

REGULAR SESSION

of the 78th GENERAL ASSEMBLY

October 24, 1973

1. PRESIDENT:

2. Regular Session of the 78th General Assembly will
3. come to order. Senator Chew.

4. SENATOR CHEW:

5. Yeah, on a point of information. I sort of went
6. to work at 8:00 this morning, and we've been working here
7. since and I want to ask you as the President of the Senate,
8. do you expect to take a break for lunch or do I just have
9. to walk out and get my lunch?

10. PRESIDENT:

11. Well, Senator, I'm sure that you're aware that when
12. we can control developments, we do try to provide for a
13. break for lunch. Today there have been some developments
14. that just have been beyond our actual control. There's
15. been the necessity for some discussion in our respective
16. caucuses and so it would appear that...this day we will
17. not be able to take a break for lunch. I wish it were
18. possible for me to announce that earlier. Some days it
19. just doesn't work out that way.

20. SENATOR CHEW:

21. I can understand the problems that we're having, Mr.
22. President, but I'm supposed to eat at a certain time and
23. I'd like leave of this Body to get my food and then come
24. on back and stay with you. I'm going to do it whether you
25. grant it or not, it's just a courtesy that I'm...I'm...I'm
26. asking you. You know, I'm not a machine.

27. PRESIDENT:

28. Yes.

29. SENATOR CHEW:

30. So...

31. PRESIDENT:

32. Senator, I am truly aware that you're not a machine.

33. SENATOR CHEW:

1. Thank you.

2. PRESIDENT:

3. You're a very effective Senator.

4. SENATOR CHEW:

5. No, I...

6. PRESIDENT:

7. Accommodate yourself to your food needs, Senator and

8. we will proceed with the...

9. SENATOR CHEW:

10. Thank you.

11. PRESIDENT:

12. ...78th Regular Session.

13. SENATOR CHEW:

14. Thank you.

15. PRESIDENT:

16. Senator Sours.

17. SENATOR SOURS:

18. Mr...Mr. President, would you send the good Senator

19. a plate of...pickled so-and-so, flamingo, red flamingo

20. tongues pickled. Maybe that will satisfy his ardent desires.

21. PRESIDENT:

22. Senator Chew.

23. SENATOR CHEW:

24. Today is my day for lobster and champagne.

25. PRESIDENT:

26. Senator Howard Mohr.

27. SENATOR HOWARD MOHR:

28. ...I was just going to inform Senator Chew that I've

29. sent out for sandwiches for the President and myself and

30. Senator Weaver. They just arrived just this moment. They

31. aren't lobster however. Be happy to split it with you and

32. if you want to leave the Floor at any time, Senator, why it's

33. all right with us on this side.

1. PRESIDENT:

2. Senator Chew.

3. SENATOR CHEW:

4. I thought when I addressed the President, I was
5. addressing the podium not some of his subordinates out
6. here, so your answer is not well taken.

7. PRESIDENT:

8. ...Mitchler.

9. SENATOR MITCHLER:

10. I know Senator Chew is concerned about his food
11. today but I wonder if we could have an understanding from
12. the President and side close to the leadership on both
13. sides of the aisle that we would not work on Thanksgiving
14. day. That we would get that day off so we could have a
15. good Thanksgiving day meal at home with our friends. And
16. after that we'll get to the Christmas meal after awhile,
17. but looks like we're going to be down here at least till
18. Thanksgiving.

19. PRESIDENT:

20. Senator Mitchler, I hesitate to make that kind of
21. an absolute declaration. I've learned in the 19 years
22. I've been on the 3rd floor here that, I would hope we
23. wouldn't be here on Thanksgiving, but I wouldn't make a
24. guarantee. All right. In the Regular Session. ...Senator
25. Partee.

26. SENATOR PARTEE:

27. I just got back to the Floor, but I would say it
28. for this Senator that we would not work Thanksgiving and
29. I'd like to ask Senator Mitchler to put in a Resolution
30. to that effect.

31. PRESIDENT:

32. Senator Graham.

33. SENATOR GRAHAM:

1. I might suggest before I make a motion that if
2. we keep on talking, we're not going to get any business
3. done; we won't even be out of here for dinner. I'd like
4. to move you that the reading of the Journals for October
5. 22nd and 23rd be postponed until the arrival of the
6. printed Journal.

7. PRESIDENT:

8. Senator Graham moves that the Journals for October
9. 22nd and 23rd be postponed from further consideration until
10. the arrival of the printed Journals. Is there discussion?
11. All in favor signify by saying aye. Contrary no. The
12. motion carries. ...from the Governor.

13. SECRETARY:

14. (Secretary reads Message from the Governor)

15. PRESIDENT:

16. Executive. ...congratulatory resolutions.

17. SECRETARY:

18. Senate Resolution number 262 by Senator Mitchler,
19. it's congratulatory. Senator Mitchler.

20. PRESIDENT:

21. Senator Mitchler.

22. SENATOR MITCHLER:

23. Mr. President, Members of the Senate, believe this
24. is a congratulatory resolution for...Dr. Wilson who is the
25. head of the National Accelerator Laboratory which is in my
26. district in DuPage County, Naperville Township and Kendall
27. County, Batavia Township. And he was recently given a very
28. high honor by the Federal government, the Federal Atomic
29. Energy Commission and this is a congratulatory resolution
30. and I would ask all Senators to join in sponsorship.
31. Suspension of the rules, immediate consideration and
32. adoption.

33. PRESIDENT:

1. Senator Mitchler moves for the suspension of the
2. rules for the immediate consideration of the resolution.
3. All in favor signify by saying aye. Contrary no. The
4. motion carries, the rules are suspended. On the motion
5. to adopt, all in favor signify by saying aye. Contrary no.
6. The motion carries, the Resolution is adopted. ...from
7. the House.

8. SECRETARY:

9. (Secretary reads Message from the House)

10. PRESIDENT:

11. HB 660, 966 and 1247 are ordered to a place on the
12. Calendar under the heading Concurrence in House Action on
13. Amendatory Vetoes. ...order of Total Vetoes. I am
14. advised that Senator Fawell is ready to proceed with
15. SB 187. Now I might mention to the Membership that this
16. is the lowest numbered bill that the Chair has been advised
17. that the sponsor wished to have called today. Those of
18. you superior in number to 187 who wish your bill called
19. today, if you would inform the Chair, it might be time saving
20. rather than to go through the entire list of bills in this
21. order. It begins to become apparent that some of you that
22. have filed motions may of ultimately not consider that
23. motion. So the Chair is going to proceed with just
24. calling bills that we've been notified until Monday,
25. at which time we will make it perfectly clear that that
26. is the last day for action on Senate Bills on which there
27. has been Amendatory Action of any kind by the Governor.
28. That will be the fifteenth calendar day. Are there any
29. questions from Members about that procedure? SB 187,
30. Senator Fawell.

