objection, I did not hear it, but I don't  
28. know that the Chair has ruled on whether the bill has in  
29. fact been recalled to 2nd reading. If...I do not believe  
30. Senator McCarthy raised an objection at the point I sought  
31. unanimous consent.

32. PRESIDING OFFICER (SENATOR WEAVER)

33. Senator McCarthy.

1. SENATOR MCCARTHY:

2. I do not object. I will not object, all I want  
3. to do is before you go to your first amendment, offer  
4. my motion, take a voice vote on it. Then, we'll go  
5. on, Mr. President.

6. SENATOR HARRIS:

7. Yes. So do I understand that the bill is on 2nd  
8. reading?

9. PRESIDING OFFICER (SENATOR WEAVER)

10. SB 416 was ordered to the...2nd position. 2nd reading  
11. for the purpose of an amendment. Secretary will read the  
12. motion.

13. SECRETARY:

14. (Secretary reads Motion in Writing)

15. PRESIDING OFFICER (SENATOR WEAVER)

16. Senator McCarthy.

17. SENATOR MCCARTHY:

18. Members of the Body in support of the motion, I  
19. just call your attention to the committee hearing on this  
20. bill. The bill was assigned to the Committee on Insurance  
21. and Financial Institutions. Heard there on May 27th,  
22. and has not been considered by the Judiciary Committee  
23. and that's the basis of my motion. That is that a matter  
24. effects tort, liabilities and legal rights to be heard  
25. by the Committee on Judiciary. I'm willing to accept  
26. a voice vote on the motion.

27. PRESIDING OFFICER (SENATOR WEAVER)

28. All in favor of the motion signify by saying aye.  
29. Opposed nay. The nays have it, the motion fails.  
30. Senator Harris.

31. SENATOR HARRIS:

32. The amendments that are on the Secretary's desk  
33. are all someone else's rather than mine. I do have one

1. that will be on the Secretary's desk by the time we  
2. dispose of the others. I think we should just proceed  
3. with the amendments that are on the Secretary's desk.

4. PRESIDING OFFICER (SENATOR WEAVER)

5. Mr. Secretary will you...

6. SECRETARY:

7. Amendment No. 6 by Senator Carroll.

8. PRESIDING OFFICER (SENATOR WEAVER)

9. Senator Carroll.

10. SENATOR CARROLL:

11. Thank you, Mr. President, Ladies and Gentlemen of the  
12. Senate. Amendment No. 6 goes to what has been called  
13. the flow through concept, the concept by which the Director  
14. of Insurance can, by way of receiving the proper data,  
15. determine the actual benefits to the insurance companies  
16. of the no fault plan, and that benefit is supposed to  
17. then flow back through to the citizens of this State  
18. by way of premium reduction. As I read the flow through  
19. proposal, it was...I did not feel that it gave sufficient  
20. information to the Director on which to compare present  
21. premiums and present payout rates as to what will trans-  
22. pire under no fault, so that he could make a valid com-  
23. parison and determine how much should flow back through  
24. to the citizens of this State. So what we have done  
25. is, in Section C, we have said that the insurance companies  
26. must give to the Director statistical data on the current  
27. year, which is prior to no fault going into effect, the  
28. data on premiums and payouts so that the Director can  
29. then compare that to next year under no fault, should  
30. the bill be adopted. In addition thereto, in Section D,  
31. where it says what the Director shall publish, we have  
32. felt that one of the arguments posed by industry is that  
33. this will lead to reduction in rates, and that there should



1. be some way for the consumer to compare the actual rates  
2. being charged by the separate and various insurance companies  
3. in this State. So what we have done in Section D is to  
4. say, that the Director shall publish, not only the aggregate  
5. premium totally collected in this State and the aggregate  
6. payouts, but the individual premiums by each company  
7. break type of insurance coverage, therefore, the citizens  
8. of this State can go to the Director and to this published  
9. list and be able to compare what Company A is charging  
10. as opposed to what company B is charging for the same  
11. type of coverage and make an intelligent, knowledgeable,  
12. decision as to what insurance carrier they want. I know  
13. Senator Harris has agreed to this amendment and Senator  
14. Partee. We think this is an attempt to give the Director  
15. the type of information he needs, upon which to make an  
16. evaluation of what the actual savings are to the companies,  
17. those savings should be passed on to the citizens of  
18. this State, and at the same time give the citizens of this  
19. State the ability to compare the rates so that they may  
20. make an intelligent decision. I would move for the adoption  
21. of the amendment.

22. PRESIDING OFFICER (SENATOR WEAVER)

23. Is there any discussion? Senator Harris.

24. SENATOR HARRIS:

25. Mr. President, the points that Senator Carroll makes  
26. are valid. I accept them, and urge the adoption of...what  
27. Amendment number is this, Mr. Secretary?

28. SECRETARY:

29. Number 6.

30. SENATOR HARRIS:

31. I urge the adoption of Amendment No. 6.

32. PRESIDING OFFICER (SENATOR WEAVER)

33. Any further discussion? All in favor signify by

1. saying aye. Opposed nay. Amendment No. 6 to SB 614 is  
2. adopted. 416.

3. SECRETARY:

4. Amendment No. 7 by Senator Carroll.

5. PRESIDING OFFICER (SENATOR WEAVER)

6. Senator Carroll.

7. SENATOR CARROLL:

8. Thank you, Mr. President. This amendment, Amendment  
9. No. 7 is, what we might call a merely amendment, although  
10. some people don't think so. President Harris doesn't  
11. quite agree with me on this one. It merely changes one  
12. word. It changes it from the conjunctive to the disjunctive  
13. by changing an "and" to an "or". But, what this deals  
14. with again is the flow through Section, and it determines...  
15. deals with Section F, Subsection 2, which is the Section  
16. by which the director is to determine whether or not a  
17. future rate is excessive. What it now says, is that he  
18. shall...shall be held excessive unless it is unreasonably  
19. high for the insurance provided and a reasonable degree  
20. of competition does not exist in this area. I am changing  
21. that by this amendment to or a reasonable degree of competition  
22. does not exist in this area. The reason for this amendment  
23. in my opinion, is that by making them disjunctive, the  
24. Director can make a value judgment as to whether or  
25. not there is the proper type of insurance in the State  
26. of Illinois. By making them conjunctive, it is theoretically  
27. and practically possible for the insurance companies  
28. to have some subsidiaries somewhere in this State that  
29. no one knows about, providing some type of insurance, and  
30. therefore, claim that there is a competitive rate some-  
31. where else lower than these that he would deem to be  
32. excessive, so what we're really saying is, if the Director  
33. feels that the rate itself is excessive, or if he feels

1. there's not sufficient competition or if he feels it will  
2. not have the effect of creating a monopoly, the three  
3. things in there. That these three should be disjunctive  
4. so that he could make the proper value judgment and  
5. determine what is in the best interest of the citizen  
6. rather than tying them together and creating what I think  
7. is a very huge loophole by which several companies could  
8. get out from under the flow through provision. I would  
9. move for the adoption of the amendment.

10. PRESIDING OFFICER (SENATOR WEAVER)

11. Senator Partee.

12. SENATOR PARTEE:

13. I hesitate to oppose Senator Carroll's amendment,  
14. but the fact of the matter is the Director wants the  
15. language as it is. He wants it disjunctive, he wants  
16. it conjunctive rather than disjunctive. I've said to  
17. Senator Carroll, and I think this is as much as I  
18. could say that if he can persuade the Director who has  
19. the overall responsibility for the implementation of this  
20. concept that his point is correct and that the Director  
21. is wrong, then we would add that amendment on this bill  
22. in the House, if it gets to the House. So I would ask  
23. that this amendment be defeated. And I would say to  
24. Senator Carroll that I would not in any way foreclose  
25. him from his scholarship, or from suggesting to the  
26. Director that his scholarship, or from suggesting to the  
27. Director that his position is unsound. So I'm going  
28. to vote against the amendment on that basis.

29. PRESIDING OFFICER (SENATOR WEAVER)

30. Any further discussion? Senator Harris.

31. SENATOR HARRIS:

32. Well, I would just want to raise the point that the  
33. language in the bill as it presently is stated in Senator  
Partee's amendment which was adopted, and which Senator

1. Carroll is attempting to amend comes out of that open  
2. rating Section of the statute now in establishing  
3. standards. And it does seem to me that to raise this  
4. additional issue of an evaluation of rating standards  
5. in connection with the consideration of no fault...of  
6. philosophical determination is just complicating an  
7. already complex question, and I would urge that this  
8. second amendment which is Amendment No. 7, second of  
9. Senator Carroll's be rejected.

10. PRESIDING OFFICER (SENATOR WEAVER)

11. Senator Fawell.

12. SENATOR FAWELL:

13. Mr. President, Members of the Senate, this is a  
14. complicated subject. I'm not sure I completely under-  
15. stand it, but I believe that the effect of the bill as  
16. it is now amended and as a result of the amendment which  
17. Senator Partee affixed to the bill, which I think was  
18. Amendment No. 3, that in that...in that amendment as I  
19. construe this, there is a statement that the Director  
20. can mandate prospective premium reductions, if justified  
21. by aggregate data. I would prefer to have that also to  
22. be able to go back and in retrospect and say that if  
23. there is exorbitant premiums they ought to be able to  
24. refund to the people the...the exorbitant premiums if  
25. that were to be the case. And I think perhaps, Senator  
26. Carroll, certainly is supplying that information, and  
27. I think we ought to think very seriously about not just  
28. talking about prospective but the premiums which already  
29. have passed by the time the decision is made, but while  
30. you have, it seems to me, the clause which I would call,  
31. the clause whereby it would appear that the Director  
32. has some real power when you move down into Subsection F  
33. in effect it states that no rate is going to be held to

1. be excessive if the reasonable degree of competition  
2. exists in the area to which the rate is applicable.  
3. So, in effect, I gather if you've got open competition  
4. then the insurance industry can't be touched. So that  
5. it seems to me that this amendment is quite proper  
6. because in reality the insurance industry has...have  
7. given but then they taketh away, right in the same  
8. amendment with the conjunctive Senator Harris, and I  
9. at least as I construe this, so I...I think it ought  
10. to be as I've indicated before that if we are going to  
11. give to the insurance industry what at least I believe  
12. to be a very profitable clause and they are able, they  
13. will be able, they have alleged at least that they're  
14. going to...there's going to be a lot of savings here  
15. although they don't...they never tell anybody how much  
16. those savings are going to be, at least I've never heard  
17. it. That if all of this is possible, I think we ought to  
18. make sure the Director has the broad authority therefor,  
19. upon examining this data, to be able to correct the  
20. rates which are being charged. And as I read the...the  
21. bill as amended, it simply states that if they can show  
22. that there's competition in a given area, that you're  
23. going to be able to cut that rate...at all. So they  
24. have...they do giveth and they do taketh away, in one  
25. fell swoop in one amendment. And thus I think this...  
26. this amendment by Senator Carroll is very reasonable  
27. and rational one. I support it.

28. PRESIDING OFFICER: (SENATOR WEAVER)

29. Any further discussion? Senator Bell.

30. SENATOR BELL:

31. If...If I might I'd like to address the question  
32. Senator Fawell. Senator Fawell, is it your intention  
33. then to limit competition within the insurance industry?

1. PRESIDING OFFICER (SENATOR WEAVER)

2. Senator Fawell.

3. SENATOR FAWELL:

4. My...my feeling Senator is that, no, not limit competi-  
5. tion, but what I am saying is that if...the people are going  
6. to be giving up what I believe to be 90% of all bodily injury  
7. claims, 90%, that it seems to me that the people are giving  
8. up a great deal and really getting nothing back, because  
9. the only thing they're getting back is the privilege of  
10. paying for mandatory insurance coverage which we have to  
11. pay for. We're getting nothing back for what we're  
12. giving up. Now, the whole concept is being sold on the  
13. basis that we're going to have a reduction in premiums,  
14. and there's going to be great savings for the people,  
15. though I...I stress, nobody is guaranteeing anything,  
16. not even by percentages, anything of this sort, just  
17. saying well we're going to throw this data in. And as a  
18. result maybe we can have some change of rate, but I'm  
19. pointing out here that in effect the amendment says, well,  
20. you can't have a change of rate if there's open competition.  
21. Now, what I'm saying is that the insurance industry is  
22. asking for this bonanza, which I believe it is for them.  
23. I could be mistaken, but that's the way I construe it.  
24. Then I think in all honesty we're going to have to say  
25. that we're going to give to the insurance department  
26. the ability to come in and say, gentlemen you're making  
27. now, because what you want is to be able to actuarially  
28. prognosticate your profits as well as can the life  
29. insurance, as well as the life insurance does for instance,  
30. and that's understandable. I can understand the business  
31. motivation for want to do this. But if you're going  
32. to do that, we're just going to have to have on behalf  
33. of the people the guarantee, if we can't have it in terms

1. of percentages or dollars from the insurance industry,  
2. then we're going to have to have guarantee in the terms  
3. of the power in the Director to be able to be able to  
4. alter these rates when based upon the data supplied by  
5. the insurance industry we can see that your profits now  
6. are greatly increasing and there ought to be reductions  
7. in premiums. That's...that's what I'm trying to say.

8. SENATOR BELL:

9. Well, Senator Fawell, I understand your point. I  
10. certainly don't agree with it, and I'd like to emphasize  
11. this point Mr. President, Members of this Senate, that  
12. the insurance industry by no means is unanimously in support  
13. of no fault insurance. They're being pushed to this con-  
14. cept by the people of this State, and by the Legislature.  
15. And they're trying to as best they can accommodate this  
16. demand.

17. PRESIDING OFFICER (SENATOR WEAVER)

18. Senator Bell, would you confine your remarks to the  
19. amendment, please.

20. SENATOR BELL:

21. All right. That's it.

22. PRESIDING OFFICER (SENATOR WEAVER):

23. Is there any further discussion? Senator Knuppel.

24. SENATOR KNUPPEL:

25. I have to honestly say that we are exactly in the  
26. same spot we were in two years ago. A very complicated  
27. bill addressing itself to a grievously important question,  
28. confronted by the general public which awaited until  
29. the closing days of passage of the bill from this Body.  
30. As a result of the short time and the...what I would call  
31. slothful way we address ourselves to that legislation,  
32. it was held unconstitutional. Now, I have asked a person,  
33. ...upon whom I relied to prepare a summary of the two

1. bills that are before this Body. The amendments have  
2. come so rapidly they have been applied quickly, that  
3. they are not in any type of order that any human being,  
4. unless they're the sponsor of this bill in this Body, can  
5. tell me that they can stand up and read that bill and tell  
6. me what it means and where the conjunctive and the dis-  
7. junctive exist. And I have looked at the partial summary  
8. which I got, and if the person who was doing this for me  
9. did it correctly, even in the 2nd Section or the 3rd Section,  
10. of the bill it says for instance, Section 620.04, Subsection  
11. a. says that dependent survivors...dependent survivors of  
12. a deceased injured person means; A, the surviving spouse,  
13. if residing in his household at the time of his death...

14. PRESIDING OFFICER (SENATOR WEAVER)

15. Senator Knuppel. Senator Knuppel will you confine  
16. your remarks also to the amendment, please?

17. SENATOR KNUPPEL:

18. I...I am trying to. I've got to use this in reference  
19. to arriving at this point. Now, it says receiving or on  
20. 2nd reading, entitled to receive support from him. But,  
21. it requires that she be residing in his household. It  
22. doesn't matter if she...that's one of the conditions. What...  
23. what Senator...what Senator McCarthy has asked here is that  
24. pertinent information be furnished to the Department of  
25. Insurance from which they can determine what these charges...  
26. what the result of these charges will be. Now, I'm not  
27. in favor of putting the fox in the chicken house. I  
28. never have been. And what you're doing, is saying that  
29. the insurance...that the insurance industry will be  
30. able to do these things themselves as I understand it.  
31. I'm completely confused. That's what I'm trying to say,  
32. most of all is that, if I understand his amendment, it  
33. sounds logical to me. But how can anybody say it's



1. logical, and I defy the chairman, the...acting pro-tem  
2. or anyone else to come down and try to explain to me  
3. where we are with respect to this bill so that we can  
4. amend it or vote intelligently on the bill that's here.  
5. And therefore, I'm going to ask, I may not receive it,  
6. but I'm going to ask that...that the amendment be printed  
7. in my book which I think is the rule before we vote on  
8. any of them. I think it's far too important, far too  
9. important to horse this thing around in the way it's  
10. being horsed around on this Floor the last two or three  
11. days. It very well may be that it will be held uncon-  
12. stitutional again, and I will be embarrassed as a lawyer,  
13. as a member of this Body, if I have not discharged my  
14. responsibility to know what's in the bill. I don't  
15. understand it fully, what the amendment intends to do,  
16. nor where it goes, nor what do I fully intend...understand  
17. what it's being attached to. And I therefore I move that  
18. ...that the...that the matter be set aside until all of  
19. the amendments are printed and in our books so we can  
20. understand what is going on. I think the rules provide  
21. this right.

22. PRESIDING OFFICER: (SENATOR WEAVER)

23. Are there five Senators that join Senator Knuppel  
24. in this motion? Your motion...your motion fails. Senator  
25. Carroll. Senator Carroll. Senator Palmer. Senator Harris.  
26. SENATOR HARRIS:

27. Well, Mr. President, I just point out, the points  
28. that have been made by Senator Knuppel, and the extreme  
29. difficulty in which we make many of our decisions has  
30. been contributed to significantly by that same Senator,  
31. in the amount of time that he takes of this Body. I  
32. just want to point out that I exercise as much diligence  
33. as I can in informing myself off of this...main Body. This

1. bill was introduced early, as anybody can notice, it has a  
2. low number. It was heard in committee in early April.  
3. We have been working with the Department of Insurance  
4. for almost a month, diligently, using the best skill of  
5. that Department and the joint staffs of this Senate to  
6. shape up this complex piece of legislation. And to  
7. charge that the Senate itself has not had an opportunity  
8. to evaluate the bill, I reject. We have now had Senator  
9. Knuppel request, supported by four additional Senators  
10. the printing of these Amendments. That's fine. We'll  
11. get them copied, and placed on the Senator's desks, but  
12. it's...it is the intention of me to proceed with the  
13. consideration of these no fault bills today and to post-  
14. pone action is not particularly going to contribute to  
15. the relief of our problems dealing with many, many other  
16. serious questions before this Body. There comes a point  
17. in time when we as men and women have to recognize that  
18. it is our responsibility to make a judgement.

19. PRESIDING OFFICER (SENATOR WEAVER):

20. Senator Fawell. What is your point Senator?

21. SENATOR KNUPPEL:

22. Senator Harris, condemned me for the use of time that  
23. I've used in this Body. My time has been legitimate as any-  
24. one else's. I have never from my seat in the two terms I've  
25. been here, attacked any Senator by name until he has  
26. mentioned me first. I say that's way out of order, that  
27. it's improper, that I have the right to represent my people  
28. and to know what I'm voting on.