31. SENATOR FAWELL:

32. Mr. President and Members of the Senate, we have
33. gone through a full debate in regard to SB 187. I'll try

1. to keep it as short as possible and yet I think as with
2. everyone of us, we have so many measures before us, we,
3. at times, will lose track of some of the salient issues
4. that are involved. The Governor's veto of SB 187 or the
5. so-called no fault insurance bill is, I think, one that was
6. based upon some misinformation given to the Governor.
7. Before I comment directly upon the veto message which
8. the Governor issued, I want to summarize to you just
9. what we are referring to when we talk about no-fault.
10. A number of you have expressed to me that you do not
11. understand all of the ramifications of it. But basically
12. it is this. What we are saying in this bill and often
13. times I've...I've heard people refer to the fact that
14. this is an argument between attorneys and the insurance
15. industry and some have questioned the objectivity of
16. the attorneys. And I would be the first one to say that
17. I can't blame people in general for questioning to a
18. degree the objectivity of attorneys but at the same time
19. I want to in all fairness say that one ought to not give
20. to the insurance industry objectivity as they talk about
21. their type of no-fault insurance. And I try to stress
22. and bring this home to you and I hope you will listen
23. very carefully to this point because it's just...it's just
24. very important and I think the people back home and many
25. of the insurance agents who have too often at the request
26. of the large insurance companies directed letters to us,
27. do not understand the fact that in the bill we are talking
28. about, we're talking about three-quarters or more of the
29. provisions which are in the insurance industry bill. Three-
30. quarters or more. We're no longer really talking about
31. whether or not we ought to adopt this bill or the insurance
32. industry bill. We're talking about whether or not we
33. ought to adopt what everyone, 100% of us have agreed are...

1. measures which ought to be taken except for those of us
2. who may have voted against both bills and don't believe
3. that the no-fault concept in anyway ought to come into
4. Illinois. But it's awfully important to recognize that
5. when we're talking about the concept of will we have in
6. Illinois mandatory insurance coverage for all automobiles.
7. Yes we will, if we can pass this bill. And that is the
8. measure which is in HB 416 which as you know failed over
9. in the House. Next question is whether or not we are going
10. to have prompt payments of the mandatory insurance requirements.
11. And yes we will, because that's a part of most of your
12. no-fault bills, it's a part of this bill. It's a part of
13. the insurance industry package also. Are we going to have
14. expanded first party coverage? So that a party isn't going to get
15. away with just-for instance having a small amount of
16. liability coverage, he's going to have his medical pay
17. coverage, lost income coverage, coverage that will cover
18. the housewives who may not be employed, survivor's benefits
19. and things of this sort. Full first party expanded coverage,
20. will we have this mandated in Illinois? Yes, we will. If
21. we are able to have this no-fault bill passed. Will we still
22. have the old concept of somebody being able to walk into
23. an attorney's office and say, I've got say \$1500 worth of
24. hospital and medical bills and I've got another \$1000 of
25. lost income. Maybe it's a questionable type of case, is
26. it worth my filing a lawsuit? The attorney now can say
27. well, I can get you double even triple recoveries on that
28. depending on how many insurance policies you might have
29. covering those particular losses. That won't be possible
30. any more. We will take away from the rights of the party
31. who was injured to be able to get double or triple or
32. even more than that in recoveries for the medical costs,
33. hospital costs, lost income, etc. for which he is compensated

1. directly by his insurance carrier. You see, that's the
2. expanded first party coverage that we're talking about.
3. Bear in mind and I mentioned this before when we debated
4. the no-fault bills that in reality I guess none of the
5. bills anywhere in the nation are truly no fault until we
6. go to national insurance coverage and those lobbyists of
7. the insurance carriers who've always been floating around
8. here and I think they're probably in the galleries today
9. would keel over in a faint if we ever talked about having
10. true no-fault which would mean national insurance coverage. So
11. that's not what we're really talking about. What we're
12. talking about whether or not we're going to go to a concept
13. where we mandate that if you're going to be driving an
14. automobile you ought to be insured and not only that but
15. you ought to be adequately insured in all of the various
16. areas which can cause great discomfort to you. And you
17. see this is something unlike Workman's Compensation where
18. you're paying it of course. And your insurance company
19. is going to compensate you not on the basis of fault but
20. on the basis of the particular damages and injuries which
21. you may be able to show to them you have and they must
22. immediately compensate you. They can't wiggle out of it
23. now and say oh, go sue the other party, to be able to be
24. compensated. Now all of these plus the fact that the
25. insurance carriers who are subrogated to your right know
26. that in no-fault the insurance carriers never give up the
27. right to sue the party who's at fault. You may be asked
28. to give it up, but never the insurance carrier. They're
29. much too powerful a lobby to ever allow that to happen. But
30. in these bills we do have a situation where the insurance
31. carriers at least will be subrogated...subrogated to your
32. rights to stand in your shoes and then they can fight it
33. out between themselves but out of court. Because you'll have

1. mandatory arbitration out of court so we won't be clogging
2. the courts with these subrogation matters. So that you have
3. all of these advantages and every one of them, I think every-
4. body who is for either one of these bills would say that
5. these are pluses, these are steps in the right direction, this
6. is what we ought to have. Now, the only thing we haven't
7. offered to you is what I would call the multi-million
8. dollar insurance industry bonanza portion of their bill
9. which as I pointed out before is in their bill and is a
10. clause which if they can't have that, they don't want
11. anything at all. If they can't have that one clause which
12. is basically and singularly the difference between the two
13. measures, if they can't have that then the people of Illinois
14. aren't going to have no-fault insurance, that's what they're
15. saying. I can say to you that if we override the Governor's
16. veto and with full respect to the Governor this of course what
17. we are asking. We are saying that we can have three-quarters
18. or more the benefits of no-fault and then if the other
19. measure which the insurance industry so doggedly and
20. persistently is attempting to bring to Illinois which will
21. eliminate 90% of their bodily injury risk claims, we can
22. still litigate that question, we can still bring that before
23. the Legislature. We can still discuss whether morally and
24. constitutionally that ought to be done. And maybe if it is
25. to be done we might even get to the point for the first time
26. in the history of the State of Illinois where we can tell
27. the insurance industry if you're going to get that much
28. of a bonanza and believe you me that is a bonanza, a multi-
29. million dollar bonanza of profits for the insurance industry,
30. but if you're ever going to get it I should say that the
31. Department of Insurance ought to be given the absolute power
32. and control to be able to determine what the new profits
33. of the insurance industry are and pass those on 100% to

1. the consumer. Then and only then would their provision
2. be morally perhaps acceptable although the question as
3. to whether or not it's constitutionally acceptable is
4. something else. Just a brief illustration of what I'm
5. talking about in that regard, under the insurance industry
6. view-point for instance if you and your wife are in an
7. automobile and your wife is injured, say she's thrown
8. against the windshield, breaks her nose, cuts her face
9. badly, etc. It's the negligence of the driver. She
10. does not have a cause of action to be able to sue for
11. the pain and suffering, etc. she will go through and the
12. form of limited disability that may be involved in that
13. regard, in regard to that injury. But you, as
14. you step out of the car and slip on a banana peel and
15. suffer the same injury, you have a right to. But you
16. see, the automobile insurance industry which is involved
17. here doesn't want insofar as they are concerned, in having
18. to handle risks in automobiles to have that type of a risk,
19. of course they're in the business. They're in the business
20. to be able to insure risks, but what they'd like to pull
21. off in the State of Illinois is to be able to eliminate
22. 90% of their risks. The Legislature hasn't bought this
23. yet, I hope they never will. But I come back and say to
24. you that three-fourths of the benefits of no-fault legis-
25. lation is set forth in SB 187. Now in regard to the
26. veto message, which Governor Walker set forth, he states
27. that any reform, and I quote, of the present outdated and
28. unfair system must include three elements. One: Immediate
29. payment of claims without regard to fault. We do have that
30. in SB 187. It's basically the same as that which is in
31. HB 416. Two; Realistic levels of recovery for lost earnings
32. and medical expenses. The two bills are about the same.
33. So there's no argument that really are involved there. And

1. then three: Reduction in insurance premiums. And then
2. the Governor goes on to bring out what I feel is mis-
3. information on his part. He states, and again I quote,
4. several other States, Delaware and Oregon have implemented
5. plans comparable to SB 187. This is true. Perhaps the
6. closest parallel is Delaware, where premiums went up 19.5%
7. just before the plan went into effect in January, 1972 and
8. have yet to come down. That is false. And in Oregon, the
9. overall cost of insurance has gone up since this plan went
10. into effect in January, 1972. That just isn't true. The
11. Governor wasn't given the complete information in regard
12. to the bill. Actually those who have the actuarial figures
13. and of course what the insurance industry would like to
14. have is to be able to prognosticate its profits as well
15. as the insurance...the life insurance industry does, and
16. they can do that of course if they can have the...multi-
17. million dollar clause which they're asking for, they have
18. the figures, the facts and figures but they very seldom
19. ever give them out. But in regard to Oregon and in regard
20. to Delaware where as the Governor pointed out the bills are
21. very, very similar. You have on your desks the correspondence
22. which the insurance commissioners from each of those States
23. has given to us. I quote, for instance, from a letter from
24. Lester Rolls, Commissioner of Insurance in the State of
25. Oregon where he states that there have been many statements
26. made by many parties concerning the statistics and experience
27. of the Oregon no-fault plan. A number of persons have
28. taken liberties with the truth, others have been misinformed,
29. and some I believe have just out and out prevaricated. It
30. is not true that the overall cost of insurance has risen
31. in Oregon since the advent...since the advent of the Oregon
32. no-fault program in January 1, 1972. In fact, the opposite
33. is true. Now that is a letter from Lester Rolls, the

1. Commissioner of Insurance in the State of Oregon. It
2. goes on to say that as a result of the very excellent,
3. and I'm quoting, loss ratios and experience that the
4. companies have had, ISO has just recently recommended
5. a 10.6% reduction in the bodily injury premium and as
6. you are aware some companies have reduced their rates
7. as high as 20%. I can quote also from the Oregonian
8. which is a Portland, Oregon newspaper that points out
9. the first major roll back of auto insurance rates 8 to
10. 15% in some companies since Oregon's version of no-fault
11. insurance went into effect in January, 1972 has come to
12. that State. Other articles which I've placed on your
13. desks also show that the information in regard to Delaware
14. also was mistaken. And I quote again from the Commissioner
15. of Insurance in Delaware.

16. PRESIDING OFFICER (SENATOR GRAHAM):

17. Senator Fawell, I'm being cautioned by your colleagues
18. that we have gone beyond your allotted time and on the
19. second time around, and ...suggest that you bring your
20. dissert...to a close.

21. SENATOR FAWELL:

22. Thank you very much. I'll...I'll wind her up here in
23. just a second. Delaware's no-fault law causes victims to be
24. paid immediately and costs less. Every victim of an auto
25. collision is being promptly reimbursed for his out of
26. pocket expenses. These include medical expenses, loss of
27. wages, loss of services for which he presents a bill to his
28. insurer. There is no delay of payment of out of pocket
29. expenses and therefore the pain and suffering are reduced,
30. neither is there any subsidization of litigation since there
31. will be no contingency fee on these expenses. No fault
32. was implemented at no increase in total premium even though
33. there is obviously greater coverage first party benefits.

1. The average base rate for bodily injuries State wide
2. average was reduced 8 and 1/4% and nothing but, in
3. other words positive statements from those two States
4. where we have the actual experience. So I...I plead
5. with you Ladies and Gentlemen of the Senate, we know
6. the facts here, we've studied these bills for a long
7. time. We who have to make the decisions with all due
8. respect to what the Governor has done here in vetoing
9. this bill, I suggest to you, you can vote for three-
10. quarters of what admittedly everybody says are pluses,
11. steps in the right direction. You have the opportunity
12. if you believe that the clause that the insurance
13. industry wants so very badly should also be passed,
14. that bill is still alive in the House, breathing, and of
15. course we can later pass it. I submit to you that the
16. ...that the proper...