29. PRESIDING OFFICER (SENATOR WEAVER):

30. Senator Knuppel...or excuse me, Senator Fawell.

31. SENATOR FAWELL:

32. May...may I just arise here on a matter of personal privilege  
33. also. I...I empathize with both sides on this particular

1. issue if that ambivalence can be allowed. But, Senator  
2. Knuppel...Knuppel would you consider and those who have  
3. asked for the printing. I think that...that we do have  
4. a tremendously involved matter here and frankly I have  
5. been waiting and many people on both side of the issue  
6. have been waiting to have this matter heard. I fear  
7. that if...if there's any more delay today you're going  
8. to find that enough people go home that we can't hear  
9. it again. And I...I empathize with what you are saying,  
10. I feel the frustration too. Now knowing what I should  
11. know on most of these bills as they come through. I  
12. think now is the time that most of the bills ought to  
13. be heard, and I would hope you could withdraw it and  
14. we could get on with it.

15. PRESIDING OFFICER (SENATOR WEAVER):

16. The question is the adoption of Amendment No. 7,  
17. and Senator Carroll may close the debate. Senator McCarthy,  
18. for what purpose do you rise?

19. SENATOR MCCARTHY:

20. To raise a point of order.

21. PRESIDING OFFICER (SENATOR WEAVER):

22. What is your point?

23. SENATOR MCCARTHY:

24. My point of order is that we were on the process of  
25. whether or not the amendment should be printed and dis-  
26. tributed.

27. PRESIDING OFFICER (SENATOR WEAVER):

28. Senator McCarthy, on that motion I asked for a  
29. show of hands and I saw only four and announced to the Body  
30. that the motion of Senator Knuppel failed.

31. SENATOR MCCARTHY:

32. All right. Now, I recognize that and accept it  
33. as a fair ruling. But, now you are immediately moving

1. to the closing of debate on the amendment and I wanted  
2. to ask Senator Harris a question. I wonder if I could  
3. be recognized for that?

4. PRESIDING OFFICER (SENATOR WEAVER):

5. I'm sorry I didn't recognize you...

6. SENATOR MCCARTHY:

7. I was under the understanding that's the reason I  
8. hadn't been...

9. PRESIDING OFFICER (SENATOR WEAVER)

10. Senator McCarthy.

11. SENATOR MCCARTHY:

12. Senator Harris, I wonder if you would yield for a  
13. question? The language of Subsection F, 1, 2, and 3,  
14. which I think is the subject matter of this amendment. You  
15. said that the language, I think it's F-2, F-2, is language  
16. that was taken from the open rating bill. Did you not  
17. make that statement? Or, do I infer correctly that that's  
18. what you said.

19. SENATOR HARRIS:

20. This is language taken directly from a statute that  
21. expired some two years ago which is being administered  
22. by the Director, by the preceding Director and the present  
23. Director. And in which rules have been promulgated and  
24. this is the process of administration of that law now.  
25. Now, that may have been precisely the way I responded,  
26. but I...the point very clearly I make is the fact that  
27. this statute was not renewed by the General Assembly and  
28. has remained operative under the provisions of the adminis-  
29. trative prerogative, and that is the effect of law in the  
30. operation of the procedure that is in effect now. And  
31. that...Okay.

32. PRESIDING OFFICER (SENATOR WEAVER)

33. Senator McCarthy.

1. SENATOR MCCARTHY:

2. Senator, that's precisely a good answer, and that's  
3. precisely what I thought you meant. And there's been  
4. some inquiry over there and on our side wondering whether  
5. or not this question of the expired open rating bill was  
6. now tangentially in this bill through subsection F.

7. SENATOR HARRIS:

8. Well, I...this amendment was not prepared by me,  
9. Senator. It was prepared by, that is Amendment No. 3  
10. was not prepared by me. I approved it, and accepted it.  
11. It was prepared by Senator Partee, and I know that this  
12. language was lifted right out of the statute books, the  
13. language is still there in the annotated statutes. It  
14. is not operative because there was a cutoff date in-  
15. volved. Not renewed by the General Assembly, but it  
16. is in effect and has the force of law insofar as the  
17. Director's regulation and rule making power is concerned.

18. PRESIDING OFFICER: (SENATOR WEAVER)

19. Senator McCarthy.

20. SENATOR MCCARTHY:

21. Yes, and now in support of Senator Carroll's motion,  
22. for the adoption of his amendment. In the first place,  
23. Mr. President, I congratulate Senator Knuppel in with-  
24. drawing his demand. In...withdrawing his demand that the  
25. amendment be printed. I sympathize with his problem  
26. because I've got that problem. However, it's been  
27. represented here, to us on the Floor, that this amendment  
28. offered has been rejected by the Director of Insurance.

29. PRESIDING OFFICER: (SENATOR WEAVER)

30. Senator Partee.

31. SENATOR PARTEE:

32. I don't know where that came from. The representation  
33. was that this amendment was approved by the Director and

1. was written in the Insurance Department. Nobody ever  
2. said that he had objected to it.

3. PRESIDING OFFICER (SENATOR WEAVER)

4. Senator McCarthy.

5. SENATOR MCCARTHY:

6. ...that Senator Carroll's amendment. I'm not talking  
7. about your Amendment No. 3. You said on Amendment No. 3  
8. two days ago that that was written with the approval of  
9. the Director of Insurance. I'm saying the representation  
10. was made on Senator Carroll's amendment that that was  
11. rejected by the Director of Insurance. It also has been  
12. and is opposed by Senator Harris, and Senator Partee.  
13. So that leaves the background insofar as the facts of life  
14. are concerned about whether or not this bill's going to  
15. be called today. It's going to be called. The question  
16. is should we adopt this amendment. I urge the Body adopt  
17. the amendment, because in rejecting it, you put into this  
18. complicated problem of taking away rights of people to  
19. recover for personal injuries inflicted upon them, you  
20. interject in that the whole concept of a relationship  
21. between a Director of Insurance and insurance companies.  
22. And basically, Mr. President, the right of the person that's  
23. injured in an automobile accident to recover money is one  
24. thing. To reach at the same decision and at the same time  
25. a decision on rate control of insurance companies is  
26. an entirely different thing. And unfortunately, Senator  
27. Sours has so wisely said if you put a little bit of garlic  
28. in the soup it permeates all the way through. Now, what  
29. Senator Carroll has attempted to do I think is most admirable.  
30. Is to effectuate for the policy purchaser the mandatory  
31. purchaser, a provision that cost savings effectuated  
32. by this plan can be passed on to him. And unless his  
33. amendment is adopted or mine, which I think actually is

1. superior which has not yet been considered by the Body.  
2. But if his is adopted I won't pursue in mine, is that  
3. you then give the Director of Insurance power to mandate  
4. reduction of rate based upon statistical information to  
5. reject this concept you lock his hands because even if a  
6. rate is considered to be excessive by any fair standards,  
7. any fair standards, that rate cannot be reduced by order  
8. of the Director unless the Director also finds that the  
9. company charging the excessive rate is the only one  
10. doing business in the territory. And because we have  
11. the effect in the main bill of depriving people of their  
12. right to go in for a jury trial, coupled with the shackling  
13. and tying of the hands of the Director of Insurance,  
14. it's just too much to take at one time, and I think it would  
15. improve the passage of this bill if Senator Carroll's amend-  
16. ment was adopted.

17. PRESIDING OFFICER (SENATOR WEAVER)

18. Senator Partee.

19. SENATOR PARTEE:

20. Will Senator McCarthy yield for a question?

21. PRESIDING OFFICER (SENATOR WEAVER):

22. Senator McCarthy indicates he will.

23. SENATOR PARTEE:

24. Senator, if Senator Harris accepted this amendment,  
25. would you then support the bill?

26. PRESIDING OFFICER (SENATOR WEAVER):

27. Senator McCarthy.

28. SENATOR McCARTHY:

29. I don't mind telling you, Senator Partee, that I'd have  
30. to...the man on the 2nd floor says do some homework on  
31. that. It's a fair question. I'm not in a position to  
32. say yes or no.

33. PRESIDING OFFICER (SENATOR WEAVER):

1. Senator Partee.

2. SENATOR PARTEE:

3. So you would say by way of capsuling your answer,  
4. that you are ambivalent, right?

5. PRESIDING OFFICER (SENATOR WEAVER):

6. Senator McCarthy.

7. SENATOR MCCARTHY:

8. Well, that's your word. Undecided, reasonable request  
9. to ask me, but I...I'll decide that after the amendment's  
10. adopted.

11. PRESIDING OFFICER (SENATOR WEAVER):

12. Senator Hynes.

13. SENATOR HYNES:

14. I...I wonder if the sponsor will yield to a question,  
15. and it follows up on what Senator McCarthy brought out in  
16. his last remarks.

17. PRESIDING OFFICER (SENATOR WEAVER):

18. Senator Carroll.

19. SENATOR HYNES:

20. Sponsor of the main bill.

21. PRESIDING OFFICER (SENATOR WEAVER):

22. We're speaking to the amendment at this point.

23. SENATOR HYNES:

24. Well, this...

25. PRESIDING OFFICER (SENATOR WEAVER):

26. Direct your...

27. SENATOR HYNES:

28. This relates to the amendment, because the question  
29. is as to what the amendment means, what the bill as...  
30. in it's present form actually means...

31. PRESIDING OFFICER (SENATOR WEAVER):

32. Senator Harris, do you yield?

33. SENATOR HYNES:



1. ...and therefore this amendment will have an effect.

2. PRESIDING OFFICER (SENATOR WEAVER):

3. He indicates he will.

4. SENATOR HARRIS:

5. Senator Hynes, the sponsor of this amendment that is  
6. being amended...proposed to be amended here is Senator  
7. Partee. I'll be glad to respond. What is your question?

8. PRESIDING OFFICER (SENATOR WEAVER):

9. Senator Hynes.

10. SENATOR HARRIS:

11. I did not place this Section into the bill. Senator  
12. Partee did, but...I'll be happy to respond.

13. PRESIDING OFFICER (SENATOR WEAVER):

14. To whom do you direct your question Senator Hynes,  
15. Senator Partee, Senator Harris, or Senator Carroll.

16. SENATOR HYNES:

17. Well, to either Senator Partee or Senator Harris,  
18. whoever would prefer to answer it. But my question is  
19. simply this: that in Subsection E of the amendment  
20. that was adopted yesterday, it provides that the Director  
21. may reduce premiums if the data justifies that, on the basis  
22. of cost savings...

23. SENATOR HARRIS:

24. And on the basis of experience, compiled for an  
25. eighteen month period under the operation of this law.

26. SENATOR HYNES:

27. Correct. In Subsection F it provides, it sets up  
28. standards for determining when a rate shall be deemed to  
29. be excessive.

30. SENATOR HARRIS:

31. Correct.

32. SENATOR HYNES:

33. Now, my question is, if under Subsection F, and the

1. standard of proof there is to show an excessive rate is  
2. a very difficult one to meet. If under subsection F, a  
3. rate is not excessive, it is not excessive, but yet there  
4. have been savings to the company through the implementation  
5. of this bill, of this program of no fault. Would the  
6. Director then be able to mandate a reduction of premium,  
7. even though the rate is not excessive.

8. SENATOR HARRIS:

9. Yes.

10. SENATOR HYNES:

11. He would be?

12. SENATOR HARRIS:

13. Yes.

14. SENATOR HYNES:

15. That is your interpretation.

16. SENATOR HARRIS:

17. And that is the information given to me by three  
18. very competent lawyers from the Department and the Director  
19. himself. I sat in conferences with Senator Partee and  
20. Senator Partee's staff. The Department is satisfied with  
21. this. This bill provides under the provisions of Amendment  
22. No. 3 the power for the Director to mandate a cost savings  
23. prospectively as Senator Fawell has pointed out. And that's  
24. the way the Director wants it. In the industry, and I've  
25. learned a lot since handling this bill. There is the ques-  
26. tion of whether there shall be a provision for what is  
27. called regurgitation or prospective rate reduction.  
28. The Department wants it on the basis of prospective rate  
29. reduction, based upon a solid and fair comparison, which  
30. I think we have strengthened in the language of the amend-  
31. ment...Senator Carroll's first amendment. But a simple  
32. one word answer to your question is yes.

33. PRESIDING OFFICER: (SENATOR WEAVER)

1. Senator Hynes.

2. SENATOR HYNES:

3. I would...I would agree with you without hesitation  
4. if Subsection F were not in the bill. But my question  
5. then is with Subsection F and even though a rate was  
6. not excessive, that...that would mean it would be reason-  
7. able, the Director could still mandate a reduction as you  
8. interpret this bill.

9. SENATOR HARRIS:

10. Yes.

11. PRESIDING OFFICER (SENATOR WEAVER):

12. Senator...Senator Carroll.

13. SENATOR CARROLL:

14. Thank you.

15. PRESIDING OFFICER (SENATOR WEAVER):

16. Excuse me. Senator Netsch did you have a question  
17. of the sponsor of the amendment.

18. SENATOR NETSCH:

19. Yes, it just simply a follow up, Senator Harris on  
20. your answer to Senator Hynes' questions...question.  
21. Is that because the...the sentence in Subsection e the  
22. Director shall by order mandate prospective premium  
23. reductions if justified by the aggregate data published  
24. pursuant to Subsection d. Is because that sentence and  
25. the findings that would come to the Director on the  
26. basis of that sentence, would allow him to make those  
27. rate reductions on the theory that the data would then  
28. by definition establish the rates as being unreasonable  
29. under Subsection F, small Roman...no, small 2.

30. PRESIDING OFFICER (SENATOR WEAVER):

31. Senator Harris.

32. SENATOR NETSCH:

33. ...excessive...I'm sorry, excessive.

1. SENATOR HARRIS:

2. Senator Netsch, in all candor, I cannot not tell you  
3. what the theory is. But the powers for that does come  
4. from a combination of paragraph E and the further stan-  
5. dards as set forth in paragraph F. And to...to say  
6. to you what the theory is, and that really is the signifi-  
7. cant part of your question. I would have to defer to the  
8. Department representation that this does empower the Director  
9. with the ability to mandate across savings. I would say  
10. further that if Senator Partee wants to amplify that, fine.  
11. But on the basis of theory, I'm not equipped to respond.  
12. But on the basis of this language, that...that I say to  
13. you the power is there in paragraph E, in addition supported  
14. by standards as set fort in paragraph F.

15. PRESIDING OFFICER (SENATOR WEAVER)

16. Senator Hynes.

17. SENATOR HYNES:

18. Well, following up now on what Senator Netsch has added  
19. to the discussion. When...in reading the bill I can see  
20. ...support for either our side. I can see support as  
21. Senator Netsch outlined it, for the conclusion that  
22. Senator Harris drew. But I can also see a contrary  
23. argument that Subsection F limits the right of the Director  
24. to reduce premiums, so that if you have a finding, that the  
25. premium is not excessive, then the Director would not be  
26. able to mandate the reduction. It is possible to argue  
27. it the other way. I think what, in essence we're saying is  
28. that the bill is not clear on the point and it seems to me  
29. to be an extremely significant point.

30. PRESIDING OFFICER (SENATOR WEAVER)

31. Senator Partee.

1. SENATOR PARTEE:

2. I could only say that the Director in discussing  
3. and preparing this amendment takes the view that it does  
4. give him that power. He has no doubt about it and, this  
5. is the way he wants it and he sees it as being the kind  
6. of language that gives him the power to implement this  
7. bill, conceptually as it is designed.

8. PRESIDING OFFICER (SENATOR WEAVER):

9. Senator Carroll, you wish to close the debate on  
10. the Amendment No. 7?

11. SENATOR CARROLL:

12. Thank you, Mr. President. As we can see with this  
13. bill what a difference one word seems to make. I  
14. think the point of all this though, is very, very simple.  
15. We're talking about obviously an area of somewhat question-  
16. able interpretation. And what we're talking about is the  
17. rates the companies can charge prospectively based on in-  
18. formation they have received, the Director has received from  
19. these insurance companies. And by way of explaining  
20. why this is important, the difference between "and"  
21. and "or". We have found in the Wall Street Journal  
22. last month that the underwriting profits were up 144%  
23. or 1.1 billion dollars, that the investment on premium  
24. income profit were up 23% up to an additional 2.65 billion  
25. dollars, or a total increase for the companies of  
26. 3.75 billion dollars, while the rates throughout the  
27. country only went down 2/10th of a percent, or 2%  
28. rather the rates have not come down in accordance  
29. with the way the profits have gone up, and that's the  
30. purpose of this cost savings or flow through approach to  
31. the insurance problem. The difference seems to be  
32. though, that when we're talking about a company, any  
33. company charging excessive rates, I think it's important

1. to the consumers of this State that that company be  
2. mandated by the Director to stop charging excessive  
3. rates to flow through or costs saved to that consumer  
4. the unconscionable profits that that company is making.  
5. I think the fact that there's another company that whether  
6. viable or not within the area charging a lesser rate  
7. is not determinative to that individual consumer in  
8. this State. That's the point of the "or". This...  
9. if my amendment is adopted, this Section will say, if  
10. the rate is excessive the Director can mandate them  
11. to reduce that rate. Without this the fact that one  
12. company is charging a non-excessive rate will stop any  
13. of the companies charging excessive rates from being  
14. mandated to lower their rates. I think that's what  
15. is important in this amendment. If it merely clarifies  
16. what they feel is said in Section E, and which seems  
17. to have some lack of clarity, then I think again this  
18. amendment should be adopted to reiterate that very strong  
19. position that we want to take, that any costs ensued  
20. to the companies be passed on to the consumers of this  
21. State. I would urge the adoption of the amendment.

22. PRESIDING OFFICER (SENATOR WEAVER):

23. All in favor of the adoption of Amendment No. 7  
24. to SB 416 will signify by saying aye. Opposed nay.  
25. Been a request for a roll call. The Secretary will call  
26. the roll.

27. SECRETARY:

28. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,  
29. Chew, Clarke, Conolly, Course, Daley, Davidson,  
30. Donnewald, Dougherty, Fawell,

31. PRESIDING OFFICER (SENATOR WEAVER):

32. Senator Fawell.

33. SENATOR FAWELL:

1. Just one comment. It seems to me in listening to  
2. this debate that everyone has agreed that what we want  
3. to accomplish is to make it clear that the Director of  
4. Insurance has the ability to be able to alter these rates.  
5. This is what Senator Harris has indicated, this is what  
6. the proponents of the amendment have indicated. And the  
7. issue it seems to me is whether or not the language in  
8. the amendment submitted by Senator Partee is or is not  
9. clear. And I wish everyone of us had the amendment  
10. before us, and I'll just read four lines, it states that  
11. for the purposes of this Subsection no rates shall be  
12. held to be excessive unless a reasonable degree of  
13. competition does not exist in the area with respect to  
14. the classification to which the rate is applicable, if  
15. there is competition there, you're not going to touch  
16. that rate. And I don't see how any court can construe  
17. it any other way. I don't see why then we cannot agree  
18. that what we all say we want to see in the bill is  
19. clearly put forth in the bill. Therefore, I do vote aye  
20. on the amendment.

21. SECRETARY:

22. Glass, Graham, Harber Hall, Kenneth Hall, Hynes,  
23. Johns, Keegan, Knuepfer, Knuppel,  
24. PRESIDING OFFICER (SENATOR WEAVER):

25. Senator Knuppel.

26. SENATOR KNUPPEL:

27. The arguments of Senator Fawell are extremely persuasive.  
28. We're here to represent the people, not the insurance  
29. companies and as I said before we don't want to put the  
30. fox in the chicken house. Too long the Department of  
31. Insurance has been a pàsy in this State for the in-  
32. surance industry, and there's no guarantee with this  
33. language that's there without the amendment that it will

1. be otherwise. I vote aye.