17. PRESIDING OFFICER (SENATOR GRAHAM):

18. Your red light is on Senator.

19. SENATOR FAWELL:

20. I'm afraid my remarks have no relation to what
21. goes on out there. We are able to be able to in other
22. words bring in three quarters of admitted benefits here
23. and to turn it down and to have no no-fault at all because
24. the insurance companies pouts and can't have it's whole
25. pie, I think is not realistic. I urge you to support
26. the motion to override the veto.

27. PRESIDING OFFICER (SENATOR GRAHAM):

28. Senator McCarthy.

29. SENATOR MCCARTHY:

30. Yes Mr. President, and Members of the Senate. I along
31. with Senator Fawell raise...rise in support of a motion
32. and hope that there will be the necessary number of votes
33. to override the Governor's action on this bill. I don't

1. think any useful purpose would be served to repeat each
2. and everything that Senator Fawell has so eloquently
3. said. I can summarize it by saying I agree with each
4. thing he has said. The part that I would like to add
5. to the debate if it could be added at all, is who are
6. the winners and who are the losers if we pass this bill.
7. And Mr. President, I suggest to you and the Members that
8. what the public really wants is mandatory liability insurance.
9. And that feature is contained in this bill.

10. PRESIDING OFFICER (SENATOR GRAHAM):

11. Senator McCarthy. One moment please. Will the
12. doormen close the doors and will the Senators please
13. give attention to the speaker. When we have some order
14. Senator on this very important subject I think it would
15. be proper to proceed if you'll bear with us. Will the
16. Sergeant at Arms clear the Floor if any people are on
17. the Floor who are not entitled to the Floor. If the
18. doormen need some...I presume the State Police are around,
19. we would like to conduct the matters of the Senate. Let's...
20. Gentlemen, if the Members of the Senate will be in order
21. that will...help be helpful. Senator McCarthy, hopefully
22. we might be able to... Senator Knuppel and other Senators
23. will you please be in order? Senator McCarthy is trying
24. to enlighten us.

25. SENATOR MCCARTHY:

26. That's...that's a very...very, difficult task for
27. this humble Member of the Body, trying to enlighten you
28. because I really think you know pretty much the technical
29. differences between the total proposals, but I did want to
30. mention the fact that this bill contains mandatory liability
31. coverage, which really is what the public wants. This
32. bill also, I don't believe is a perfect solution to the
33. divergent concepts of fast reparations or fast payment

1. for people who are injured in motor vehicle collisions.
2. But, Mr. President, I think we have to accept the fact that
3. each time that we come to a juncture on a vote on a problem
4. that we really don't solve the problem we only reach a
5. decision. And that's the question here. The decision is,
6. do we do nothing about this or do we reach a decision that
7. we put this on the books and that would allow people who
8. are dissatisfied with the bill the opportunity to refine
9. it in future Sessions. I think that's a fair way of ap-
10. proaching this situation because...because, Mr. President,
11. the...the opposite part of that coin, if we do nothing,
12. we do nothing...

13. PRESIDING OFFICER (SENATOR GRAHAM):

14. Will the Senators please give the Senator from
15. Decatur the courtesy to which he is entitled and be
16. in your seats please?

17. SENATOR MCCARTHY:

18. Thank you, Mr. President. But the question here is,
19. if we do nothing we're inviting another classic concentration
20. next spring between the automobile insurance on the one
21. industry, on the one part and the Illinois and Chicago
22. Bar Association on the other part. When we have these
23. classic concentrations between the insurance industry and
24. the Bar Association, I don't believe it's comfortable
25. for the legislators themselves to have to decide time
26. and time again between these two powerful groups. And it
27. would strike me that we who have spent so much time
28. accommodating what I will call minor lobbying groups
29. such as the people that were down here trying get themselves
30. exempted from the Veterinary Act in behalf of birds,
31. we spent a lot of time trying to accommodate them. We
32. try to accommodate each and every lobbying group that
33. comes down. This is one time when we have the Bar

1. Association that would ask the members of this Body to
2. put this on the statutes. And I think that we as members
3. of the Legislature would be doing ourselves a favor if we
4. took the recommendations of the Bar Association and put
5. this on as a law as a point of reaching a decision as to
6. what we do with the problem now. To do otherwise, to do
7. otherwise to wait and do nothing. To have another head-on
8. collision between the industry and the Bar Association
9. next spring, next fall, the year after, with nothing being
10. resolved is no decision that really is helpful to the
11. Legislature. And I see my friend Senator Soper agreeing
12. with me, I don't know if he's agreeing with the clock, but
13. since Jim and I agree and the...the commotion outside has
14. subsided, I thank you very much, Mr. President, for recognizing
15. me and I personally believe this is a wise vote that we
16. should make to override. Thank you.

17. PRESIDING OFFICER (SENATOR GRAHAM):

18. Senator Mitchler.

19. SENATOR MITCHLER:

20. Yes, Mr. President and Members of the Senate, when
21. the two no-fault bills were presented to this Body SB
22. 416, SB 187, I had to listen extensively to the debate
23. for each of these bills because I'm neither an attorney
24. nor am I an insurance agent. And it seems as though both of
25. these bills that we had under consideration were of
26. special interest to these two industries, with differences
27. of opinion. Not that they were not thinking of the good
28. of the people of the State of Illinois and those that
29. purchase insurance and those that have to have reimbursement
30. for losses sustained due to various accidents. So I was
31. one of the 19 Senators of this Body who voted for both the
32. insurance and the attorney's bill. And I think we did
33. so hoping that when they got over to the House and this

1. occurs very often in this deliberative Body that there
2. would be some type of a compromise and out of it would
3. come a workable no-fault insurance bill, would come back
4. for concurrence that we could give the people something
5. that they were looking forward to. But now I find that when
6. the bills got to the House, the heavy weight of the attorneys
7. in my opinion seemed to have the attorney's bill come
8. out and the insurance industry bill still remains in
9. committee. So, I wanted to see what the Governor would
10. do. I think all of you know what the editorials and the
11. comments have been in the press in support of the Governor's
12. veto of SB 187. Now when the Governor vetoed that bill,
13. and I quote you from a press release in the Chicago Tribune
14. September 6, 1973 it said, Governor Walker yesterday
15. vetoed the no-fault auto insurance bill passed by the
16. Legislature in June saying, quote, "it would not do any
17. of those things true no-fault is supposed to do,"unquote.
18. He pledged to work for a no-fault bill containing a
19. threshold or limitation on small claim suits against
20. insurance companies. The lack of a threshold was a major
21. defect in the bill he vetoed he said. Now that is a
22. quotation from what the Governor is predicted. Now
23. apparently the Governor has some ideas, we didn't hear
24. from him as we very seldom do when we have legislation
25. before the House and Senate, but now he's put himself
26. on record as going to come up with something, so...I
27. think I could sustain his veto and see what the Governor
28. will present to this august Body in the form of no-
29. fault insurance in the future. Now, there's several
30. groups that I had to go to and find out if this was
31. or was not a good bill. I went to the person that I
32. give my insurance to. That's an agency located in Aurora,
33. and I trust them with my automobile insurance, my hone

1. owners policy and in fact all of my insurance. And so I
2. must have faith in what they tell me because I tell them...
3. they tell me what type of insurance I should have and I
4. consider them my agent. They are very much opposed to
5. House...to SB 187 and I am going to follow their advice
6. in case. Now, there's another reason. I've been acquainted
7. with a lot of people both motorcycle operators, motorcycle
8. dealers, people who are engaged in the motorcycle industry.
9. And I want to point out to you that if SB 187 becomes law,
10. we will find one of the greatest increase in the cost of
11. insurance for motorcycles and it will actually prohibit
12. a person from owning a motorcycle and insuring it in the
13. State of Illinois. It will drive the...economics, the
14. business, the motorcycle industry enjoys today out of
15. business. Of the States that have initiated this no-
16. fault insurance program, only one, Delaware has excluded
17. motorcycles. They're included in SB 187. And the result
18. in Delaware was a decrease of approximately 80% in motorcycle
19. dollar sales volume during the first month in which the
20. new legislation was in effect. Motorcycle insurance
21. premiums in Delaware rose outrageously. For example on
22. a small 100 cc machine, premiums went from \$27.00 to more
23. than \$277.00 annually, a 10 time increase. And from the
24. Illinois Insurance Information Committee, I want to point
25. out that they gave me information where the cost for
26. medical payment and income replacement insurance probably
27. would approximate...

28. PRESIDING OFFICER (SENATOR GRAHAM):

29. Senator...

30. SENATOR MITCHLER:

31. ...1,000, I'll wind it up, Mr. President...

32. PRESIDING OFFICER (SENATOR GRAHAM):

33. Senator: Senator, your time is up.

1. SENATOR MITCHLER:

2. All right. Almost \$1,000 which is more than the cost
3. of the machine itself. I'm going to sustain the Governor's
4. veto of SB 187.

5. PRESIDING OFFICER (SENATOR GRAHAM):

6. ...Buzbee, do you seek recognition?

7. SENATOR BUZBEE:

8. Thank you, Mr. President. Mr. President, I too have
9. some concern about the fact that motorcycles are included
10. in this. I have a lot of motorcycles in my district being
11. a university town, and I have a lot of motorcycle dealers
12. that are concerned about this and I would like to...in previous
13. conversation, Senator Fawell, that you and I have had, I
14. wonder if you would explain to me on the Floor, the con-
15. versation that you and I have had in private concerning
16. motorcycles.

17. SENATOR FAWELL:

18. Yes, Senator. The provision in this bill as I have
19. indicated before was the provision which the insurance
20. industry had used for the definition of motor vehicles.
21. Now we have found that technically it can be construed
22. to include motorcycles within it, which was not intended.
23. We have prepared, I have a bill prepared and I've talked
24. to the, I forgot the name of the gentleman who's head of
25. the motorcycle association in Illinois, brought out to him
26. that without any question of course the insurance industry
27. has a definition that excludes motorcycles. I know that
28. all in concern with this legislation have no objection to
29. that and as soon as this veto is overridden we would
30. introduce legislation which would be, I think rather
31. swiftly enacted that would rectify this situation. At
32. least those in the motorcycle association I have talked
33. to seem perfectly satisfied that this is the case and that

1. no intention is even existent that it should have the
2. detrimental affects that Senator Mitchler has referred
3. to, of which I've fully explained to Senator Mitchler,
4. but he evidently forgot.

5. PRESIDING OFFICER (SENATOR GRAHAM):

6. Senator Hynes and then Senator Vadalabene, and then
7. Senator Palmer. And when you're asking Senator Fawell,
8. any further questions, I was going to advise Senator Buzbee
9. that time would be taken out of your time, so he used up
10. almost all of your three minutes. Senator Hynes.

11. SENATOR HYNES:

12. Mr. President, I...I don't wish to belabor the point
13. because I believe the earlier speakers have pretty clearly
14. laid out the case in support of this bill. But I...I
15. think it's important to note four major points that...that
16. I think strongly argue for the override of the Governor's
17. veto. One, this will bring about compulsory insurance in this
18. State, something that I think is a desirable end result.
19. Secondly, it will bring about prompt payment of claims.
20. A complaint that the citizens of this State have had over
21. the past many years. Thirdly, it will reduce litigation.
22. It will help to bring about a reduction in the backlog in
23. our courts, and that will be accomplished in two ways.
24. First of all, inner-company claims will be subject to
25. arbitration, and therefore not be involved in the courts.
26. And secondly, with the prompt payment of small medical
27. expense claims and the inability of a person to thereafter
28. sue to recover, the small nuisance litigation actions will
29. be eliminated from our courts. Finally, this will stabilize
30. and in my judgment reduce insurance premiums in this State
31. as the experience in Delaware and Oregon so strongly indicate.
32. I think that these points argue forcefully for the passage
33. of this legislation. We are in a position thereafter to

1. review it's operation, to determine if it needs to be
2. strengthened or modified in any...in any way. But we
3. have made a first big step forward in doing something about
4. these very serious problems.

5. PRESIDING OFFICER (SENATOR GRAHAM):

6. Senator Vadalabene.

7. SENATOR VADALABENE:

8. Thank you, Mr. President. Will Senator Fawell yield
9. to a couple of questions?

10. PRESIDING OFFICER (SENATOR GRAHAM):

11. This will come out of your three minutes. He will
12. yield.

13. SENATOR VADALABENE:

14. Thank you.

15. PRESIDING OFFICER (SENATOR GRAHAM):

16. Senator Fawell. Senator Vadalabene wants you to
17. use up part of his three minutes, and yield to a couple
18. of questions.