2. SECRETARY:

3. Kosinski, Latherow, McBroom, McCarthy, Merritt,  
4. Mitchler, Howard Mohr, Don Moore, Netsch, Newhouse,  
5. Nimrod, Nudelman, Ozinga, Palmer, Partee,  
6. PRESIDING OFFICER (SENATOR WEAVER)

7. Senator Partee.

8. SENATOR PARTEE:

9. I admit to say anything else I have expressed myself  
10. on this subject, but I feel impelled to say that I think  
11. it's a dastardly thing to do to say that too long the  
12. Director of Insurance has been a patsy for the insurance  
13. industry when the present Director of Insurance has  
14. only been there a few months and there is no evidence  
15. whatsoever that he's a patsy for the insurance industry  
16. or for anybody else. He's his own man. I have a great deal  
17. of respect for him, and this bill is in the shape he  
18. desires it, and I think it's unfortunate that wild re-  
19. marks are made like that, assassinating a man's character  
20. when he doesn't deserve one word of it. Now, I'm going  
21. to vote no on this amendment, but I think we should be  
22. circumspect in our statements.

23. SECRETARY:

24. Regner, Rock, Roe, Romano, Saperstein, Savickas,  
25. Schaffer, Scholl, Shapiro, Smith, Sommer, Soper, Sours,  
26. Swinarski, Vadalabene, Walker, Weaver, Welsh, Wooten,  
27. Mr. President.

28. PRESIDING OFFICER (SENATOR WEAVER):

29. Mitchler, no. Clarke, no. Nudelman, aye. Newhouse,  
30. aye. Conolly, aye. Conolly no. Latherow, no. Rock,  
31. aye. Senator Harris.

32. SENATOR HARRIS:

33. Mr. President, I would request a call of the absentees,



1. there's been a great deal of coming and going here.

2. PRESIDING OFFICER (SENATOR WEAVER):

3. A request for a call of the absentees has been made.  
4. The absentees will be called.

5. SECRETARY:

6. Bartulis, Chew, Course, Keegan, Knuepfer, Don  
7. Moore, Roe, Romano, Savickas, Welsh.

8. PRESIDING OFFICER (SENATOR WEAVER):

9. On this question the ayes are twenty-four, and the  
10. nays are twenty-six. Senator Carroll requests verifica-  
11. tion. Senators will be in their seats and the Secretary  
12. will verify the roll call.

13. SECRETARY:

14. Want the negative? The following voted in the  
15. negative: Bell, Berning, Clarke, Conolly, Davidson,  
16. Graham, Harber Hall, Knuepfer, Latherow, McBroom,  
17. Merritt, Mitchler, Howard Mohr, Nimrod, Ozinga, Partee,  
18. Regner, Schaffer, Scholl, Shapiro, Sommer, Soper, Sours,  
19. Walker, Weaver, Mr. President.

20. PRESIDING OFFICER (SENATOR WEAVER):

21. Senator Knuppel.

22. SENATOR KNUPPEL:

23. A matter of personal privilege. In response to  
24. Senator Partee's remarks, I want to say that none of my  
25. remarks were directed to the present...to the present  
26. Director of Insurance. And...he very well...if he inter-  
27. preted knows this is true. Actually the man hasn't been  
28. there long enough. I said far too long. And I still stick  
29. by my statement that the Directors, and I'll make it plural  
30. without reference to this particular director have too  
31. long been patsy for the insurance industry in this State.  
32. And he very well knows, and I apologize if it was taken  
33. as any affront to the present Director.

1. PRESIDING OFFICER (SENATOR WEAVER):

2. Any questions Senator Carroll? After verification  
3. the results of the roll call, Amendment No. 7 is lost.  
4. Amendment No. 8.

5. SECRETARY:

6. Amendment No. 8, by Senator Palmer.

7. PRESIDING OFFICER (SENATOR WEAVER):

8. Senator Palmer.

9. SENATOR PALMER:

10. Mr. Clerk, I have three amendments there, do I  
11. just go one, two, three, or how...how are they listed  
12. there? Will you give me the title of the first one?

13. SECRETARY:

14. Section 620-19, total disability.

15. SENATOR PALMER:

16. All right. This amendment refers to Sections 620-19,  
17. all it does is eliminate one word, the word complete.  
18. What it does is expand the bill's definition of total  
19. disability by removing the word complete, which could  
20. possibly be interpreted to mean that a person would have  
21. to be bedridden before any payment would be made of  
22. weekly wage benefits. So I can read the amendment.  
23. Total...total disability means the inability to engage  
24. in substantially all of the injured person's usual and  
25. customary daily activities. All it does is remove the  
26. word complete, just before inability.

27. PRESIDING OFFICER (SENATOR WEAVER):

28. Senator Harris.

29. SENATOR PALMER:

30. ...the adoption of this amendment. I think this  
31. is an agreed amendment, I'm...

32. SENATOR HARRIS:

33. Well, I just want to raise this question Senator,

1. if we accept this amendment, what will be your position  
2. on passage of the bill? The same question that was  
3. directed to Senator McCarthy by Senator Partee.

4. PRESIDING OFFICER (SENATOR WEAVER):

5. Senator Nudelman. Senator Palmer.

6. SENATOR PALMER:

7. I am exuberant to this, and I think I'll have to  
8. say something for it to clear the situation up.

9. PRESIDING OFFICER (SENATOR WEAVER):

10. Senator Harris.

11. SENATOR HARRIS:

12. Well, then do I conclude that you're ambivalent?

13. SENATOR PALMER:

14. Yes, but I may take something for it and may clear  
15. it up by the time the bill comes up.

16. SENATOR HARRIS:

17. Well, I...I would just say that I...I'm not certain  
18. whether I want to accept this amendment or not, and I'm  
19. not certain of your answer.

20. PRESIDING OFFICER (SENATOR WEAVER):

21. Senator Palmer.

22. SENATOR PALMER:

23. Well, I...I don't...I think that I have the right  
24. to declare...

25. SENATOR HARRIS:

26. You have a perfect right...perfect right to duck  
27. the question or to offer an amendment, or to...

28. SENATOR PALMER:

29. I think I have a right to declare my vote when the  
30. bill comes up...or when...

31. SENATOR HARRIS:

32. I'm going to support the bill.

33. SENATOR PALMER:

1. Well, can...can I ask you what are you going to do  
2. on 187, or what...

3. SENATOR HARRIS:

4. Yes, I'm opposed to 187. That, in my judgment, is  
5. another issue.

6. SENATOR PALMER:

7. Well...

8. PRESIDING OFFICER (SENATOR WEAVER):

9. Gentlemen, gentlemen, let us...confine our remarks  
10. to the amendment please. Senator Palmer moves the adoption  
11. of Amendment No. 8. Is there any further discussion?  
12. All in favor signify by saying aye. Opposed nay. The  
13. motion is adopted. Amendment No. 9.

14. SECRETARY:

15. Amendment No. 9 by Senator Palmer. Section 620-17.  
16. Serious injury.

17. PRESIDING OFFICER (SENATOR WEAVER):

18. Senator Palmer.

19. SENATOR PALMER:

20. What Section are we on now? I didn't hear that?

21. SECRETARY:

22. Serious injury.

23. PRESIDING OFFICER (SENATOR WEAVER):

24. SB 416, Senator.

25. SENATOR PALMER:

26. All right. Now this amendment expands the definition  
27. of serious injury in three respects, so as to benefit a  
28. greater number of persons subject to coverage. First, it  
29. cuts the sixty day total disability requirement, to  
30. fifteen days. This recognizes the fact that a party is  
31. pretty well disabled...and in fifteen days he has a serious  
32. injury. If he's disabled for fifteen days in my opinion  
33. he has a serious injury. Number two, it removes two words,

1. significant and important from the language, from the  
2. loss of function impairment. Under the present wording  
3. of the bill, a person may sue if he has a significant  
4. loss of an important body function and the Department  
5. feels that the words will lead to a total confusion, and  
6. so do I, that nobody will know medical and legal and judi-  
7. cial, will not know whether an important body function is,  
8. whether a spleen or a one foot of your intestines. Now  
9. by removing these words, significant and important function,  
10. I think we have a better section in the bill. Now, part  
11. 3, the amendment allows a law suit when the person has  
12. suffered any permanent disfigurement, rather than only  
13. the permanent, significant, irreparable disfigurement.  
14. Under the present language in the bill, a person with  
15. irreparable scars, he cannot sue, or she cannot sue,  
16. nor can the person be paid the medical bills necessary  
17. to repair that scar. There's no provision for cosmetic  
18. surgery in this bill. And I ask for the adoption of  
19. this amendment.

20. PRESIDING OFFICER (SENATOR WEAVER):

21. Senator Harris.

22. SENATOR HARRIS:

23. Well, Mr. President, the effect of this amendment is  
24. tremendously far-reaching. It will increase the cost of  
25. this coverage tremendously. A great deal of work has  
26. gone into the preparation of this bill, and the studies  
27. from the National Department of Transportation studies,  
28. and this just way beyond practical consideration, lowers  
29. the threshold of involvement and will have the effect  
30. truly of eviscerating the concept of true no fault. Now,  
31. I just must be as persuasive as I can that the effect  
32. of this amendment is not acceptable. On the Secretary's  
33. desk I have an amendment that does reduce the definition

1. of serious injury from sixty to thirty days. That ultimately  
2. will be evaluated by the Senate today. But I just urge  
3. you to be aware of the tremendous expansion of cost in  
4. the reduction from thirty to fifteen days. The Department  
5. has indicated that in order to put no fault into operation  
6. in Illinois, that the definition of serious injury should  
7. not go below the thirty consecutive days definition. So  
8. I would urge the members to reject this amendment and  
9. ultimately on consideration of the same modifying language  
10. in the bill as introduced in this section. But with the  
11. change from sixty to thirty days we will in fact have  
12. a viable and truly effective no fault bill. I reject  
13. this amendment.

14. PRESIDING OFFICER (SENATOR WEAVER):

15. Senator Glass.

16. SENATOR GLASS:

17. Thank you, Mr. President and Senators. I can sympathize  
18. with Senator Harris' concern about the reduction from sixty  
19. to fifteen days and as one who is opposed to the definition  
20. and the use of total disability anyway, I will certainly  
21. support you, Senator Harris, in that part of your ob-  
22. jection to this amendment. But it seems to me that  
23. maybe Senator Palmer's other remarks, that is the removal  
24. of the word significant does make sense. I would appreciate  
25. your comments on that. It seems to me that the definition  
26. of serious injury as it now stands having the word  
27. significant in there only clouds the definition and I  
28. wonder if that is not a good suggestion.

29. PRESIDING OFFICER (SENATOR WEAVER):

30. Senator Harris, do you care to answer that?

31. SENATOR HARRIS:

32. Well, the question of significant injury in con-  
33. nection with the operation of an automobile is the...

1. the theory involved here as I understand it, very frankly  
2. is that the question of preexisting conditions that  
3. are not significant and not in connection with the  
4. question of important body functions. Those things  
5. very carefully have been structured in here to keep the  
6. operation of this in connection with injuries arising  
7. out of the operation of an automobile. And therefore is  
8. the thrust of why those modifying words, while important  
9. are necessary and should remain in the bill as it is before  
10. us. For those reasons I reject the...that aspect of  
11. Senator Palmer's amendment and call attention again to the  
12. fact that I'm willing to reduce that figure of sixty  
13. to thirty for the definition of a serious injury.

14. PRESIDING OFFICER (SENATOR WEAVER):

15. Any further discussion? Senator Palmer may close  
16. the debate.

17. SENATOR PALMER:

18. Well, Mr. President Harris, I am still ambivalent  
19. to what...how I'm going to vote on 416. I haven't  
20. taken anything for it yet. However, I kind of made  
21. you promise that I'm not going to debate these amendments,  
22. at great length, so I've just going to tell this great  
23. body that I think my amendments are good. And it  
24. certainly was substantiated by our good Senator Glass,  
25. that certainly the word significant and important body  
26. functions should be changed as a definition of what a  
27. serious injury is, and still say that anybody that's  
28. disabled for fifteen days has received a serious injury,  
29. and I ask that...a favorable vote on this amendment,  
30. and that it be approved.

31. PRESIDING OFFICER (SENATOR WEAVER):

32. The question is whether Amendment No. 8 shall be  
33. adopted. All in favor...excuse me, Amendment No. 9. All

1. in favor signify by saying aye. Opposed nay. The amend-  
2. ment's lost.

3. SECRETARY:

4. ...Palmer, it's the work loss amendment.

5. PRESIDING OFFICER (SENATOR WEAVER):

6. Senator Palmer.

7. SENATOR PALMER:

8. The next amendment which refers to work loss, on  
9. Section 620-20, repeats the verbiage as is in the original  
10. ...as in the bill presented, except for one insertion,  
11. I believe, which covers an amount equal to the income tax  
12. benefit if any accruing to the injured person. And  
13. in that regard what it does, it redefines the definition  
14. of work loss as to allow an income tax tax break to a  
15. lower paid person who receives wage...benefits. To...  
16. in other words, with this insertion in that portion of  
17. the bill, it automatically qualifies a person a \$100  
18. a week, sick pay deduction whereas in the present language  
19. it is a burden on him to prove on his tax return that  
20. he is eligible for this \$100 deduction. I think...I  
21. think that there's no objection to this one.

22. PRESIDING OFFICER (SENATOR WEAVER):

23. Senator Harris.

24. SENATOR HARRIS:

25. Well, that explanation is accurate as far as it  
26. goes, but really what the effect of this amendment is  
27. to take out of the Section, 620-20, the 85% of language.  
28. And really, the effect of this will be that an investi-  
29. gation of individual tax returns might become a product  
30. of the delineation of this language. I have no objection  
31. to that and I might just pose the question to Senator  
32. Palmer if this amendment is adopted will that persuade  
33. you to support the bill on passage?



1. PRESIDING OFFICER (SENATOR WEAVER):

2. Senator Palmer.

3. SENATOR PALMER:

4. Close to a better bill, but there's a lot more work  
5. to be done.

6. SENATOR HARRIS:

7. Well, then am I to determine that you are, as is  
8. Senator McCarthy, ambivalent?

9. SENATOR PALMER:

10. Well, I got to take a little more...

11. SENATOR HARRIS:

12. ...but, but leaning.

13. SENATOR PALMER:

14. ...something for it. Leaning a little.

15. SENATOR HARRIS:

16. Yes, well this amendment is acceptable.

17. PRESIDING OFFICER (SENATOR WEAVER):

18. Is there any further discussion? All in favor signify  
19. by saying aye. Opposed nay. Amendment No. 10 is adopted.

20. SECRETARY:

21. Amendment No. 11 by Senator Harris.

22. PRESIDING OFFICER (SENATOR WEAVER):

23. Senator Harris.

24. SENATOR HARRIS:

25. This is the amendment that defines serious injury,  
26. and changes only the figure sixty to thirty, I believe.  
27. If there is...necessity for further discussion, I think  
28. it's pretty well understood this is a key provision of  
29. the bill, I mean this paragraph, and I'm sure is a  
30. paragraph that has probably most been read by every-  
31. one, and I would move the adoption of this amendment.

32. PRESIDING OFFICER (SENATOR WEAVER):

33. Senator Harris moves the adoption of Amendment No. 11

1. All in favor signify by saying aye. Opposed nay. The  
2. Amendment's adopted.

3. SECRETARY:

4. Amendment No. 11 by...No. 12 by Senator Glass.

5. PRESIDING OFFICER (SENATOR WEAVER):

6. Senator Glass.

7. SENATOR GLASS:

8. Well, thank you Mr. President and Senators. Amendment  
9. No. 12 would do something which I think is very significant  
10. in this bill and it really gets at the heart of no fault.  
11. Now, it would create a threshold in the bill of \$600.  
12. Very simply, I think as most of the membership knows,  
13. at the present time, there is no right to bring a common  
14. law court action or sue for personal injury unless a  
15. claimant has sustained a serious injury and one of the  
16. items under serious injury is...is total disability. This  
17. as far as I can tell is a new concept. Total disability  
18. in excess of sixty consecutive days, and unless a person who  
19. is injured in an accident has been totally disabled for  
20. sixty days under this bill there will be no right to  
21. bring an action. The reason I'm concerned about that  
22. Ladies and Gentlemen is that if a person has a broken  
23. arm as a result of an automobile accident, that broken  
24. arm might well disable a person for a hundred or two  
25. hundred days if he or she were an elderly person. On  
26. the other hand, if it was a nineteen or twenty year old  
27. the person might be back on the job in a matter of few  
28. hours. It...it simply a standard that I think is  
29. uncertain and should not be introduced into the law.  
30. And this frankly is my main concern about the no  
31. fault legislation that we have before us. We have a  
32. choice between two bills, one of which has no threshold,  
33. and I don't think that's the right approach either. I

1. don't think that is pure no fault. And on the other  
2. hand we have the concept of total disability which  
3. I think is far too restrictive. Now, other states have  
4. adopted a dollar amount for determination of their  
5. threshold and this has been upheld in a number of  
6. other states. There is some question constitutionally  
7. that was raised here in Illinois in connection with a  
8. no fault bill that passed in the last Session and was  
9. held unconstitutional. But the language I am intro-  
10. ducing has been designed by the Chicago Bar Association  
11. Committee that looked into this matter and came up  
12. with a recommendation of their own, specifically to  
13. overcome the court objection. And as many of you will  
14. recall, I'm the sponsor of a bill which was defeated in  
15. committee that established a threshold of \$300. This  
16. is a sincere attempt to reach a compromise amount of  
17. \$600 and to introduce a rational and tried basis for  
18. establishing a threshold, and I would solicit your  
19. support of Amendment No. 12.

20. PRESIDING OFFICER (SENATOR WEAVER):

21. Senator Knuppel.

22. SENATOR KNUPPEL:

23. If...if the sponsor would answer a question. I  
24. as a lawyer represented an elderly woman at one time  
25. who had a comminuted fracture of the upper arm, spent  
26. one night in the hospital, had the arm put in a cast,  
27. and went home. Her...her specials amounted to \$27.  
28. Now, what you're saying here if you read this carefully  
29. it says sickness or disease are terms...determined to be  
30. in excess of \$600, that sum being measured in terms  
31. of average reasonable cost. Would you accept, or don't  
32. you think that should read, injury, sickness or disease  
33. which determine should be in excess of so much, because

1. some people are just tough enough that they don't even  
2. realize maybe at first that they have an injury. Other  
3. people won't stay in a hospital. Go home and treat  
4. themselves, and when you say are in excess of, are you  
5. not opening it up to the point that if that person, the  
6. only thing the other language does is to protect against  
7. the situation where a person has inflated their damages.  
8. Don't think that should read where they normally would  
9. be instead of are.

10. PRESIDING OFFICER (SENATOR WEAVER):

11. Senator Glass.

12. SENATOR GLASS:

13. Well, Senator Knuppel, in answer to your question,  
14. I think I have with this amendment addressed that very  
15. problem. At least that is the intention, because we have  
16. followed the figure \$600 with the following words, that  
17. sum being measured in terms of the average reasonable  
18. cost reasonably required in Illinois to treat an injury,  
19. sickness or disease of the type incurred and during the  
20. period involved after elimination of any disparity in  
21. cost occasioned by geographical differences or excessive  
22. or exorbitant charges. At least that was one of the  
23. items they attempt to address with this language. And  
24. I would also add that this particular provision doesn't  
25. exclude any others that are now in Senator Harris'  
26. bill, in 416. So if the person could qualify under...  
27. under the other items of the definition of serious injury,  
28. he or she could still bring an action.

29. PRESIDING OFFICER (SENATOR WEAVER):

30. Senator Knuppel.

31. SENATOR KNUPPEL:

32. Well, at least I'm glad that your statement as to  
33. what the intent was is in the record for the purpose,

1. historical purpose of this and for interpretation of  
2. it because I don't necessarily agree with your interpreta-  
3. tion. I think when you say are in excess of \$600 that  
4. the other language is language designed to qualify that  
5. for the person who has inflated their...their cost rather  
6. than the other way around. So at least your statement  
7. of the intent will be there to guide someone should that  
8. problem arise in litigation. I personally think that  
9. it could have been a little more artfully drawn in that  
10. area, but I do appreciate the historical comment.

11. PRESIDING OFFICER (SENATOR WEAVER):

12. Senator Swinarski.

13. SENATOR SWINARSKI:

14. Members of the Senate. I believe we have found out  
15. in the past, and this has been brought forth by many  
16. health insurance carriers that rising costs of health  
17. insurance, the crowdedness of many hospitals in this State  
18. is responsible because it is necessary many times in order  
19. to receive payment to stay in the hospital overnight.  
20. That it is necessary many times in specials, as we both  
21. know in law cases that people stay there for longer  
22. periods of time than is necessary because as an out-  
23. patient they wouldn't be adequately covered. I think  
24. that this \$600 amount or whatever amount that you're  
25. establishing there it's doing nothing other than making  
26. people stay in the hospital, making people go to the  
27. doctor, making the people get additional costs. And  
28. I think it will create a serious problem for the  
29. hospitals in this State. I think it would create a  
30. serious problem in health insurance. I think it would  
31. be responsible for increasing the cost of automobile  
32. insurance. And I'm not in favor of this amendment.

33. PRESIDING OFFICER (SENATOR WEAVER):

1. Senator Harris.

2. SENATOR HARRIS:

3. Well, I just want to make the further observation  
4. that, and Senator Glass is very responsibly and candidly  
5. raised the question of constitutionality. And I'm cer-  
6. tain that he has worked with the people that he has been  
7. in association with in the preparation of his bill, in  
8. the preparation of a dollar stated threshold for the right  
9. to move into tort action. But I just point out that  
10. on the evaluation of an equally dedicated and sincere  
11. group of people, there is great concern about the  
12. constitutionality within this constituency of the  
13. announcement of a dollar threshold. And, so I would urge  
14. the members of the Senate to reject this amendment for  
15. that constitutional question, and further the great broaden-  
16. ing of costs that would result by the lowering or the  
17. broadening of the threshold that we would in fact expand the  
18. fault, operation of insurance coverage for operation of auto-  
19. mobiles and motor vehicles in Illinois. I oppose this amendment.

20. PRESIDING OFFICER (SENATOR WEAVER):

21. Senator Glass may close debate.

22. SENATOR GLASS:

23. Thank you, Mr. President, very briefly, I would just  
24. point out to the membership that if this amendment or one  
25. like it is not added to the bill, and the bill passes, we  
26. will have extremely and very significantly curtailed the  
27. rights of our citizens to bring action to recover for  
28. their injuries. We don't know really how total dis-  
29. ability for thirty days, how that is going to be  
30. construed. We do know that in other States a dollar  
31. figure for threshold has been sustained. And I think  
32. it is a more realistic approach, one which will combine  
33. the true no fault benefits of discouraging people from

1. bringing actions when in fact they have been compensated  
2. for their injuries and yet preserving the right for those  
3. who have legitimate claims to more serious injuries in  
4. bringing those claims, and I would urge your support of  
5. this amendment.

6. PRESIDING OFFICER (SENATOR WEAVER):

7. Senator Glass moves the adoption of Amendment No. 12.  
8. All in favor signify by saying aye. Opposed nay. The  
9. motion is lost.

10. SECRETARY:

11. Amendment No. 13 by Senator Netsch.

12. PRESIDING OFFICER (SENATOR WEAVER):

13. Senator Netsch.

14. SENATOR NETSCH:

15. Mr. President, thank you. Was that Amendment No. 13?  
16. Is mine? The amendment changes two figures in the...in  
17. SB 416. It changes the maximum allowable benefits for  
18. economic loss, that is the basic no fault protections,  
19. from \$10,000 to a maximum of \$50,000. That would occur  
20. on page 1, line 28. And then in order to be consistent  
21. with that in the Section which deals with the optional  
22. benefits, it raises the figure for optional benefits  
23. from 50,000 to 100,000. And those are the only two  
24. changes that are made by this amendment. The...the idea  
25. is fairly simple. The...I think that the higher the  
26. threshold that is written into a no fault bill, the  
27. higher the maximum allowable no fault benefits ought  
28. to be. I recognize full well that the \$10,000 maximum  
29. benefit is said to cover in excess of at least...95% of  
30. the usual claims. I've heard the figure even as high as  
31. 99%, of the claims. And that to me means that this amend-  
32. ment would not be terribly costly. But it seems to me that  
33. where the \$10,000 does not cover the number...or does not

1. cover a claim that the burden that is placed on that per-  
2. son is a very heavy one indeed. Now it is...I concede  
3. also it's quite possible that if someone has a total loss  
4. in excess of \$10,000 that he might come within one of the  
5. provisions that would allow him to maintain his suit  
6. for pain and suffering. But the whole point is where  
7. someone is suffering, that such economic loss, we do  
8. not want him to have to await the outcome of a suit  
9. for pain and suffering. And so it seems to me again that  
10. that argument fortifies the idea that in those very few  
11. cases, in those very few cases where the \$10,000 is  
12. not adequate, that having asked people to give up so  
13. much in no fault, despite the fact that it's a very  
14. good concept, we at least ought to make sure that that  
15. person who has suffered that much loss, economic loss,  
16. ought not to be in any way put in a worse position. I  
17. think it is a fairly just thing. It strikes me that  
18. it is not going to add to the cost appreciably, and I  
19. think again having asked people to give up quite a bit  
20. in no fault, the least that we can do is make sure that  
21. they do not suffer unjustly. That's the point of the  
22. amendment.

23. PRESIDING OFFICER (SENATOR HOWARD MOHR):

24. President Harris.

25. SENATOR HARRIS:

26. Well, Mr. President, I would just point out that by  
27. the provisions of the bill we do mandate to the companies  
28. the requirement to provide supplemental excess benefits,  
29. and up to 50,000 mandated. There's no reason why beyond  
30. that, while the mandate requires them to offer it up  
31. to 50,000, there is no inhibition for the companies to  
32. offer it beyond that. And the question of this matter  
33. of considering the total subject of no fault is one where



1. you have to strike a balance. And we have done just  
2. that in the preparation of 416, and as Senator Netsch  
3. has pointed out the figure is very high about the  
4. number of cases that will be covered. And it is true  
5. that the cost increase will not be great by this amend-  
6. ment, nevertheless it will be of some significance. We  
7. have struck a balance. We have provided beyond that  
8. guaranteed and required balance of \$10,000 the optional  
9. coverage up to 50. We're of the opinion that this is  
10. sound, that it does strike an appropriate balance, and  
11. that this amendment would primarily add to cost since  
12. the basic mandated coverage is provided for in the op-  
13. tional excess benefits coverage already mandated in the  
14. bill. I would urge rejection of this amendment.

15. PRESIDING OFFICER (SENATOR HOWARD MOHR):

16. Senator Netsch.

17. SENATOR NETSCH:

18. Mr. President, if there are no other speakers or  
19. questions, if I might just add one additional point.  
20. I fully recognize, and incidently Senator Harris, you  
21. did not ask me the...the usual question. I fully recog-  
22. nize that no fault involves a striking and a balancing of  
23. interests and that this is an attempt to reach a balanced  
24. approach to all of these questions. All I'm saying is  
25. that I would like to just tip that balance a very little  
26. bit the other way to benefit a, what we all concede is a  
27. very small number of people. But people who are going to  
28. be in an especially unfortunate position if indeed no  
29. fault is passed in this form and their economic loss  
30. rises above \$10,000. There are other States which have  
31. an unlimited amount of recovery on both medical benefits  
32. or on wage loss or in some cases on both. Michigan has  
33. unlimited on medical, a three year limit on the wage

1. part of it. New Jersey is unlimited on medical. New  
2. York has indeed exactly what I am requesting here, a  
3. \$50,000 combined maximum. The bill prepared by the uni-  
4. form commissioners is unlimited on both medical benefits  
5. and wage loss. All I am asking is that we tip that  
6. balance just a little bit in the other direction to attempt  
7. to take care of this one group of people who would other-  
8. wise I think be very much injured by the no fault con-  
9. cept. Thank you.

10. PRESIDING OFFICER (SENATOR HOWARD MOHR):

11. Senator Netsch moves the adoption of Amendment No. 13.  
12. All those in favor signify by saying aye. Opposed. The  
13. amendment fails. Request for a roll call. Members please  
14. be in their seats.

15. SECRETARY:

16. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,  
17. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,  
18. Dougherty, Fawell, Glass, Graham, Harber Hall, Kenneth  
19. Hall, Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski,  
20. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard  
21. Mohr, Don Moore, Netsch, Newhouse, Nimrod, Nudelman,  
22. Ozinga, Palmer, Partee, Regner, Rock, Roe, Romano,  
23. Saperstein, Savickas, Schaffer, Scholl, Shapiro, Smith,  
24. Sommer, Soper, Sours, Swinarski, Vadalabene, Walker,  
25. Weaver, Welsh, Wooten, Mr. President.

26. PRESIDING OFFICER (SENATOR HOWARD MOHR):

27. Knuepfer, no. On that roll call the yeas are  
28. twenty-one, the nays are twenty-eight. The amendment  
29. fails.

30. SECRETARY:

31. Amendment No. 14 by Senator McCarthy.

32. PRESIDING OFFICER (SENATOR HOWARD MOHR):

33. Senator McCarthy.

1. SENATOR McCARTHY:

2. Yes, Mr. President, I'm sort of on a...thorns of  
3. dilemma here which way to proceed. I've got an amend-  
4. ment to the bill, and I suppose I could interrupt my  
5. amendment by moving that the bill be committed to the  
6. Committee on Judiciary. I'm not certain unless I hear  
7. that...by some informal way that the Body would now like  
8. ...now realize that it should have been the Committee on  
9. Judiciary that should have heard this bill, might improve  
10. it. But I don't hear that exercise, so I'll proceed  
11. with the amendment. Amendment No. 14, Mr. President,  
12. strikes subsection F and what remains thereafter  
13. which is the subject of Amendment No. 3. Now, doesn't  
14. that make a lot of sense? But to refresh our recol-  
15. lection, this is centered on, focused on, confined  
16. to the question of premium savings, how much are they?  
17. Where do they go? This amendment if adopted, Mr.  
18. President, provides that any savings to an insurance  
19. company, by virtue of this act shall pass to the public.  
20. You remember listening to the debate on Senator Carroll's  
21. amendment, which was decided by a two vote margin, as  
22. to whether or not the Director had the power to pass  
23. these dollar savings of insurance premium on to the  
24. people, and there was an attempt to clarify this by  
25. changing and to or. This amendment makes it crystal clear,  
26. and let me read you, if you adopt this amendment as I urge  
27. that you do, what the law then will contain on this  
28. tremendous, public interest problem of premium savings.  
29. It will read as follows, I draw your attention to Amend-  
30. ment No. 3, page 2, Section E. This will be the law. It  
31. is the intent of the General Assembly that savings in cost  
32. as a result of implementation of this Article be reflected  
33. in lower premiums for the coverages required by this Article.

1. (Wonderful statement) The Director shall by order  
2. mandate prospective premium reductions if justified by  
3. the aggregate data published pursuant to subsection d.  
4. Any basic no-fault insurer may within thirty days after  
5. issuance of such an order request in writing a modifi-  
6. cation or exception to that order. No written request  
7. for modification or exception will be considered unless  
8. it contains, as a minimum adequate supporting statistical  
9. data. That's the way that the law will be if you adopt  
10. my amendment because you're going to strike F, and all  
11. the qualifying. I'm reminded as a youngster in urging  
12. support of this amendment, my father's comment to me  
13. about the radio show Amos and Andy. He says, Amos used  
14. to say the insurance companies give you all the benefits  
15. in the big print, and then they take it away in the  
16. fine print. And I say whatever is supposedly passed  
17. on to the consumer by E, which I have just read, is  
18. taken away from him by F. In further support of this  
19. position, Mr. President, allow me to recite the origin  
20. of F. According to the sponsor of the bill, the language  
21. in F is taken from the expired statute on open rating.  
22. It is the rule book by which the Director operates. But  
23. having a Director operate by a rule book and having frozen  
24. into law, or in effect perpetuity, are two different  
25. things. If, we believe that cost savings will result,  
26. and if as a fact cost savings do result, it will be  
27. our direction and the law that those cost savings be  
28. passed on by way of lower premiums. We don't do that,  
29. we leave the Director's position uncertain. I think  
30. we shackle his hands, no matter who he shall be, where  
31. the companies will never be able to be mandated into  
32. a premium reduction, because you can't meet the test  
33. of charging the premiums and also showing that less

1. than two companies are selling in any given area. So  
2. if we are sincere in our trade off, if we are realistic  
3. in our trade off, in taking away rights to sue in exchange  
4. for reduction of premiums this amendment should be adopted.  
5. If, however, if, however, we state as a matter of broad  
6. principle that we want the cost savings to be passed on  
7. by way of reduced premiums, but then jumble the language  
8. so that nobody knows where the cost premium savings  
9. go, we are perpetuating, I think, a legislative in-  
10. justice on the people in the State. How many times  
11. in a judicial determination do the lawyers say the  
12. Legislature meant what it said. How many times do the  
13. courts properly say, we believe the Legislature meant  
14. what it said. And unless we make this language explicit,  
15. we're opening up the avenue where the cost savings  
16. will not be passed on to the consumer. We will be  
17. injecting again the concept of open rating, but we further  
18. will see these cost savings frittered away, frittered  
19. away by insurance companies on such things as television  
20. commercials, newspaper advertisements. Involved in a  
21. complex formula called underwriting profit which has  
22. never been established. And the Director does not have  
23. a grasp on underwriting profits within the scope of this  
24. bill. You know unearned premium reserves that are set  
25. up, the interest from the unearned premium reserves  
26. are not included as income in defining underwriting  
27. profits. Reserves that are set up for losses and the  
28. income from that loss are not included within the scope  
29. of underwriting profits. The examples could go on and  
30. on, but in by way of nutshell if I can, let's leave it,  
31. that what we say is what we mean, that it's the intention  
32. of the General Assembly that savings as a result be  
33. passed on in lower premiums for the coverage required by

1. this article. That's what this amendment does, that's  
2. what the people will expect to receive, that's what the  
3. proponents of the bill will tell them they are receiving,  
4. and since all of that is going to be represented, let's  
5. correspond our language in this Statute so that there is  
6. not capable any two interpretations on the matter.

7. PRESIDING OFFICER (SENATOR HOWARD MOHR):

8. Senator Partee.

9. SENATOR PARTEE:

10. Senator McCarthy's zeal, I think has now taken him  
11. down a very wrong path. I don't know what the genesis  
12. of this amendment is, but it might have been written  
13. in any insurance office in this State. Because the in-  
14. surance companies would be delighted with this amendment.  
15. Because it would deprive the Director of Insurance of having  
16. the right to regulate them. It would leave the insurance  
17. companies completely without regulation. I don't think this  
18. is what he intends, but this is exactly what this amendment  
19. would do. We give a mandate on the one hand and then he  
20. would take away the standards by which the mandate is to  
21. be accomplished. He would leave to chance, to happenstance  
22. the manner in which the Director would implement this  
23. law. I happen to have confidence in the Director of  
24. Insurance. And I happen to believe that if he feels  
25. this bill is in the shape it should be without Senator  
26. McCarthy's amendment, that we should not tinker with  
27. it and put it in a condition where insurance companies  
28. could operate with abandon, and that is exactly what  
29. his amendment would do. You talked about underwriting  
30. profits and all. The bill also says this amendment says,  
31. that the Director will be developing a form for insurance  
32. companies to fill which will give him the kind of statistical  
33. data on which to base perspective premiums. It will also

1. by virtue of Senator Carroll's one amendment give him  
2. a comparative basis to determine their rate structure  
3. and profit as of this time and compare it with their  
4. experiences under the operation of this law. I think  
5. this is a very, very dangerous amendment, and it ought  
6. to be labeled for what it is, an industry amendment.  
7. They'd love to have this amendment to get out from under  
8. the regulation of the Director.

9. PRESIDING OFFICER (SENATOR HOWARD MOHR):

10. Senator Knuppel.

11. SENATOR KNUPPEL:

12. Well, as the Senator who cast the thirtieth vote  
13. for no-fault insurance here two years ago. And one of  
14. those who first of all supported open rating until there  
15. had been a hiatus in this Body and then filibustered  
16. against the proposition when it came back because of the  
17. ramifications. I would remind the members of this Body,  
18. regardless of how much confidence you have in the present  
19. Director of Insurance, this bill applies not now but in  
20. perpetuity. I heard that argument here the other day about  
21. the Attorney General and the grand jury bill. So, regard-  
22. less, remember regardless of what confidence you have in  
23. the present Director of Insurance this is being written for  
24. him and all of his successors. This is a valid argument.  
25. It was a valid argument against the grand jury bill, it's  
26. just as valid against this bill. Now there's one thing  
27. for sure, regardless of which of these no-fault insurance  
28. propositions you're for, and as I say, I'm for no-fault  
29. insurance and I have been since the word go, since I entered  
30. that door here two or three years ago. One thing you don't  
31. want, one thing you aren't for is that the insurance  
32. industry should reap a windfall at the expense of the  
33. people of this State. That's true regardless of which

1. every bill you're for. Now, I submit to you that Senator  
2. Carroll and now Senator McCarthy has proposed something  
3. that's in keeping with the interest of the people.  
4. And it seems strange to me that every member of this Body  
5. wouldn't say let's define it because as has been argued  
6. here by able people in the last two weeks, this bill is  
7. for all the subsequent Directors of Insurance, and I  
8. haven't got that same confidence as I've expressed my-  
9. self here before. I feel that the Department of Insurance  
10. could have been stronger, could have done more for the  
11. people with respect to no...with respect to the insurance  
12. director. Now, I would say that we should support the  
13. concept, and if the language is bad, as Senator Partee  
14. has suggested, certainly, this can be amended in the House.  
15. But the concept is good. The bill here is written for all  
16. directors, and certainly we, as people here, as representa-  
17. tives of the people should put the people first, and not  
18. the insurance companies. Now, I was told or heard here some-  
19. thing this afternoon that this is called the concept of re-  
20. gurgitatus. I hope that it's the insurance companies  
21. which regurgitate and not the people.