19. SENATOR VADALABENE:

20. Senator Fawell, I have a quite a large mutual insurance
21. company in my home town, and he contacted me by telephone
22. and said if this bill passes, that it would put them
23. completely out of business. Is that true or false?

24. SENATOR FAWELL:

25. All right. That's false.

26. SENATOR VADALABENE:

27. Why would he say that that would put them out of
28. business?

29. SENATOR FAWELL:

30. I can't imagine why he would say that. I really can't.
31. I'm not being...jocular, I just can't believe that that...
32. I can't imagine why he would say that. Actually as I've
33. said we have...we are giving to him three-quarters or more

1. of what the insurance industry is asking for. I don't
2. know why that would therefore have the affect of putting
3. him out of business unless he's trying to say that it
4. would increase premiums and, as I've indicated in both
5. Delaware and Oregon where this law is in effect, the
6. opposite is true that the rates have gone down. And it
7. stands to reason because no longer are we asking insurance
8. companies to pay twice on the subrogated amounts here, only
9. one payment has to be made and we're cutting out a number
10. of court actions. Just doesn't make...no sense to assume
11. that there'd be increase of premiums or that it would
12. effect him. I can...it can only be beneficial.

13. SENATOR VADALABENE:

14. Well, my second question is almost answered by your
15. first question now, the agents down in the area by
16. letter and by telephone are saying that SB 187 will
17. increase premiums. Is that true or false?

18. SENATOR FAWELL:

19. No, no, that...that I believe in my opinion it is
20. very much false the only...the best evidence that one
21. can possibly give as I've indicated Oregon and Delaware
22. and I have given to each of you on your desk the report
23. from the Directors of Insurance, the Commissioners of
24. Insurance in those States. They have pointed out that
25. indeed although increased benefits are given, to the
26. insured the premiums have gone down. And I think that
27. is the best and most salient evidence that can be presented.

28. PRESIDING OFFICER (SENATOR GRAHAM):

29. Are you...finished Senator Vadalabene? Senator Palmer.

30. SENATOR PALMER:

31. Ladies and Gentlemen and Members of the Senate,
32. you've heard from the discussions here that this illustrious
33. Body had the desire and the will to submit to the people

1. a proper and good no-fault bill of insurance. The last
2. Session a bill was passed, it was held unconstitutional.
3. This Session in their desire to present a proper bill,
4. they passed two bills. One is commonly known as the
5. Bar Association bill and the other the industry bill.
6. I submit to you and you've heard discussions of Senator
7. McCarthy and Senator Fawell that 187 has all of the
8. desirable elements of a good no-fault bill for the
9. protection and good use of the people of the State of
10. Illinois. I say to you that we had the will and the
11. desire to pass the bill and possibly a duty to do
12. so, but we were not here as Senators to take away rights
13. from people. And I submit to you that the major, the
14. major difference between the bill we are discussing
15. now 187 and the bill that's lying dormant in the House
16. known as the industry bill is that 187 still retains
17. the right of the people to file suits if they so desire
18. and if they so have that kind of a claim. And this is
19. what the industry objects to, and I submit to you
20. again, Ladies and Gentlemen, that this right is still
21. maintained in 187. And I think that our forefathers
22. fought for many years and so have you in this Chamber
23. to protect these rights and you are not here to take
24. these rights away. I ask this Body to vote to override
25. the Governor's veto.

26. PRESIDING OFFICER (SENATOR GRAHAM):

27. Senator Glass. Senator Glass.

28. SENATOR GLASS:

29. Thank you, Mr. President and Senators. I would like
30. to respond briefly to some of the comments made in favor
31. of overriding the Governor's veto. I was one who voted
32. for both SB 461 and SB 187 in hopes that the House would
33. fashion some type of compromise that did provide a threshold.

1. And I think the question we ought to be concerned with
2. is not whether a bill like this is going to be a boon to
3. the insurance industry or whether it's going to help
4. trial lawyers. That certainly isn't the issue; the
5. main issue I think we have to consider is whether the
6. bill will be a benefit to the public. Now I think a
7. no-fault bill which this State definitely ought to have...
8. will benefit the public if we can bring about prompt
9. settlement of...of claims without fault and of course
10. this bill does that. It also should reduce the backlog
11. of court cases and it should reduce premiums. And on
12. that...on those two points, I find conflicting evidence
13. and frankly I haven't been able to...to get an adequate
14. resolution of those questions from the many people I
15. have talked to. I think that there is good evidence
16. however that it will increase premiums. Certainly all
17. the companies indicated...indicates that it will. There
18. is also the likelihood that with everyone being insured
19. and without a significant reduction in the backlog of
20. cases, this is going to happen. Now, the other factor
21. that is whether the bill will decrease the number of
22. court cases and thereby do something about the backlog
23. of cases in Chicago; I am very doubtful that it will.
24. I think that once a person has collected money under a
25. no-fault settlement, that person will very likely if...
26. if he feels he has a chance of getting more money let
27. the case go to court and try for an additional recovery.
28. It won't cost him anything to do it and it just seems to
29. me that without some threshold, some level...below which
30. law suits are prohibited we won't really be getting at
31. the problem and I...I just point out one thing in the
32. letters that Senator...that Senator Fawell circulated
33. to the membership from Oregon. A statement in the letter

1. of the Insurance Director reads as follows - historically
2. Oregonians are not a litigation conscious people, and we
3. find that the number of bodily injury claims have been
4. reduced considerably as a result of people being paid
5. their medical or disability income without regard to
6. fault. I'm not so sure that's an adequate...accurate
7. description of Illinois. I think we probably are in our
8. large metropolitan area of Chicago, a litigation conscious
9. people and I think therefore that without some threshold,
10. we're not really getting the job done that we ought to be.
11. I'm hopeful that we will reach a compromise with an adequate
12. threshold at the next...at next spring Session. And so
13. I would urge the membership not to override the veto.

14. PRESIDING OFFICER (SENATOR GRAHAM):

15. Senator-Sours.

16. SENATOR SOURS:

17. Mr. President, I rarely do this but on a point of
18. personal privilege, I have here today Mr. Orville Nordiff
19. who is Director of Admissions at Bradley University of
20. Peoria and a scholar and a gentleman. Will you rise
21. please?

22. PRESIDING OFFICER (SENATOR GRAHAM):

23. Further discussion? Senator Harris.

24. SENATOR HARRIS:

25. Mr. President, I certainly will try to be terribly
26. brief. There are two or three points I want to make.
27. Point number one, I think we've got to address ourselves
28. even if only briefly to what we're really talking about.
29. And that is the unsatisfactory nature of the present
30. system. The law today, the fault system. Now every
31. student of this question, I believe, proclaims that the
32. big reason for high premiums today is the excessive
33. cost for litigation and the settlement of claims under

1. the adversary and fault system. As a consequence over
2. the years other constituencies, other States have moved
3. toward a socialization of auto insurance protection and
4. provided for a step basis that in the serious situation
5. the fault relationship be continued. And as Senator Glass
6. has made reference to thresholds and definition of the
7. serious personal injury, the same ballgame prevails. But
8. to achieve the socially desired results some things
9. necessarily have to be given up. In order to achieve
10. immediacy of settlement and no involvement in litigation
11. to determine fault for most of the cases, which will
12. result in ringing the water out of the present cost
13. situation that is excessive. I don't think anyone
14. debates the fact that the present system is excessive
15. as to cost. Now, that brings me to the point of an
16. evaluation of 187. And I suggest to you and I know
17. men of good will can honestly disagree, but I say to
18. you that 187 is in fact not no-fault insurance. It's
19. a very minimal add-on to the existing system of adversary
20. and fault relationships. And the outstanding firm of
21. Milliman and Roberts in Milwaukee, Wisconsin acknowledged
22. universally and throughout the fifty States by the American
23. Association of Insurance Commissioners this firm was mandated
24. by that organization, the administrators of the Insurance Law
25. of the 50 States that it was prepared to make a cost evaluation
26. of the various no-fault proposals that were being considered
27. in the various legislatures. The Illinois Insurance Laws
28. Study Commission retained that firm that actuarial consulting
29. firm, equipped with EDP capabilities, and they determined
30. that 416, SB 416 which Senator Partee and I sponsored
31. would result as it was introduced in a...from 15 to 16%
32. cost reduction. That 187 would result probably in an
33. increase but they were not specific as to increase. I

1. lay that information before you. Now I'll quickly wind
2. this up. I was a little bit annoyed about the references to
3. lobbying and that's a...a vicariously stimulating kind
4. of subject matter and I just say that the only people I've
5. been lobbied by in behalf of 187 have been trial lawyers.
6. I haven't had a communication from anyone identified as
7. being from the public. And I think that's...very honestly
8. I think that kind of conversation has no place in our con-
9. sideration of this veto. This veto should be sustained. I'm
10. not one of those who voted for both bills. I voted for and
11. sponsored 416 because it seeks to ring the water of
12. expense out of the present system. And this bill, 187
13. does not do that job and should be vetoed and the veto
14. should be sustained.

15. PRESIDING OFFICER (SENATOR GRAHAM):

16. Any further discussion? Senator...Senator Partee.

17. SENATOR PARTEE:

18. A great deal has been said on the subject here, and
19. I've noticed that the two bills have been generically
20. referred to one as the industry bill and the other the
21. bar association bill. I assume those designations have
22. come as a result of where the bill has alleged to have
23. come from. But I do not think of 416 as an industry bill
24. for the principal reason that the Department of Insurance
25. which has an obligation to the people of this State to run an
26. insurance department in conformity with the best interests
27. of the people of this State, have very clearly expressed
28. to me their disagreement with 187 and their agreement with
29. 415. Now this Department has that responsibility to be
30. expressive of what is best for people in the insurance
31. field. There is much to be said about each of these
32. and emotions and tempers are running just a little
33. high on the question. I read the veto message and I am

1. impressed with the logic contained therein. I think
2. this is a veto which should be sustained.

3. PRESIDING OFFICER (SENATOR GRAHAM):

4. Senator Sours.

5. SENATOR SOURS:

6. I certainly hadn't planned, Mr. President, on being
7. the last one to speak on this...

8. PRESIDING OFFICER (SENATOR GRAHAM):

9. You're not.

10. SENATOR SOURS:

11. Good. Now, other than the sponsor. This bill is
12. sponsored by the Illinois Bar Association with which I
13. do not always agree, but in most instances, I do agree.
14. There's been a lot of talk about the economics of this
15. bill contrasted with the others, and of course, my real
16. favorite, Senator Partee and Senator Harris, Senator
17. Fawell, my real favorite was the Chicago Bar Bill. I
18. thought that outdid both of these. The...the Fawell
19. bill and the Harris bill, but that Chicago Bar Association
20. bill didn't seem to get very far. I just wish it would.
21. I'd be happy to support that in preference to this. So
22. I relegate the order of these bills for my appraisal, num-
23. ber one for this bill, number two for the Harris bill,
24. number three for the Chicago Bar, which never made out
25. of the committee. Now, I don't think the problem here
26. is economics as much as it ought to be, uncluttering the
27. cluttered courts in those circuits where lawyers attend
28. horse races, followed by, I'll use the word politely,
29. magistrates. In the County of Peoria, a suit could be
30. filed tomorrow and there could be a trial by February 1st.
31. If by that time one had all the discovery depositions out
32. of the way. In my district in Stark County we could file
33. a suit today and get a trial 31 days from today which

1. would be one day after the return day if the answer were
2. filed, and no jury demand. So the problem of...of cluttered
3. courts and the backlog of litigation undetermined, remarking
4. that justice delayed is justice denied is not peculiarly
5. or in any way connected with the...courts in my Senate
6. district, or even in any of the counties I know south of
7. DuPage or Will. So we can look at these bills rather...
8. with a rather detached objectivity that perhaps may not
9. be the situation elsewhere. Now, there's nothing wrong
10. with this bill except the industry doesn't want it. And
11. I'm in favor of the industry too, but there's nothing wrong
12. with this bill. Except we're...we're now resorting
13. to our druthers. I would druther do this instead of
14. druthering do that. This is a good bill. It merits your
15. support. If you don't like it then vote it down, but it...
16. it doesn't have...it doesn't have any infirmities that I
17. know. The Illinois State Bar is not a...an uncritical
18. organization. It's an organization voluntary of lawyers,
19. they do good things most of the time. This is a good bill.