22. PRESIDING OFFICER (SENATOR HOWARD MOHR):

23. Senator Carroll.

24. SENATOR CARROLL:

25. Thank you, Mr. President. Again, once again, we  
26. are in that same Section as what was my second amendment.  
27. And I too have great confidence in the present Director  
28. of the Department of Insurance, and feel relative con-  
29. fident in any future director. But I think a point was  
30. brought out in the debate on my particular amendment, deal-  
31. ing with F-2, that we didn't know exactly what F-2 means,  
32. as it's now written and that there is a confusion between  
33. the mandate of E which says that the Director shall order



1. and mandate prospective premium reductions if justified  
2. by the data we have authorized be given to him. F seems  
3. to muddle that up. F seemed to me to specifically muddle  
4. that when you gave this, what I think is a phenomenal loop-  
5. hole by saying that if any one company charged a reduced  
6. rate that all the others in the area could charge a much  
7. greater rate. Senator Harris and Senator Partee have been  
8. on this Floor to say that E, Section E, seems to override  
9. and supersede with particular requirement of Section F.  
10. They seem to have said to us that E mandates the Director  
11. to lower the rates, regardless of what F may be confusing  
12. in saying. And if that's the case, although I thought  
13. the better alternative was to change that one word from  
14. and to or to make absolutely clear what the intent of  
15. this Legislative Body was, and that was to flow through  
16. or give back these savings that you're giving to the companies  
17. give that back to the people. If there is confusion,  
18. and if this Body is not willing to make that one word  
19. change to make absolutely clear what our intent is, then  
20. I go along with Senator McCarthy and say for the time  
21. being let's entirely drop that Section. It has created  
22. several hours of debate here on the Floor because of its  
23. confusion. I don't think we want to muddy this topic...  
24. any longer. I think at this time the only sensible, de-  
25. liberative approach would be drop F and put it in a  
26. future Session in the proper wording so that everybody  
27. understands what its purpose and intent is.

28. PRESIDING OFFICER (SENATOR HOWARD MOHR):

29. Senator Netsch.

30. SENATOR NETSCH:

31. Mr. President, if I might just add one additional  
32. word and one additional argument for the elimination of  
33. Subsection F. If you'll read the beginning language of

1. that Subsection, it simply states that after a specified  
2. date June 30, 1975, no insurer may establish a rate which  
3. does not meet the following standards, and then goes into  
4. this language that we have found so confusing and so  
5. complex. It does not specifically authorize in that  
6. Subsection the Director of Insurance to do anything about  
7. these rates. It just simply says after this date no insurer  
8. may establish a rate which doesn't meet the following  
9. standards. It does not say the Director shall hold a  
10. hearing, that the rates must be filed within...there upon  
11. he has the power to reduce or otherwise change them.  
12. That power exists if at all only as it is stated in sub-  
13. section E. The Director may order prospective premium  
14. reduction if justified by the aggregate data. So, again  
15. we're right back to the basic Section, which is the only  
16. one that counts and that is that the Director himself may  
17. order these reductions on the basis of the data that  
18. has been furnished to him pursuant to the earlier part  
19. of this Section. Subsection F which forgets to authorize  
20. the Director to do anything about the standards spelled  
21. out therein adds absolutely nothing except possibly con-  
22. fusion.

23. PRESIDING OFFICER (SENATOR HOWARD MOHR):

24. President Harris.

25. PRESIDENT HARRIS:

26. Well, Mr. President, I'm certain that there is honest  
27. difference of opinion here about the operation of Sub-  
28. section F, but I just want to urge upon the members  
29. of the Senate that this Section was the subject of a  
30. great deal of dialogue in the conferences that we've  
31. had with the Department. The Director feels strongly  
32. that it does prescribe the basis upon which he can  
33. implement E. He feels strongly that paragraph F ought

1. to stay in the Act. I would just point out that I  
2. have concurred and accepted it and while I'm talking  
3. about what is or was is, Senator Partee's amendment,  
4. that I believe Senator McCarthy's amendment would do  
5. serious harm to impairing the power of the Director.  
6. And I would urge rejection of this amendment.

7. PRESIDING OFFICER (SENATOR HOWARD MOHR):

8. Senator McCarthy.

9. SENATOR MCCARTHY:

10. I don't mean to cut anyone else off. But in reply  
11. to the two people that have objected to this amendment  
12. Senator Partee and President Harris, let me state to  
13. Senator Partee that this is not an industry amendment.  
14. And if it is an industry amendment, I think it will show  
15. up in the roll call. And would be...come as a complete  
16. surprise to me. Let me state to Senator Harris that  
17. the assurance of you, sir, is a fine assurance. And the  
18. assurance of Senator Partee is a fine assurance. The  
19. assurance of the Director of Insurance on this point is  
20. advisory, advisory only. I think we are here to legislate.  
21. And the members of the Executive are here to advise and they  
22. advise, but I submit that two years ago I would not give  
23. as much weight to the advice given by the Director of  
24. Insurance insofar as the consumer is concerned, as I  
25. do to the present Director of Insurance. But you by  
26. your own words, Mr. President, said that the language in  
27. F is taken from an inoperative Section of the statute.  
28. It's the way in which the Director is operating now by  
29. rule book rather than by law. I say if it is our intention  
30. that's expressed in E we should delete F. That way the  
31. Director can operate under the language of F if he wants  
32. to, and I hope he would and that it would be the pass  
33. through and would give us a period of time until next

1. year or the year after to see what these cost savings  
2. are that are passed on under his operation and to give  
3. him a new man in the ...a new man in the Department an  
4. opportunity to review his own thinking. Therefore, I urge  
5. an affirmative vote on this amendment.

6. PRESIDING OFFICER: ( SENATOR HOWARD MOHR)

7. Senator McCarthy moves the adoption of Amendment No. 14.  
8. All in favor signify by saying aye. Opposed. Motion  
9. fails. Request for a roll call. The members please be in  
10. their seats. Is there another Senator that joins you  
11. Senator McCarthy? Proceed with the roll call.

12. SECRETARY:

13. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,  
14. Chew, Clarke, Conolly, Course, Daley, Davidson,  
15. Donnewald, Dougherty, Fawell, Glass, Graham, Harber  
16. Hall, Kenneth Hall, Hynes, Johns, Keegan, Knuepfer,  
17. Knuppel, Kosinski, Latherow, McBroom, McCarthy, Merritt,  
18. Mitchler, Howard Mohr, Don Moore, Netsch, Newhouse,  
19. Nimrod, Nudelman, Ozinga, Palmer, Partee, Regner, Rock,  
20. Roe, Romano, Saperstein, Savickas, Schaffer, Scholl,  
21. Shapiro, Smith, Sommer, Soper, Sours, Swinarski,  
22. Yadalabene, Walker, Weaver, Welsch, Wooten, Mr. President.

23. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

24. President Harris.

25. SENATOR HARRIS:

26. Mr. President, I just want to make perfectly clear my position  
27. on the consideration of this amendment. And I know that I  
28. will be helped significantly in the conclusion that I  
29. reach if I see some additional people come through this  
30. door. But I... I want to make perfectly clear that  
31. I be recorded no on the adoption of the amendment. Thank you  
32. Mr. President.

33. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

1. The yeas are sixteen, the nays are thirty-one, the  
2. motion for the adoption of Amendment No. 14 fails.  
3. Any further amendments? 3rd reading. Senator Partee.  
4. SENATOR PARTEE:

5. Yes, Mr. President, this SB 336 has about fifty  
6. sponsors. It is a bill which simply adds to the  
7. statute on consumer...the teaching of consumer education  
8. that students should have an awareness of the roles of  
9. consumers, government and business and how they go about  
10. making for a competitive enterprise system.

11. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

12. Let the ...

13. SENATOR PARTEE:

14. ...Ask for a favorable roll call.

15. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

16. Let the Secretary read the bill, please.

17. SECRETARY:

18. SB 336 (Secretary reads title of bill)  
19. 3rd reading of the bill.

20. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

21. Request for a roll call. Further discussion? Question  
22. is shall SB 336 pass, and on that question the Secretary  
23. will call the roll.

24. SECRETARY:

25. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,  
26. Chew, Clarke, Conolly, Course, Daley, Davidson,  
27. Donnewald, Dougherty, Fawell, Glass, Graham, Harber  
28. Hall, Kenneth Hall, Hynes, Johns, Keegan, Knuepfer,  
29. Knuppel, Kosinski, Latherow...Latherow, McBroom, McCarthy,  
30. Merritt, Mitchler, Howard Mohr, Don Moore, Netsch, Newhouse,  
31. Nimrod, Nudelman, Ozinga, Palmer, Partee, Regner, Rock,  
32. Roe, Romano, Saperstein, Savickas, Schaffer, Scholl,  
33. Shapiro, Smith, Sommer, Soper, Sours, Swinarski,

1. Vadalabene, Walker, Weaver, Welsh, Wooten, Mr. President.

2. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

3. McBroom, aye. On that question the yeas are forty-  
4. eight, the nays are none. SB 336 having received a  
5. constitutional majority is declared passed. Senator  
6. Soper.

7. SENATOR SOPER:

8. Mr. President, just as a matter of an announcement,  
9. Welfare's going to meet in 212. They're going to be kind  
10. of late today, so I would say that if there's no objection,  
11. Local Government will meet on the Floor of the Senate.  
12. Fifteen minutes after we adjourn here, we'll take all  
13. noncontroversial bills, and if there are any witnesses that  
14. come up at 4:15, we'll be here to take care of them.  
15. Thank you.

16. PRESIDING OFFICER: (Senator Howard Mohr)

17. We'll ask that you hold any announcements Gentlemen  
18. and Ladies. We are not adjourned enough...quite ready  
19. to adjourn, so when we get to that order of business  
20. why, you'll be advised. SB 187, Senator Fawell.

21. SECRETARY:

22. SB 187 (Secretary reads title of bill)  
23. 3rd reading of the bill.

24. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

25. Senator Fawell.

26. SENATOR FAWELL:

27. Mr. President and members of the Senate, I'll try  
28. to be brief here and, I know we are all tired and there still  
29. is to be a further debate in regard to SB 416. In  
30. regard to SB 187, we have in reality here a bill that  
31. has been called no fault, as has the industry bill.  
32. I..I think it's fair to make the two references. This  
33. is a bill which is the work product of the Illinois State

1. Bar Association. And I think in all fairness one can  
2. say that the other bill is the product basically of the  
3. insurance industry. Each are called no fault insurance  
4. bills but in reality at least in my opinion, there is  
5. no such thing in regard to either bill of being truly no fault  
6. because you want to bear in mind that basically what the  
7. so-called no fault bills do are to first of all set forth  
8. a procedure so that you'll get prompt payment in regard  
9. to what is called first party coverage. And a lot of  
10. this nomenclature is very new to me, but by first party coverage  
11. we simply mean that as a practical matter everybody  
12. in the State of Illinois is mandated to have insurance,  
13. automobile liability coverage and in certain minimum  
14. amounts, in regard to covering your medical and hospital  
15. expenses, wage loss, loss of services and survivor's  
16. benefits. Now, this is coverage which you and I  
17. pay for. This is nothing that is given to us by the  
18. insurance industry or by anyone else. It simply mandated  
19. that let's make it clear that everyone has to have this  
20. type of coverage. And, at the same time, while mandating  
21. that we have to have the coverage there are in both  
22. bills clauses which in effect say that to the insurance  
23. industry from this point on, in regard to this insurance  
24. which you and I are buying, from our own insurance com-  
25. panies for which we are paying, we are simply then saying  
26. to the insurance industry when we make our claim, give  
27. us prompt payment. No more of this dillydallying around  
28. etc. And then we also bring into this concept the idea  
29. that insofar as the insurance carrier is concerned, as  
30. they pay this first party coverage that is the medical  
31. expenses, and the hospital expenses etc, that we  
32. may incur as the result of an auto accident, as  
33. they pay that - unlike right now, if a client came into my

1. office and he had \$15,000 worth of medical expenses for  
2. instance, I would be able to have a double recovery by  
3. suing the person who was at fault and being able to be  
4. paid again from the insurance company of the third party  
5. for the medical expenses. We are eliminating this. So  
6. that what we're saying is that when my insurance company  
7. pays me for my medical expenses for which I have paid,  
8. I can't get a double recovery when I proceed, if I do,  
9. against the person who really caused the accident. But, bear  
10. in mind that in Senator Harris' bill and in this bill,  
11. the fault concept remains. I think that's awfully important  
12. to bring out, because people are confused tremendously  
13. on this point. The only difference is that the insurance  
14. company now goes after the party who caused the damage.  
15. They're not eliminating the fault concept, don't ever think  
16. they are. And, I don't think they want to because it's  
17. a step my friend toward national health insurance coverage,  
18. and that is a terrible word to the automobile liability  
19. insurance industry, let me tell you. So, the fault concept  
20. is not under either of these bills eliminated. But we do  
21. think that by the provisions that we have put in this bill,  
22. drawn by the Bar Association, we're saying that no longer  
23. when a client comes into your office and has these expenses  
24. can he after having obtained recovery from his own insurance  
25. company, and remember we're all mandated now to have this  
26. insurance coverage, he cannot get double and sometimes  
27. triple recovery by bringing an action because it's no  
28. longer his action, it belongs to his insurance company.  
29. And, they're the ones who have to get that money, and  
30. they do it by means of what we call subrogation, that  
31. is, they're subrogated to my right in regard to these  
32. medical coverages, the payment that they have made to  
33. me, and they must do it not by filing a law suit, but



1. by arbitration with the other insurance company. So  
2. what we're saying is that when you no longer have double  
3. and triple recovery by the person who was injured and  
4. has been paid by his own insurance company for medical  
5. expenses for which he paid with his own hard earned  
6. dollars, that then the insurance company as they settle  
7. out with the insurance company of the guy who really caused  
8. the accident, there's the fault concept remember. That  
9. under those circumstances we say that because there's  
10. no double and triple recovery any longer and because  
11. the insurance company is now subrogated to my right,  
12. then and because we mandate the insurance companies to  
13. settle this between themselves in arbitration and not  
14. go to court, we believe that there will be then a great  
15. decrease in the number of law suits that will be recovered,  
16. because a person cannot...any longer obtain double  
17. and/or triple recovery. So that as I in fact bring  
18. out these points, I'm really, while there are some  
19. variations in degree, this is roughly the same thing  
20. that's set forth in Senator Harris' bill. It isn't  
21. really no fault, it's what we're...what we should be,  
22. I think, calling the prompt payment of mandatory insurance  
23. coverage, the requirement of subrogation, the requirement  
24. of arbitration between insurance areas because you know,  
25. they clog up the courts a lot too, with the particular  
26. claims they may have. No longer can this be done,  
27. it's going to be arbitrated we're setting forth these  
28. mandatory requirements of insurance with our own  
29. insurance area the first party coverage that I have  
30. referred to, that will mean that most of us, all who  
31. are insured and this covers all automobiles registered  
32. in the State of Illinois, we will then have this com-  
33. pensation that will be paid. Now, where is the difference

1. then between the so-called no fault bill of the Illinois  
2. State Bar Association and the no fault bill of the  
3. insurance industry. The big difference is what we have  
4. been arguing about to a great degree on the amendments  
5. that have been presented. The fact is that under the  
6. bill that the insurance industry is talking about the  
7. ...there is an elimination of 90% of all of the bodily  
8. injury claims. So you see they go quite a bit farther.  
9. They say, yes, we will do all of these things, which  
10. really they should have been doing long ago. We will  
11. accept these premiums that you will pay for the insurance  
12. that you're mandated now to buy, but we're going to ask  
13. of the people that they give up 90% of the bodily injury  
14. claims which we the people now possess. They are in effect  
15. saying that we want to eliminate a gigantic portion of  
16. our bodily injury present risk which we insure. What  
17. they're really saying is that if you will make it  
18. possible that we will only have to insure in regard to  
19. something that we can relatively easily...determine,  
20. such as medical expenses, so that we won't have to worry  
21. about pain and suffering in the intangibles involved,  
22. in the 90% of the bodily injury cases that I have referred  
23. to, then we will be able to prognosticate actuarially  
24. profit we can't really do right now because of this  
25. obligation of risk. And so, they simply take away  
26. from the people 90% of the bodily injury claims which  
27. the people now possess. And a very simple example can  
28. be given I think here. If, under the insurance industry  
29. bill, you happen to be in an automobile and I am driving  
30. and I am negligent and you suffer let's say a good gash  
31. across the face, say a back injury. But it doesn't  
32. meet that almost impossible standard of what is a  
33. serious injury and you can only sue for a serious injury

1. under the insurance industry bill, anything else is  
2. gone forever. You don't have a right to sue. You simply  
3. are going to recover only the ascertainable medical and  
4. hospital expenses plus lost income, in other words, that  
5. which can be easily ascertainable and that which  
6. can be actuarially prognosed, and that's important  
7. because that's how insurance companies make money, that's  
8. how the life insurance industry is able to build most  
9. of the buildings in this nation. They don't build them,  
10. little people build them. And if they can only actuarially  
11. prognose what they have to assume is a risk, they can  
12. make more and more money, and don't for a minute think  
13. that the insurance industry does not have this in mind.  
14. You may not trust, and I can't say that I blame you, I  
15. guess, attorneys. And I don't ask you to, but how in  
16. the world people can say that what the insurance industry  
17. has drawn is Simon pure when they are so directly involved  
18. is utterly beyond me. But in that example that I have  
19. given of a person that was injured in the car because  
20. of my negligence, he doesn't have any right to sue any  
21. more. But if he steps out of the car and slips on a  
22. banana peel, and suffers the same injuries or suffers  
23. those injuries let's say in the supermarket, he has  
24. a right to all of the rights that we have possessed  
25. in this country from time in memorial, from common law  
26. England, basic constitutional rights, and they're  
27. being taken. It all depends where you happen to have  
28. the particular accident, but I would say to you that  
29. if the insurance industry bill goes through, make very  
30. sure that these injuries you sustain aren't while you  
31. happen to be in an automobile. And of course, there , the  
32. sole basic distinction between the two bills is the  
33. reason why the insurance industry is so concerned about

1. that one clause. If you don't believe me, look at  
2. the insurance industry will in regard to the one clause  
3. that does away with the 90% of bodily injury claims and  
4. then look to Section 638 that says if that one clause  
5. fails, just that one clause, the whole bill goes down  
6. the drain. The bill is no good unless the insurance  
7. industry is able to eliminate 90% of their bodily injury  
8. claims. Then they're for what they call no fault  
9. which ain't no fault anyway, and only then, all the  
10. other clauses which are there, prompt payment, for instance  
11. and the subrogation clauses that I referred to that will  
12. help to unclog the court calendars, all the other benefits  
13. which are in both bills, they can fail, they can go down  
14. the drain, they can be called unconstitutional. But, just monkey  
15. around one whit with what the insurance industry wants  
16. so that they can make their buck and their dollars and  
17. that's when the whole bill fails. And that's what we are  
18. talking about and in all due respect I don't think  
19. news media has caught it, and I would hope that  
20. they would delve deeply into this subject. I call it the,  
21. I don't know...the how many million dollar clause. But it's  
22. the difference and basically the only difference between the two  
23. bills we're talking about and once again I repeat we're not  
24. even talking about no fault because the no fault concept  
25. is not done away with. You're simply buying more insurance  
26. coverage from your insurance company and we're guaranteeing  
27. that people aren't going to have double and triple  
28. recovery when they've been paid by their insurance  
29. company but their insurance company collects from the  
30. other insurance company not by going into court now,  
31. but by means of subrogating in the shoes of the insured,  
32. they simply go to the other insurance company of the  
33.

1. man who actually caused the accident and they settle  
2. it by arbitration out of court. And I submit to you that  
3. with these three basic steps you do have something  
4. that will save the people of the State of Illinois a  
5. great deal of money. The only other point that I  
6. would like to bring out is that, an identical bill  
7. was passed in the State of Delaware and I'm referring  
8. here to an article written by Don Oakley where he brings  
9. out that Delaware's no fault auto insurance is working.  
10. The same basic bill, and can well serve as a national  
11. model. But he refers to the fact that litigation over medical  
12. costs, wages and loss of services have disappeared  
13. he reports except for out of state drivers and their  
14. passengers. There has not been a single known incident  
15. where the Delaware victims were not paid promptly upon  
16. presentation of their bills and the vehicle was insured  
17. as required by law. And I'm quoting here, in other  
18. words, when people are promptly and reasonably reimbursed  
19. for losses in automobile accidents which the insurance  
20. industry has never done, and which they would be mandated  
21. to do here, Oakley states: They don't make then unreasonable  
22. claims and file nuisance suits. You don't have nuisance  
23. suits for instance when you can't get double and triple  
24. recovery which often times they have to do because your  
25. own insurance company isn't going to pay you until they're  
26. just ready to make the payment to you. And thus, I  
27. submit to you that what the State Bar Association has  
28. presented here is a good piece of legislation. It isn't  
29. what the insurance industry wants, but it is fair. And  
30. it brings about a mandatory insurance coverage. It brings  
31. about prompt payment. I believe it discourages those  
32. spurious claims and will unclog the court calendar  
33. and I submit to you too, as in Delaware, it will bring

1. the price of premiums on automobile liability insurance  
2. down. Thank you.

3. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

4. Senator Donnewald.

5. SENATOR DONNEWALD:

6. Yes, Mr. President, I...I am a co-sponsor of SB 187,  
7. as you well know. We've gone through a great deal of  
8. debate today on one no fault bill and I think that we  
9. all have really in fact made up our minds and I would  
10. only say this, I wholly subscribe to the comments of  
11. Senator Fawell and I would hope that the Body here would  
12. also support that position, thank you.

13. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

14. Senator Palmer.

15. SENATOR PALMER:

16. I would also like to say, I wasn't exactly ready,  
17. but you called on me. I'd like to state that Senator  
18. Fawell has made an excellent presentation of SB 187.  
19. I only regret Senator Fawell that there were so many  
20. empty chairs and I'm even wondering whether those that were  
21. here listened. But I'd like to agree with Senator Donnewald  
22. that I'm in favor of this bill. If we do have to pass  
23. a no fault bill, I look at it this way; that we are  
24. under a duty to present a practical program of no fault  
25. insurance to do two things. To prevent unnecessary increase  
26. in premium costs and very important, to prevent denial  
27. of people's rights. And that's what 187 does. You are  
28. retaining the right of people to file suit, which does  
29. belong to them. I do not think that we are here to  
30. break down the preservation of people's rights. And  
31. furthermore, I submit to this Body that the no fault  
32. principle can work and be effective without the denial  
33. of that right. You can provide no fault first party

1. coverage and I say to you from experience and from my  
2. experience, and from the insurance companies experience,  
3. that most of the claims will be adjusted without suit.  
4. But the right to sue should remain. First, that right  
5. belongs to the people, and also very important, insurance  
6. companies must not and should not have the complete  
7. control of the matter. Do you realize from the debate  
8. that you heard here tonight, the different opinions as  
9. to definition, the different opinions as to work loss,  
10. the different opinions as to serious loss, the different  
11. opinions as to injury. Who are going to make those  
12. decisions? Are you going to leave that entirely to the  
13. insurance companies? Do you realize that if you present  
14. your claim to them and they have full control, you are  
15. not going to get the best adjustment. However, if they  
16. know that there is somebody else that has the oversee,  
17. the supervision or may adjudicate or may decide if they  
18. are right or wrong, they will give you the better treat-  
19. ment. All I ask you is to follow your own wisdom of your  
20. forefathers who told you and set up a government on the  
21. check and balance system. You cannot give the insurance  
22. company the whole and full control of a claim. And  
23. that's what 416 does, and what 187 will protect the  
24. policy of. Thank you.

25. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

26. Senator Bell.

27. SENATOR BELL:

28. Well, Senator Palmer, I think you did go to the  
29. heart of the issue there. 416 and 187 really are a parting  
30. of the twain in that particular area. However, I'd  
31. like to take a few moments here to address myself to  
32. my learned colleague and friend and maybe in some of  
33. the things that have been said here between the lawyers

1. and the insurance industry and the insurance men, sometimes  
2. it doesn't seem that way, but I want to assure you that  
3. I have the highest regard for Senator Harris and Senator Fawell.  
4. I call these Fawell's smoke screen, really they are. Now,  
5. I don't work for any insurance company. My background  
6. hasn't been that. My background has been as an insurance  
7. agent, as an independent, and for fifteen years I've seen  
8. and I've worked with the problem of trying to get claims  
9. settled. And my friends, in my humble opinion, the problem  
10. has been caused by litigation that's drawn on and on  
11. and on because of our present tort system, our present  
12. tort system. This is the heart of the issue, it's been,  
13. that was addressed by Senator Palmer in his closing remarks.  
14. If you believe that our present tort system in relation  
15. to auto insurance, in relation to the needs of the people  
16. of this State in getting claims settled quickly is what  
17. is causing slow settlements, what is causing inflated  
18. settlements, what is causing high prices, then you should  
19. not, you should not vote for SB 187. If this, if SB 416  
20. is an industry bill, my God! SB 187 is a lawyer's bill.  
21. I think the heart of the issue here that has to be addressed  
22. is whether the tort system has met the needs of the people,  
23. and it obviously hasn't. SB 416 tries to address this  
24. in what I humbly think is a reasonable matter. After  
25. fifteen years of dealing with it as an agent trying to  
26. get settlements, our tort system as it presently has been,  
27. has been a system whereby not the insured, not the insured,  
28. but primarily the lawyer has been able to receive a large  
29. share of those claims that are paid out by the insurance  
30. company. And if they're paid out by the insurance company  
31. if you will, it's the policy holder through his premium.  
32. And I ask for the defeat of SB 187.  
33. PRESIDING OFFICER: (SENATOR HOWARD MOHR)



1. Senator Wooten.

2. SENATOR WOOTEN:

3. Thank you Mr. President. As one who is neither a  
4. lawyer, nor an insurance partisan, I feel somewhat puzzled  
5. in knowing what position to take. I realize that we are in  
6. a terrific muddle on the whole insurance business. The  
7. tedious tort system, the inflated claims, reference has  
8. been made to that, and also quite frankly the active  
9. collusion that often occurs between client, repair mechanic,  
10. it seems as if whenever you open the possibility for  
11. some cash settlement, greed has a way of insinuating itself  
12. into almost any situation. My concern here is that we  
13. may be so exasperated by the present system that we may  
14. rush to cure that system with a cure which will itself  
15. return to plague us. It is somewhat analogous to the  
16. whole problem of democracy vs. a totalitarian government.  
17. Democracies are messy. They quite often do not work  
18. efficiently. But they do leave open the best possibility  
19. for realization of individual potential and social  
20. betterment. I feel that some modification of our present  
21. system is obviously called for. It seems to me that  
22. SB 187 will be a long step toward proper modification of  
23. what we now experience. I am very worried about  
24. the possibilities what will happen with an industry bill.  
25. I feel that in a sense we are perhaps buying off the  
26. public with a promise of reduction in premiums only to  
27. have them discover to their horror later on that they  
28. have no redress through legal means for something they  
29. may very well deserve in terms of pain and suffering of  
30. claims. As I say, I cannot speak with any real learning,  
31. or sophistication on this subject. I have been troubled  
32. and puzzled by it ever since I first presumed to run  
33. for office and the question was put to me on the subject

1. of no fault. The best solution I can come to is the  
2. modification of our present system which is presented  
3. in SB 187. It is for this reason that I relatively  
4. unlettered presume to offer myself as a co-sponsor. It  
5. is for this reason that I support it. I feel that 187  
6. is a good modification, a step in the right direction  
7. because it does leave open the possibility of each  
8. individual coming to a proper settlement of his claim,  
9. his problem, his accident. It's the same principle  
10. I've articulated in other areas. I'm afraid if we  
11. lock something in, if we make mandatory, if we  
12. write it down that this will apply in most cases, we  
13. have simply gone too far. I think SB 187 is the proper way  
14. to address this whole very troubling area.

15. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

16. Senator Knuppel.

17. SENATOR KNUPPEL:

18. Well, I hadn't really intended to rise until  
19. Senator Bell had spoken. I don't think either of ...  
20. either the industry or the attorneys are without fault  
21. in this thing. I am a practicing lawyer of twenty-two  
22. years experience, and I've handled negligence cases and  
23. have never seen a jury return what I thought was an  
24. absolutely excessive verdict. The lawyers are criticized  
25. for the size of the verdict. But generally it's twelve  
26. tried and true in that box that return those verdicts.  
27. Twelve people, twelve nonlawyers. I think the fault  
28. of the lawyers in this area has been their stubborn  
29. unwillingness to recognize that the .. that the cumbersome  
30. court system isn't answering the needs of the people as  
31. promptly as is required. This...this bill does and I'm  
32. very very happy that finally the Bar Association has  
33. acceded to the idea that something had to be done, because

1. they have stubbornly refused to alter the discovery  
2. procedures, the long drawn out procedures, but I say  
3. this about the industry, I've never been able to settle  
4. a case with an insurance adjuster, I have with lawyers.  
5. I can just bet that when an insurance adjuster comes  
6. in my office before he ever starts, I even have a rule,  
7. I say, do you have any money? Do you have any authorization?  
8. Are you here playing games? If you are, don't bother  
9. to sit down, get out, I'm busy. And you know, I've  
10. never had a one of them, I never had a one of them, in  
11. twenty-two years come into my office prepared to settle a  
12. case. They come in to steal it, from the injured party,  
13. That's the fault of the insurance industry. They've  
14. tried to settle the claims, to get releases from people,  
15. to euchre them out of what they're justly entitled to,  
16. while the court systems have been too cumbersome and  
17. too slow. So each side of this industry is not without  
18. fault. I didn't act as a sponsor for either of these  
19. bills. I didn't in the last session because I don't  
20. think either of these bills is a perfect bill. It's a  
21. choice of ..between which is the best of two imperfect  
22. bills. And I believe this, because I believe in the  
23. jury system and I believe in the system that a man ought  
24. to have redress if he thinks he has not recovered. I  
25. have seen litigation where I thought that I had very little  
26. chance on behalf of my client and have won substantial  
27. verdicts while on the other hand I've had cases I thought  
28. were locked up, and was turned out without a dime. And  
29. so by doing these things I think by leaving this person  
30. the right to redress, this bill offers something more  
31. than the other bill. And I therefore support this  
32. legislation.

33. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

1. Senator Merritt.

2. SENATOR MERRITT:

3. Yes, just briefly, if Senator Fawell will yield to  
4. a question.

5. PRESIDING OFFICER (SENATOR MOHR):

6. He indicates he will.

7. SENATOR MERRITT:

8. Senator, you made implications if not exact words  
9. that the insurers, the insurance companies would certainly  
10. rape the public and reap unconscionable profits under  
11. SB 416. Now in view of Senator Partee's Amendment No. 3,  
12. how could you possibly make that charge? I'd like to know  
13. that.

14. PRESIDING OFFICER (SENATOR MOHR):

15. Senator Fawell.

16. SENATOR FAWELL:

17. Well, Senator, that...that's a good question, but  
18. as I tried to bring out as we were debating the amendment,  
19. the problem with Senator Partee's amendment is that it  
20. very clearly states that if in a given area to which the  
21. Act would be applicable there is competition, those rates  
22. are going to continue to be set by the insurance companies.  
23. This is why we tried twice in fact to make it very clear  
24. that obviously the insurance companies are going to make  
25. a profit, they're eliminating 90%, and this is by their  
26. own estimates that I have heard this. 90% of the bodily  
27. injury claims, so they're bound to be able to make some-  
28. thing on this and this is why I was saying that I think  
29. Senator Partee was moving in the right direction, but  
30. let's make it clear. Let's make it very, very clear that  
31. insofar as these reduced premiums that the insurance  
32. companies have been talking about but they never tell  
33. us how much, nor do they even give us an estimate as

1. to what they might be. Let's make it clear that the  
2. Director of Insurance has the ability, not the insurance  
3. carriers but the Director of Insurance based upon the  
4. date that is submitted to him, has the ability to bring  
5. those premiums down as the profits come in, and that  
6. isn't even taking into consideration the article that  
7. appeared just yesterday in the Illinois State Journal  
8. for instance, talking about, even without no fault. I  
9. quote, our insurance rates are dropping but not nearly  
10. as fast as what, insurance company profits are rising.  
11. So, they're not doing it right now without the so-called  
12. no fault. And I...I submit to you Senator, that if, we  
13. would put the amendment on here so that in regard to those  
14. savings that are bound to come and everybody admits  
15. it, we make it crystal clear, that the Director  
16. of Insurance has the right to set rates prospectively,  
17. and I would hope to authorize regurgitation by the  
18. insurance companies of what can be unconsciounable  
19. profits. That's my...my answer, Senator.

20. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

21. Senator Merritt.

22. SENATOR MERRITT:

23. I...I have a different concept there. I don't think  
24. there's any...any doubt about what...what the intent, Senator  
25. Partee, meant with the amendment - same as the intent of  
26. the General Assembly, the savings in costs come about.  
27. I don't think there's any doubt about that, but let's  
28. don't kid ourselves one bit. If there's any bill before  
29. us here that's really going to protect the public, as  
30. far as premiums are concerned, it just can't be any other  
31. way but SB 416. Now you can start out with a basic premium  
32. in any one of the three bills, naturally one of them isn't  
33. in force any more, it's only yours and 416 how. But

1. that's going to be at least a third additional cost,  
2. at least that much annually. You can't have everything  
3. you want in there for the trial lawyers, if all that  
4. to the public that you claim here that you're going to  
5. give them and not cost the policyholders. So, let's just  
6. don't kid ourselves on that score.

7. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

8. President Harris.

9. SENATOR HARRIS:

10. Well, I know I'm going to oversimplify my objections  
11. to this bill. But, they are these: This bill provides  
12. nothing more than an add-on to the present system. And,  
13. add-on of some limited no fault coverages. The unlimited  
14. right to sue, contained...continues and this is going to  
15. do nothing but add to the cost. There's no pass on for cost  
16. savings because they're going to be no cost savings if this  
17. bill becomes law. It's that simple. I would urge everyone  
18. that intends to support this to think in terms of what  
19. the cost will be because the same old system of going  
20. to court is going to prevail and the mandated require-  
21. ments of no fault are just going to be an add-on.  
22. This bill should be defeated.

23. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

24. Senator Walker.

25. SENATOR WALKER:

26. Mr. President, Members of the Senate. The longer  
27. this bill is debated, the more we're going to hear from  
28. the attorneys. I see some of the others warming up  
29. for action. Inasmuch as I've now found out from my colleague  
30. on the other side of the aisle the last attorney who spoke  
31. how to handle a..a personal injury interview with the  
32. adjuster, although I can give him a few suggestions, I  
33. think, I would like to move the previous question. And

1. please don't anyone ask me to withdraw the motion.

2. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

3. Senator Walker moves the previous question. All  
4. in favor signify by saying aye. Opposed. The ayes have  
5. it. Senator Fawell may close the debate.

6. SENATOR FAWELL:

7. Well, thank you. The only added point that I would  
8. make here is that the allegation as to increased costs  
9. is completely unfounded. Those of you who are in Judiciary  
10. and heard the testimony heard that the increased costs,  
11. even under existing law here for instance would be  
12. minuscule and obviously under the circumstances here  
13. where we are going to be eliminating the double recovery,  
14. where we will give subrogation right to insurance companies,  
15. when they don't have them right now. And in light of  
16. the Delaware experience, all the evidence points that  
17. there will and certainly should be a reduction. We all  
18. agree there ought to be prompt payment. We all agree  
19. there ought to be mandatory first party coverage. We  
20. all agree there should not be double recoveries or triple  
21. recoveries. We all agree that the insurance carriers  
22. should take their subrogative rights and arbitrate  
23. them between themselves and not grant the right of double  
24. recovery to be...to the insured. We all agree these  
25. things. And I believe therefore that we ought to certainly  
26. pass this bill. And I would ask for a favorable roll call.

27. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

28. The question is shall SB 187 pass, and on that question  
29. the Secretary will call the roll.

30. SECRETARY:

31. Bartulis, Bell, Berning, Bruce, Buzbee, Carroll,  
32. Chew, Clarke, Conolly, Course, Daley, Davidson, Donnewald,  
33. Dougherty, Fawell, Glass, Graham,

1. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

2. Senator Glass.

3. SENATOR GLASS:

4. Well, Mr. President, Senators. Explaining my vote  
5. on this bill and letting it serve also for SB 416, I would  
6. remind the Senators that I was the sponsor also of a no  
7. fault insurance bill, SB 196. Now, I've noticed in the  
8. debate here there's been statements that this bill is  
9. basically a lawyers' bill and SB 416 is basically an  
10. industry bill. I think what we really want is a peoples'  
11. bill. We need a no fault insurance law in Illinois, and  
12. we need one at this Session. And in my judgment, neither  
13. of these bills is adequate to do the job. And I think we  
14. ought to sit back and, and look a minute at what the purpose  
15. of no fault insurance really ought to be. It certainly  
16. should bring about prompt payment of claims of persons  
17. injured in automobile accidents. It ought to eliminate  
18. the small law suits while preserving the rights of seriously  
19. injured people to sue for those injuries and particularly  
20. in our area in Cook County, it should shorten the court  
21. docket. It ought to also reduce the cost of insurance  
22. by eliminating many attorney fees and court costs. I  
23. don't think either of these bills is going to do the job,  
24. but I feel that one of them, perhaps will be the vehicle  
25. for bringing us a no fault insurance law that we need.  
26. I'm told by Representative Kenny Miller that over in the House  
27. right now there's only one bill still alive, and it's  
28. a bill similar to this one. So in the interest of keeping  
29. no fault insurance alive and so that I don't take my  
30. marbles and go home because my bill didn't pass, I  
31. think it is advisable to vote both of these bills out  
32. of the Senate and I therefore vote aye on this bill.

33. SECRETARY:



1. Graham, Harber Hall, Kenneth Hall, Hynes,

2. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

3. Senator Hynes.

4. SENATOR HYNES:

5. Mr. President, my vote is aye. I think this is a  
6. desirable piece of legislation. And it will accomplish  
7. the purposes that we all seek to accomplish, namely, the  
8. prompt payment of claims, an abuse which has existed far too  
9. long in this State. The reduction of the congestion in  
10. our courts which is particularly acute in Cook County,  
11. and finally a reduction in premiums, because I think there  
12. will be as the Delaware experience so clearly indicates  
13. a savings to the companies which can be passed on to the  
14. consumer. And I'm happy to vote aye.

15. SECRETARY:

16. Johns, Keegan, Knuepfer, Knuppel, Kosinski, Latherow...  
17. Latherow, McBroom, McCarthy, Merritt, Mitchler, Howard  
18. Mohr, Don Moore, Netsch,

19. PRESIDING OFFICER (SENATOR HOWARD MOHR)

20. Senator Netsch.

21. SENATOR NETSCH:

22. Mr. President, I will explain my vote since I was  
23. denied the opportunity to participate in the debate by  
24. an untimely motion to cut off debate. My vote is going  
25. to be no, on this bill, and yes, on 416. I must say that the  
26. charges and countercharges that have been flying around  
27. here make it kind of uncomfortable to vote on either  
28. bill. One being identified as a totally pro-trial lawyer  
29. bill, or at least lawyer bill. The other, a totally pro-  
30. insurance industry. I am a lawyer. I'm not in any way  
31. involved in insurance, but I'm going to vote for what  
32. is said to be the insurance bill and against what is  
33. said to be the lawyer's bill. And I think under those

1. conditions I ought to explain why. The no fault concept  
2. is good, and I guess we're all pretty well agreed to  
3. that by now. It seems to me that there are two important  
4. objectives of no fault. One is prompt payment, and on  
5. that I think both of the bills are probably equally good. The  
6. other is the possibility of a reduction in the cost of  
7. this whole business over a period of time. And it's on  
8. that point where I fear SB 187 is not effective, and SB 416  
9. has some hope of effectiveness. I think SB 187 is  
10. not effective because it really doesn't go far enough  
11. toward a real no fault concept. It does not for example,  
12. eliminate enough of the litigation that I suspect has  
13. got to be eliminated if we're going to address ourselves  
14. to the cost concept. And also because it seems to me  
15. that 416 in contrast to 187 has the best that we have  
16. yet been able to achieve in any of these bills in terms  
17. of a guarantee that the Department of Insurance, that a  
18. State agency is going to deal with the question of rate  
19. reduction and have the power to act. On those bases  
20. it seems to me that 416 has addressed itself more effectively  
21. to the second of the major objectives. I would add only  
22. that my views are based largely on analysis that has been  
23. done for me by many of my former students, all of whom  
24. have no interest in defending either of the two groups  
25. involved, but they have a very very high consumer orientation.  
26. I find their advice and help in analysis totally trustworthy.  
27. My vote is no.

28. SECRETARY:

29. Newhouse, Nimrod,

30. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

31. Senator Nimrod.

32. SENATOR NIMROD:

33. Mr. President, I am neither an attorney nor do I have

1. interest in insurance field, I am very concerned,  
2. however, that we do reach the demands which seems to be  
3. prevailing throughout this State that we do have some  
4. form of no fault insurance. I am aware that the attorneys  
5. themselves have been unable to agree. This is...was  
6. presented by the Illinois State Bar we're told, the  
7. Chicago State Bar had it's own particular bill. The  
8. trial lawyers have their own particular bill, and I would  
9. imagine that the insurance companies had a chance  
10. there would be fifty different bills in here from each  
11. of the different insurance companies. So, I think that  
12. what we have to do is to force both these groups which  
13. are directly involved to meet those needs which have  
14. been stated, of low cost, of prompt payment, and of  
15. certainly the bad use of the courts and the suffering of  
16. the people who have been actually the ones deprived of  
17. their money, which has been lost both to the attorneys  
18. and lost to the hospitals and lost to the many areas and  
19. really in many cases been a detriment to those who have  
20. suffered, and who have not been properly compensated.  
21. So I would say that as has been stated in the past here  
22. today that I think that these two groups ought to get  
23. together and that what we better do then is to create these  
24. vehicles which they can achieve an answer. In that  
25. case, I intend to support both this bill and 4'6, and  
26. on that basis maybe they can come up with an answer that  
27. will be a compromise and benefit for the people of this  
28. State. My vote is aye.

29. SECRETARY:

30. Nudelman, Ozinga, Palmer, Partee, Regner, Rock, Roe,  
31. Romano, Saperstein, Savickas, Schaffer, Scholl, Shapiro,  
32. Smith, Sommer, Soper, Sours,

33. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

1. Senator Sours.

2. SENATOR SOURS:

3. I've intentionally refrained from both these bills  
4. because I had my own ideas on the subject. My own ideas  
5. originally based upon the fact that so far as my habitat  
6. is concerned, my area of Illinois, we don't...we do not  
7. need any no fault. I could file a suit tomorrow and get  
8. a trial by Thanksgiving, if I were diligent. Most of the  
9. delays are occasioned by lawyers and judges. Every now  
10. and then there's a malingerer that has to be examined  
11. four or five times and then of course in some instances  
12. the injured party has to have a certain period of re-  
13. cuperative time. Now, of the two bills, I'm inclined  
14. more so toward the Bar bill, that's the bill we're con-  
15. sidering now. I don't think any insurance company is going  
16. to get rich in either one of them. I do think, however,  
17. that they'll be some attention paid perhaps that's not now  
18. paid to early settlement of claims. I believe I'd pro-  
19. bably do as much personal injury business as any one  
20. lawyer in this Chamber or in the Legislature at this time,  
21. and in the past. I think most of the delay is based upon  
22. the lawyer's own dilatory tactics. In many instances,  
23. lawyers will motion a plaintiff to death, merely to get  
24. so much per diem on every motion they file. A motion to  
25. dismiss, a motion to strike, a motion for summary judg-  
26. ment, and therein lies the big tale of delay. I'm going  
27. to support this bill. I'm going to support the Harris  
28. bill, too. I vote aye.

29. SECRETARY:

30. Swinarski, Vadalabene, Walker, Weaver, Welsh, Wooten,  
31. Mr. President.

32. PRESIDING OFFICER (SENATOR HOWARD MOHR):

33. Senator Merritt.

1. SENATOR MERRITT:

2. I think I got passed on that, didn't I, Mr. Secretary?  
3. Am I recorded on there?

4. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

5. You're not recorded.

6. SENATOR MERRITT:

7. Well, just very briefly then, I know a lot haven't  
8. voted. But I again want to reiterate what I said, and  
9. I think I can basically do it very quickly. I had a lot  
10. of staff input on interest and premiums involved here.  
11. You start out with a basic premium of \$70 under this bill,  
12. the same \$70 premium will stay for the liability  
13. coverage under 416, under 416, the no fault benefits  
14. considered approximately an additional premium \$26. Under  
15. this bill before us now they'd be \$29 with a maximum  
16. survivor's benefit of 23,400. Now on the take out basis,  
17. meaning the cost savings, and that's what we're really talking  
18. about here because of the elimination of suits for pain  
19. and suffering, you can eliminate the \$26 under SB 416.  
20. You can't eliminate anything under this bill. So I'm  
21. totaling them down, that \$70 premium remaining the same  
22. under 416 is going to go to \$99 under this bill. Now, if  
23. you're really trying to gouge the...as Senator Sours says  
24. the poor stiff on the street, you're sure going to do it  
25. with this bill and you're going to see a minimum of a  
26. third additional premium because of it. It's inconceivable  
27. to me that anybody could be consistent and vote for this  
28. bill and likewise, vote for 416. Because they're totally  
29. two different concepts. I vote no.

30. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

31. Swinarski, you're recorded aye. On that motion  
32. the yeas are thirty-nine, the nays are six. For what  
33. purpose does Senator Donnewald arise?

1. SENATOR DONNEWALD:

2. Has the roll call been announced?

3. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

4. I'm attempting to do that now.

5. SENATOR DONNEWALD:

6. I'm sorry.

7. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

8. The yeas are thirty-nine, the nays are six. SB 187  
9. having received a constitutional majority is declared  
10. passed.

11. SENATOR DONNEWALD:

12. Having voted on the prevailing side I now move to  
13. reconsider.

14. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

15. Senator Donnewald moves to reconsider the vote.

16. Senator Dougherty moves to lay that on the Table...favor  
17. of the motion to Table signify by saying aye. Opposed.  
18. The motion has been Tabled. Senator Harris.

19. SENATOR HARRIS:

20. Mr. President, might we now return to the consideration  
21. of SB 416, since we've had intervening business?

22. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

23. SB 416 will now be called.

24. SENATOR HARRIS:

25. Mr. President, in the consideration of the amendment,  
26. in the consideration of SB 187 we have had a great deal  
27. of debate about the merits of both these bills. The  
28. reparation system for providing recovery to the motoring  
29. public under the existing fault system was perhaps adequate  
30. years and years ago before the broad expansion and utilization  
31. of the automobile. In recent years I know we all have  
32. come to be involved with the expression of despair..those  
33. people who cannot get prompt payment for the redress of

1. their claims. Delay is frustrating. And in many, many  
2. instances produces a willingness to accept a payment less than  
3. what is equitable and fair. In addition under the fault  
4. system that motorists under the present system held to be  
5. at fault in many cases is denied recovery entirely. Although  
6. the line of distinction between fault and not at fault  
7. is terribly thin. We propose in 416 a practical and  
8. conscientious response to change that system, and under  
9. the studies of the United States Department of Transporta-  
10. tion the provisions of this bill will address itself to  
11. prompt and adequate payment to well over 99% of the  
12. cases involved. And to trade off that prompt payment concept,  
13. there is a limitation on the right to sue under the tort  
14. system which I think even many of the lawyers here  
15. today have acknowledged is inadequate and unsatisfactory.  
16. This bill represents a balance and is the product of work  
17. of many, many months of study. We've addressed ourselves  
18. to the constitutional questions raised upon the Illinois  
19. Plan that was found to be unconstitutional. I'm  
20. confident that we are pretty well determined in our positions  
21. on this bill. I would urge you all to support this bill.  
22. It's endorsed by most of the editorial evaluations of our  
23. major newspapers, and while I have not had the experience  
24. many times down here in handling a bill endorsed by the  
25. Independent Voters of Illinois, I take some delight in  
26. calling attention to that fact. It's a new experience  
27. for me. And I welcome the broadness of support from  
28. every point of view that finds this to be a responsible  
29. and adequate piece of legislation. I urge your support.

30. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

31. Any further discussion? Senator Carroll.

32. SENATOR CARROLL:

33. Thank you, Mr. President, Members of the Senate.

1. We know that this is an important topic and I think  
2. basically everybody in the Chamber is familiar with  
3. the contents of this bill. And I would really only like  
4. to highlight maybe one or two of them. Talking specifically  
5. about the definition of serious injury. I don't know  
6. if many of you realize some of the definitions and what they  
7. do, but if you read that definition and in the way it's presented  
8. that it has to be death, dismemberment, permanent, significant  
9. and irreparable disfigurement. Permanent, significant  
10. loss of an important, I repeat that important body function  
11. or total permanent...total disability in excess of sixty  
12. consecutive days. You look at that and such things as  
13. fractured vertebra, removal of a vertebral disc, skull  
14. fractures. Many of your other very serious common injuries  
15. that are the result of an auto accident are no longer  
16. recoverable beyond the actual medical expense. I think  
17. the same thing is true when you're talking about work  
18. loss. Somebody making over \$200 a week, somebody whose  
19. income is not a weekly income, such as a Legislator  
20. who get a check in the beginning of the calendar year  
21. and cannot show a weekly income loss, if that's their  
22. only source of income. I think in this and very many  
23. others which I will not go through, but in very many  
24. others you are taking away a basic right of the people  
25. of the State of Illinois. And I think those of the  
26. members of this Body who are concerned with the law  
27. as it has developed in this State and in this Nation,  
28. the basic common law since the 1700's as we received  
29. it from England and developed through this country,  
30. the basic common law developed in two areas, and that  
31. was tort and contract. We all know in contract law  
32. the idea was to give you some amount that would have  
33. put you in the same position in the future as you would



1. have been in had the contract been fulfilled. We also  
2. know in tort that the basic concept in tort law was that  
3. we cannot make you without pain, that we cannot make you  
4. whole through our today's recognizable scientific medical standards.  
5. And what we have said was, that we would compensate you  
6. for this by making you whole through the use of money to  
7. try and put you back to where you were before you were  
8. injured. Now this particular bill takes that concept of  
9. tort and radically changes it in only one small segment,  
10. and that is that of an automobile injury. If the same  
11. person were to receive this concussion, this disc operation,  
12. this vertebra damage as the result of walking down the  
13. street and being hit by a falling object or sitting in a  
14. hotel and getting hit by a falling object, he would be  
15. under our law, entitled to recovery, entitled to compensation,  
16. he would be entitled to a redress of his grievance,  
17. but were this to have happened in car, this exact same  
18. situation, he would not be so entitled. I think all in all  
19. what we're saying then is we are taking away from the  
20. citizens of Illinois this basic inherent right. When  
21. we do that I think we have an obligation. That obligation  
22. being what will we give the people in return for what  
23. we're taking away. And I think in that line Senator Partee's  
24. amendment was the first step to give the people something  
25. in return for what we're taking away. I think that  
26. my first amendment opened that up in the right direction  
27. by saying let's look at the rates they're charging  
28. today without no fault. Let's look at the pay  
29. outs and should no fault pass, let's compare that  
30. with what happens under no fault, the concept being  
31. to let those savings flow through to the citizens of  
32. Illinois, the people who are paying the cost of this  
33. insurance. That's what we are telling them we are giving

1. them. Yet when we got down to it, and we admit we  
2. know, we've read the articles that their profits today  
3. are excessive, that the 3.75 billion dollars, this  
4. increase of 144% in underwriting profits, and 23% in  
5. income on those premiums, in those profits have not  
6. correlated with the slight reduction that they have  
7. given us on their own in rates, a reduction of only  
8. 2%. We have seen that and we know that we must do  
9. something about it if we are going to give the people  
10. something for that which we are taking away. But I  
11. think that the language of this, and I go back  
12. to that amendment I tried to put on the bill, changing  
13. that word and to or. I think this loophole is so huge  
14. and I think as it was debated more and more in other  
15. attempts, we found that it was larger than many of us  
16. saw it to be. That loophole is, that if any company in this  
17. State is giving an adequate rate, all other companies  
18. are free to charge excessive rates and the Director's  
19. hands are tied. He cannot go in and say you are excessive,  
20. you must flow through because this bill requires not  
21. only that they be excessive but that there is no one  
22. else available to provide that service at a lower rate.  
23. And it doesn't say that the company has to be large  
24. enough to take all the accounts. It can be a very  
25. small company with merely writing a very limited  
26. number of policies that could charge a lesser rate and  
27. not be available to the consumers of this State, that  
28. company would allow all the other companies to charge  
29. any amount that they want. It is my opinion that the  
30. cost savings will not automatically flow through with-  
31. out that type of an amendment. Therefore, we are not  
32. guaranteeing the citizens of this State that we are  
33. giving them anything for the right we are taking away.

1. and I don't think we as Legislators should allow our-  
2. selves to do that. I think we must be sure and assured  
3. that what we are taking away we are giving in return,  
4. and in that sense we must assure them that any savings to  
5. the company as the result of this type of legislation, any  
6. cost savings do flow through to the citizens of Illinois  
7. This is not being done by this bill. It has the potential  
8. of not being done by this bill. I don't think we should  
9. take that chance, I would prefer that it come back if  
10. necessary and have that kind of an amendment on there,  
11. to guarantee that. Lacking that, I for one am not willing  
12. to give up this basic inherent right in this one limited  
13. area that applies only to automobile accidents without  
14. guaranteeing to my constituents this flow through of  
15. funds and I would urge at this time that this bill be  
16. defeated.

17. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

18. This bill has not been read the 3rd time. I'm going  
19. to ask the Secretary to do it now and then recognize  
20. Senator Partee.

21. SECRETARY:

22. SB 416 (Secretary reads title of bill)  
23. 3rd reading of the bill.

24. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

25. Senator Partee.

26. SENATOR PARTEE:

27. Mr. President and Members of the Senate. The history  
28. of mankind shows that mankind has always been resistant  
29. to change. Let me suggest to you that if this bill or  
30. a bill like this bill, preferably this bill 416 is not  
31. passed, that you are but delaying the concept of no fault  
32. insurance which will surely be visited upon this State  
33. by the Federal government. Now those of you who complain

1. a lot about what happens at the national level ought  
2. to be mindful that this subject of no fault is being  
3. considered at the Federal level, and if you think that  
4. this is a bad bill, wait until you see what is going  
5. to come out of Washington. And then you'll moan and  
6. decry the fact that you're being subjected to the big  
7. brother concept and that you ought to have a chance  
8. to do it for yourself. This is the chance to do it  
9. for ourselves. I know that lawyers are very interested  
10. in the bill that just passed and are not interested in  
11. this one. I recognize that the insurance industry is  
12. more interested in this one and less interested in the  
13. other one. But I would remind you that some of the  
14. arguments that I've heard here today may well have been  
15. made when the subject of workmen's compensation was  
16. being discussed. And when it became the kind of law  
17. that it became, people said the rights of people  
18. are going to be taken away because of this new concept  
19. of workmen's compensation. And I don't know really what  
20. we would do today without that kind of orderly, treatment  
21. of injuries of that nature. I remember the resistance  
22. that came along when we had a new criminal code. A  
23. lawyer said to me you've just repealed my education.  
24. He said I know perhaps all of the cases that have ever  
25. been written on the subject of larceny. There were  
26. eight separate kinds of charges that could be brought  
27. for larceny. Larceny by trick, larceny by bailee,  
28. larceny by slight, divers and sundry kinds of laws on  
29. one subject. And then along came the criminal code  
30. with one section, 16.1 that defines all larceny.  
31. Lawyers were resistant to that concept but we've lived  
32. and we've survived since then. I say to you that the  
33. features of a no fault insurance bill such as 416

1. which brings to the people the speedy claims, gives them  
2. the right to recover in these accidents without a lot  
3. of fanfare and gives the opportunity to reduce the rates,  
4. appeals to me. It just simply appeals to me because I  
5. think that although I'm a lawyer the interest I have  
6. for my constituents preponderates my personal interest  
7. in myself as a lawyer, and it certainly preponderates  
8. any interest I would have in any insurance. The people  
9. ought to be the persons that we think most about, and  
10. on that basis I would certainly urge that you give the  
11. Director of Insurance the change to mandate the reduction  
12. of these premiums and I'm certainly going to vote aye.

13. PRESIDING OFFICER: (SENATOR MOHR)

14. Any further discussion? Senator Fawell.

15. SENATOR FAWELL:

16. Just one short comment. The...I want to reiterate  
17. one point and that is, that we're not really debating no  
18. fault. If someone can show to me where that concept  
19. is at work in either of these bills, I'll be glad to  
20. listen, but it is not. You have to look at those bills  
21. and recognize that what we're doing is mandating that  
22. people should have this type of insurance coverage. It's no  
23. longer discretionary, and we're saying that you are going  
24. to have to pay for it. And then when you do pay  
25. for it you're going to have sufficient coverage that  
26. will take care of these basic costs if you're in an  
27. automobile accident. And then of course, your insurance  
28. carrier will go after the guy who was at fault. The  
29. insurance industry as I've indicated is keeping the fault  
30. concept. It is a complete misnomer and I think a mis-  
31. representation to the people to try to say that this  
32. is a type of no fault bill. I refer to the bill that  
33. I have sponsored, and I refer to the bill that Senator

1. Harris is sponsoring. We talk about what Washington may  
2. come up with, what the Federal government may do, if we do not  
3. take responsible action. Senator Partee, I would submit  
4. that they would not refuse to make it abundantly clear  
5. that the windfall which obviously must befall the insurance  
6. companies here is going to be clouded up in wording so  
7. that the Director of Insurance will not be able to bring  
8. the premiums down. I repeat the insurance industry has  
9. never told anyone, including news media, no one what the  
10. decrease costs are going to be. But, they are very, very  
11. happy to be able to have a responsibility of as I've indicated,  
12. some 90% of their bodily injury claims taken away from them.  
13. That's good business if you can do it, just eliminate  
14. the risk when they're supposed to be in the risk business.  
15. The comparison of the workmen's compensation was made  
16. which I would say is not a fair comparison. The workmen's  
17. don't pay for that. It's given unto them and they've got  
18. more benefits than simply the...medical and hospital  
19. costs but they go right into the pain and suffering too.  
20. So that's a complete...and irrelevant and not a fair com-  
21. parison to make whatsoever. What the insurance companies  
22. are saying is that if you will mandate this coverage, force  
23. the people to pay these premiums for certain amounts of  
24. insurance and so forth and so on, having done all of this,  
25. well we'll agree to promptly pay which they should have  
26. done long, long ago. And we'll agree to these other points  
27. but you've got to eliminate 90% of our bodily injury  
28. risk or we won't pay, we won't be a part of this  
29. so-called concept of no fault which isn't no fault at all.  
30. I think in all honesty this has to be brought out again,  
31. and again, and again so that we do know what we're talking  
32. about. I...I appreciate very much the vote on behalf of  
33. the SB 187 and in a way, Senator Harris, I wish I could

1. help you out here. But I...I can't support the bill for the  
2. reasons...I.. have tried to express here on the Floor  
3. today. Thank you.

4. PRESIDING OFFICER: (SENATOR MOHR)

5. Senator Harris may close the debate.

6. SENATOR HARRIS:

7. Mr. President, I just want to point out that these  
8. suggestions about the right to subrogate, I firmly  
9. believe are absolutely terminated in 630 of the bill,  
10. in Section 621, a person is mandated to purchase this  
11. coverage or to have this coverage, and this was one  
12. of the objections raised in the constitutional infirmity  
13. in the courts. But in Section 630 the insurer is limited  
14. from subrogating against a secured person and a secured  
15. person is that person that is required to have this coverage  
16. under Section 621. Now, I know that people can come to  
17. honest differences in the way they read a piece of leg-  
18. islation, but I think the thing is absolutely clear  
19. and we do have an outstanding piece of legislation  
20. to implement the concept of no fault, provided by SB 416.  
21. Nothing is perfect. This bill is not perfect, but  
22. it goes as far as I believe skillful people can go  
23. to put together an implementation of the concept of no  
24. fault. To eliminate the tortuous delays that exist under  
25. the present fault system. This bill will do the job.  
26. I urge your support for the passage of SB 416.

27. PRESIDING OFFICER: (SENATOR MOHR)

28. The question is shall SB 416 pass, and on that question  
29. the Secretary will call the roll.

30. SECRETARY:

31. Bartulis, Bell,

32. PRESIDING OFFICER: (SENATOR MOHR)

33. Senator Bell.

1. SENATOR BELL:

2. Mr. President, members of the Senate. At the  
3. request of being redundant, I want to just take a few  
4. moments to reply again to my learned colleague, Senator  
5. Fawell, and to my learned colleague on the other side  
6. of the aisle, Senator Carroll, who are the principal  
7. proponents of SB 187 and if you will, the lawyer's bill.  
8. They carried the day in passing 187. And I think that  
9. this Body may rue that decision, but not being content  
10. with getting 187 through this Senate. It's now their  
11. purpose to try to kill off a new concept in what I  
12. prefer to call no fault insurance, that's represented  
13. here in SB 416. Don't allow this to happen. Allow  
14. SB 416 to at least take it's place over there in the  
15. House with SB 187 so that we can at least try to move  
16. forward in this State, in this 78th General Assembly  
17. in resolving the no fault question. I earnestly implore  
18. you as a member of the insurance industry in the agent's  
19. capacity, as I've pointed out time and time again in  
20. this debate the last few days in reference to the no  
21. fault insurance, an industry that very badly needs  
22. constructive approach, the people need constructive  
23. approach. We need to keep the costs down. Senator  
24. Merritt has outlined how those costs will be catapulted  
25. with SB 187 if it is...if it is indeed the vehicle that  
26. is finally arrived at. We need to preserve the integrity  
27. of 416 to get out of this Chamber for future discussion.  
28. I vote aye.

29. SECRETARY:

30. Berning

31. PRESIDING OFFICER (SENATOR HOWARD MOHR)

32. Senator Berning.

33. SENATOR BERNING:



1. Thank you, Mr. President and Members of the Body.

2. I feel that today at least the citizens, those over-  
3. burdened taxpayers are finally getting some recognition  
4. and out of these debates on the two bills before us, good  
5. will have to come. I don't pretend to know for sure  
6. which is the better bill, the lawyer's bill or the  
7. insurance bill as they are called. But I do know this,  
8. that I take a great deal of personal satisfaction to see  
9. that we have finally come to the point of grappling with  
10. this problem, realistically and in sincerity, though we  
11. made a start two years ago. But my satisfaction comes from  
12. this: In 1967 and again 1969, I tried to establish a study  
13. commission for the expressed purpose of exploring the  
14. whole question of no fault insurance for the benefit of  
15. those who weren't here at that time, I can tell you  
16. quite candidly I couldn't get one lawyer to support even  
17. the concept of a Study Commission. So I submit we have  
18. come a long way. There's no question but what there were  
19. gross flagrant abuses by the lawyer, by the legal profession;  
20. there may be in the insurance industry. Hopefully, we are  
21. now really seriously on the road to settling the problem  
22. for the citizens in a fair, and justified manner. I  
23. personally feel that 416 is the better approach. I urge  
24. your support, and I'm delighted to vote aye.

25. SECRETARY:

26. Bruce, Buzbee, Carroll, Chew, Clarke, Conolly, Course,  
27. Daley, Davidson, Donnewald, Dougherty, Fawell,  
28. PRESIDING OFFICER (SENATOR HOWARD MOHR):

29. Senator Dougherty.

30. SENATOR DOUGHERTY:

31. In speaking on this bill, I rarely explain my vote as  
32. everybody else is aware. However, I'm not in the insurance  
33. business, nor am I a lawyer, but I...and I have been for...

1. many years a deputy...Circuit Clerk of Cook County,  
2. Circuit Clerk of Cook County, but prior to that was Chief  
3. Clerk of the County Court, under the old County division.  
4. For with a damage of less than \$2,000 we would have up to  
5. 3,000 cases filed a year in tort cases, principally  
6. automobiles. Now, I know the delays, I know the whole  
7. process, and I do believe that if we're going to have  
8. no fault one of these bills must survive the House.  
9. I voted for 187. I'm going to vote for 416, and let the  
10. Governor make the choice...after the House makes... its  
11. choice, there will be a no fault bill. I vote aye.

12. SECRETARY:

13. Fawell, Glass, Graham, Harber Hall, Kenneth Hall,  
14. Hynes, Johns, Keegan, Knuepfer, Knuppel, Kosinski, Latherow,  
15. McBroom, McCarthy, Merritt, Mitchler, Howard Mohr, Don  
16. Moore, Netsch, Newhouse, Nimrod, Nudelman, Ozinga, Palmer,  
17. Partee, Regner, Rock, Roe, Romano, Saperstein, Savickas,  
18. Schaffer, Scholl, Shapiro, Smith, Sommer, Soper, Sours,  
19. PRESIDING OFFICER (SENATOR HOWARD MOHR)

20. .Senator Sours.

21. SENATOR SOURS:

22. I'm always amused at our jovial journeyman here,  
23. Senator Berning who suggests there's bound to be good  
24. coming from this legislation. Well, I'm not so sure, I'm  
25. going to support the bill though. I'm getting a little  
26. fatigued over the concept of no fault. No fault divorce,  
27. that's now in the hopper. I'm wondering when we'll have  
28. no fault kissing, no fault target shooting, no fault  
29. drinking, no fault marriage, that sort of thing. I  
30. do hope the press, however, reports this accurately so  
31. that the public will know what we're doing down here  
32. if that's possible. I'm reminded of a little story  
33. of a...it was an account of a divorce case in the local

1. press. It read as follows: Mary Jones last week  
2. obtained a decree of divorce against her son John...  
3. against her husband John. She testified that during her  
4. married life with the defendant she had spoken to him  
5. just four times. Mrs. Jones was granted the custody of  
6. the four children. I vote aye.

7. SECRETARY:

8. Swinarski, Vadalabene, Walker, Weaver, Welsh, Wooten,  
9. Mr. President.

10. PRESIDING OFFICER: (SENATOR MOHR)

11. President Harris.

12. SENATOR HARRIS:

13. Would you call the absentees?

14. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

15. Mitchler, aye. Roe aye. Request to call the absentees.

16. SECRETARY:

17. Bartulis, Buzbee, Chew, Course, Harber Hall, Kenneth  
18. Hall, Johns, Keegan, Knuepfer, Knuppel, Kosinski,

19. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

20. Senator Knuppel.

21. SENATOR KNUPPEL:

22. I'm not going to...I'm going to vote present on this  
23. bill because I'm in favor of the concept of no fault, but  
24. I'm amused by the idea that the Senate here should abdicate  
25. its position in favor of the House making its decision  
26. by those people that are voting for both bills, or that  
27. the...or that the Governor should make the decision for  
28. us. I...I feel like I made the decision and that's why  
29. I can't vote for both bills. I'm...I'm an advocate of the  
30. concept of no fault, but I think we take one vehicle and  
31. we put the parts on that vehicle. We don't run two ...two  
32. ships down the road and end up with both of them wrecked.  
33. And I just vote present. I...I..I feel making a choice

1. was when I voted for the first one. And as I say, I'm amused  
2. that this Body would abdicate its legislative responsibility  
3. and say that the House has better judgment than we have.  
4. I...I really believe that we have the best minds in this  
5. Body. Thank you very much.

6. SECRETARY:

7. Kosinski, McCarthy,

8. PRESIDING OFFICER (SENATOR HOWARD MOHR):

9. Senator McCarthy.

10. SENATOR MCCARTHY:

11. Yes, I'd like to explain my vote. It has to do  
12. with something about our experience. You know...the  
13. experience of people in collision insurance works  
14. out this way. That if Senator Johns is stopped at a red  
15. light and I rear end him, we both carry liability insurance  
16. where is he going to have a better chance of recovery?  
17. ...From me who is liable, or from his own carrier where  
18. his relationship is one of contract. Ask anybody that  
19. has had insurance where the better chance will be and  
20. they say the better chance for treatment is on the one  
21. who's carrying the liability insurance. To pass this  
22. bill, does that... a way and all that remains for people who  
23. are injured is if they've got a piece of paper. I vote no.

24. SECRETARY:

25. Don Moore, Savickas, Smith, Soper, Swinarski,

26. PRESIDING OFFICER (SENATOR HOWARD MOHR):

27. On that question the yeas are thirty-one, the nays  
28. are thirteen. SB 416 having received the constitutional  
29. majority is declared passed. Senator Merritt.

30. SENATOR MERRITT:

31. Mr. President, having voted on the prevailing side,  
32. I move the vote by which the SB 416 passed be reconsidered.

33. PRESIDING OFFICER (SENATOR HOWARD MOHR)

1. Senator Merritt moves to reconsider the vote. Senator  
2. Weaver moves to Table. All those in favor signify by saying  
3. aye. Opposed. The motion is Tabled. Senator Harber Hall.  
4. SENATOR HARBER HALL:

5. Mr. President, I would ask leave of the House to  
6. be recorded as voting aye on SB 187, as it will not change  
7. the outcome of the vote on that.

8. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

9. You were voted aye. Senator.

10. SENATOR HARBER HALL:

11. 187.

12. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

13. On 187. Oh, I'm sorry. I was told 187...Senator,  
14. we're not able to do that. That subject came up the  
15. other day and has been recorded and it is in the Secretary's  
16. office the other day. Senator Buzbee made the same request  
17. the other day and we had to deny him that. Any announcements?  
18. President Harris.

19. SENATOR HARRIS:

20. Mr. President, it would be my suggestion so as not to impair  
21. the opportunity for the committees that were scheduled  
22. to meet at 2:15 that we dispense with our meeting at 6:15,  
23. and allow the committees to work as long as they need and  
24. not come back so that, I would announce that the committees  
25. will go ahead and meet and that we will adjourn when we  
26. adjourn now until noon on Monday.

27. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

28. We have just a couple of more announcements and a few  
29. Resolutions. Senator Bell.

30. SENATOR BELL:

31. Mr. President, Mr. President, I...I would like to  
32. find out the procedural requirements and whether it's possible  
33. for me to, at this time bring back from 3rd reading SB 475

1. to have an amendment attached to it? Bring it back  
2. to 2nd reading. I'd like to try to get that accomplished  
3. this afternoon before we adjourn.

4. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

5. Is there leave? Senator Bell is bringing back  
6. SB 475 for the purpose...to 2nd reading for the purpose of  
7. an amendment. Would you explain your amendment?

8. SENATOR BELL:

9. Yes, this...this particular amendment was inadvertently  
10. attached to SB 429, that we...that I addressed myself to  
11. earlier this afternoon or later this morning. And by rights  
12. it belongs with SB 475. It is a matter that relates to  
13. county government and the dropping of costs in county  
14. government through the...problems that are incident to  
15. taking in custody a ...an offender who has been injured  
16. or has been ill from a preexisting situation, and then  
17. after that offender has been incarcerated the county has  
18. been caused to have to stand the medical expense. You've  
19. heard me address myself in reference to this before  
20. about a week or so back and as I say it was inadvertently  
21. attached to SB 429, it does rightfully belong to 475.

22. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

23. Any further discussion? Senator Bell moves the  
24. adoption of Amendment No. 2. All those in favor signify  
25. by saying aye. Opposed. The Amendment No. 2 is adopted.  
26. Any further amendments? 3rd reading. Senator MCBROOM.

27. SENATOR MCBROOM:

28. Mr. President, Members of the Senate. I would  
29. like leave of the Body to waive the six day rule Mr.  
30. President so that we may have a meeting of the Senate  
31. Appropriations Committee on next Tuesday evening at  
32. 6:30.

33. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

1. Suspend the rules,...

2. SENATOR MCBROOM:

3. Move to suspend the rules so that we can waive the  
4. six day rule and have the meeting of the Appropriations  
5. Committee next Tuesday.

6. PRESIDING OFFICER: (SENATOR HOWARD MOHR)

7. Senator McBroom asks leave to suspend the rules for  
8. the six day ruling, have the hearing next week. All those  
9. in favor signify by saying aye. Opposed. Granted. Senator  
10. Knuepfer.

11. SENATOR KNUEPFER:

12. Sorry, I didn't even know I had the mike. I have  
13. two announcements to make. The Public Health and Welfare  
14. Committee has a very important meeting immediately following  
15. this related to the package of bills on the ageing, and  
16. that is number one. Number two, I do not know whether  
17. our senior doorkeeper in the gallery is presently available,  
18. but tomorrow Mr. Horton celebrates his 87th birthday and  
19. about fifty years with this Body. I would hope we would  
20. all wish him a very happy birthday.

21. PRESIDENT:

22. Message from the Governor.

23. SECRETARY:

24. (Secretary reads Message from the House.)

25. PRESIDENT:

26. Executive. Message from the House.

27. SECRETARY:

28. (Secretary reads Message from the House)

29. PRESIDENT:

30. Senator Howard Mohr moves the adoption of the  
31. adjournment resolution. All in favor signify by saying  
32. aye. Contrary no. The motion carries and the  
33. Resolution is adopted. Senator Roe.

1. SENATOR ROE:

2. Mr. President, members of the softball team. We  
3. have a practice Monday night at 6:30 at Diamond 4 in  
4. Lincoln Park.

5. PRESIDENT:

6. The...Senator Mohr.

7. SENATOR HOWARD MOHR:

8. Yes, Mr. President, there will be a meeting of all  
9. Senate Pages in M-4 immediately.

10. PRESIDENT:

11. The Chair wishes to announce that on your desk  
12. is being placed a report of the Senate Committee on  
13. Rules setting forth by specific Senate bill number those  
14. bills exempted by the May 12 committee action deadline.  
15. In addition to the distribution of these on your desk  
16. I think it would be a wise thing to place another copy  
17. through the Senate post office delivery system so that  
18. you'll all have it. I would just caution the members  
19. that we are unalterably opposed to the extention of  
20. the passage deadline for the vast majority of bills.  
21. That is next Friday and just schedule those bills that  
22. have been exempted from committee action those that  
23. remain. Appropriation bills are the only group of bills  
24. as a group that have been exempted from the cut-off.  
25. But other than that you'd better get those bills moved.  
26. Now this ... this report to the members of the Senate  
27. will be Journalized as a report from the Committee on  
28. Rules. Are there further announcements? Senator Partee,  
29. could you come to the podium, please? Will the members  
30. please be in their seats. In a moment we will lay before  
31. the Senate a Death Resolution. Will the members please  
32. be in their seats. Resolutions. This is a Death Resolution.  
33. Will the members...Senator Donnewald.



1. SENATOR DONNEWALD:

2. ...question was asked of me of our...consent calendar  
3. Mr. President. Several of the members over here would  
4. wonder if that would be available to them?

5. PRESIDENT:

6. It will be available in the probably in another  
7. hour or so. We...we, and I know that it is the consensus  
8. of the Senate to adjourn now. I...I can read that clearly.  
9. We will have it available for distribution Monday to  
10. those who...not ready to stick around and wait for it to  
11. take it home with them. It has been very carefully  
12. scrutinized but just physically we do not have it ready  
13. yet. We would have had it ready for the night Session  
14. for distribution. It will be ready in about an hour.  
15. That was the point I made to Senator Partee so that  
16. those of you who want to wait for it, they can...they  
17. can pick it up. Otherwise it will be available as soon  
18. as you come in on Monday. And we intend to get to that  
19. action on Wednesday, so you'll have two days to evaluate  
20. the list. Senator Knuepfer.

21. SENATOR KNUEPFER:

22. The Committee of the Whole meeting was originally  
23. scheduled for 4:00 o'clock next Monday, I would ask  
24. leave of the Body to make that 3:00 o'clock due to a  
25. conflict in one of the witnesses. He has to get out  
26. of here and we have to move it up one hour in order to  
27. get him out of here.

28. PRESIDENT:

29. Is there leave? The Committee of the Whole then  
30. will be set for 3:00 p.m. rather than 4:00 on Monday.

31. Senator Soper.

32. SENATOR SOPER:

33. Wish to remind the Senators that Local Government would

1. meet on the Senate Floor immediately after adjournment  
2. here. And I wish that Senator Knuepfer would tell the  
3. people in his room that that's where we're meeting instead  
4. of in your room. Thank you.

5. PRESIDENT:

6. Are there further announcements? Resolutions.

7. SECRETARY:

8. Senate Resolution 162 by Senator Donnewald,  
9. and all members of the Senate.

10. (Secretary reads Resolution #162)

11. PRESIDENT:

12. Senator Donnewald.

13. SENATOR DONNEWALD:

14. I would ask for the suspension of the rules,  
15. Mr. President and follow that by the immediate adoption  
16. of the Resolution.

17. PRESIDENT:

18. Senator Donnewald moves to suspend the rules for the  
19. immediate consideration of the Resolution. All in favor  
20. signify by saying aye. Contrary no. The motion carries,  
21. the rules are suspended. On the motion to adopt. All  
22. those in favor signify by rising. The Resolution is  
23. adopted. The Senate stands adjourned.