20. PRESIDING OFFICER (SENATOR GRAHAM):

21. No further discussion? Senator Fawell will spend
22. 30 seconds closing the debate.

23. SENATOR FAWELL:

24. The only question that I ask that each of you ask
25. yourself is, how we can...or if the question has been
26. answered where we do give you mandatory insurance; we do give
27. you the expanded the coverage, first party coverage, we do give
28. you the prompt payment, we do give you the arbitration so
29. that you have subrogation between insurance companies out
30. of court, as Senator Sours has pointed out to decrease
31. the amount of litigation, we do give you all of these points
32. which amount admittedly to three-quarters of what the
33. insurance industry bill is talked about. We can always

1. go back and talk about the other. If there has been an ad-
2. equate answer to this, so that you can and should and
3. this Body should vote no to this bill, then I...I certainly
4. can accept that. But I...I sincerely don't believe that
5. an adequate answer has been given to that question.

6. PRESIDING OFFICER (SENATOR GRAHAM):

7. The question before the Senate is shall SB 187 pass,
8. the veto of the Governor to the contrary notwithstanding.
9. An affirmative acclamation on this motion will require
10. thirty-six votes and the Secretary will call the roll.

11. SECRETARY:

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

22. PRESIDING OFFICER (SENATOR GRAHAM):

23. There has been request for the call of the absentees.
24. They will be so called.

25. SECRETARY:

26. Bartulis, Bell, Davidson, Kosinski, Latherow, Nudelman,
27. Partee, Romano, Saperstein, Savickas, Soper.

28. PRESIDING OFFICER (SENATOR GRAHAM):

29. Senator Kosinski, aye. Senator Fawell.

30. SENATOR FAWELL:

31. I move postpone consideration.

32. PRESIDING OFFICER (SENATOR GRAHAM):

33. Move postpone consideration. Senator Daley.

1. SENATOR DALEY:

2. Mr. President, I would like to have the indulgence of
3. our Body here to introduce a group of students from my
4. district from the Mark Sheridan School, the 23rd district.
5. I'd like to have them all stand up.

6. PRESIDING OFFICER (SENATOR GRAHAM):

7. The bill will be placed on the order of consideration
8. postponed. Are there further motions...The Senators have
9. requested...that are now before this Body for consideration?
10. Any further motions on vetoes before this Session of the
11. General Assembly? There being no... I'll recognize you
12. when I get this order of business. There being no motions
13. in that regard, is there further business to be brought
14. before this Session of the General Assembly? Senator...
15. I know about that. ...do you have some business you wish
16. to transact? May we have some order Gentlemen, please?

17. SENATOR BERNING:

18. Yes, Mr. President, if this is the appropriate time
19. under Concurrence in House action on Amendatory Vetoes,
20. I would like to move you...

21. PRESIDING OFFICER (SENATOR GRAHAM):

22. You have no motion on the Secretary's desk, Senator.
23. I just asked if there...

24. SENATOR BERNING:

25. On HB 203 and 204?

26. PRESIDING OFFICER (SENATOR GRAHAM):

27. You have been requested... You've been requested...
28. Been requested, time and again that in order to go to this
29. order of business a motion has to be filed and the amendment
30. has to be incorporated in the motion for consideration of
31. your type of business you wish to discuss, Senator. So I
32. suggest to you that you have a motion prepared incorporating
33. that amendment. ...Hall. Senator Kenneth Hall has a motion.

1. The Secretary will read the motion.

2. SECRETARY:

3. I move... (Secretary reads motion)

4. PRESIDING OFFICER (SENATOR GRAHAM):

5. You have heard the motion read by the Secretary regarding

6. action requested by Senator Hall. Senator Hall.

7. SENATOR KENNETH HALL:

8. Thank you, Mr. President. This 1436 was the OEO bill

9. and it just simply changes one word, shall to may and so

10. I would...make the proper motion at this time.

11. PRESIDING OFFICER (SENATOR GRAHAM):

12. The motion will be, the motion is shall the Senate

13. accept the specific recommendations of the Governor as

14. to HB 1436 in the manner and form just read by the Secretary

15. and explained by Senator Hall. Senator Davidson.

16. SENATOR DAVIDSON:

17. Would the sponsor yield to a question?

18. PRESIDING OFFICER (SENATOR GRAHAM):

19. Senator Hall indicates that he will yield.

20. SENATOR DAVIDSON:

21. Senator Hall, as...is this change from shall to the word

22. may been okayed, or is this agreeable with the community

23. action agency people?

24. PRESIDING OFFICER (SENATOR GRAHAM):

25. Senator Hall.

26. SENATOR KENNETH HALL:

27. Yes, Senator Davidson. It's a simple change and the

28. OEO people all accept it.

29. PRESIDING OFFICER (SENATOR GRAHAM):

30. Senator Davidson.

31. SENATOR DAVIDSON:

32. It's not a simple change. It now takes it from being

33. mandatory if the local groups raise the money to give the

1. community action people the funds to do their jobs that
2. the Office of the Governor had to fund this to do their
3. job. Now it is may and the Governor's Office, if they
4. desire to turn someone down, they can do it. It now becomes
5. a political football and takes it out of the realm of doing
6. the job it was supposed to do. And under the old part of
7. being shall at the local...local government had the ability
8. or desire to see this community action agency carry on and
9. participate to do the job in their area, they raised the
10. money and the State had to match it. Now, it's an option
11. and I don't think that this bill is in good shape the word
12. shall should remain.

13. PRESIDING OFFICER (SENATOR GRAHAM):

14. I'm observing that was not a question. Senator Hall.

15. SENATOR KENNETH HALL:

16. In answer to Senator Davidson there. The chief sponsor
17. of the House, Representative Giorgi has agreed to this and
18. the House has passed it in this form. And it has come over
19. here and this is acceptable to the people who asked the bill
20. to be introduced Senator. So that I'm asking the Senate to
21. concur with what the House and the principal spe...sponsor
22. has agreed to.

23. PRESIDING OFFICER (SENATOR GRAHAM):

24. Discussion? Senator Sours and then Senator Mitchler.

25. SENATOR SOURS:

26. I can be very brief, Mr. President, Senators. I think
27. Senator Davidson raised a...the right issue. I don't think
28. the Governor, any Governor, this Governor, his successor,
29. his predecessor ought to have this much to play around with.
30. ...not be affirmed.

31. PRESIDING OFFICER (SENATOR GRAHAM):

32. Senator Mitchler.

33. SENATOR MITCHLER:

1. Mr. President, Members of the Senate, in reading my
2. synopsis of the veto message and an analysis that I have, this
3. changes a very important word from the word shall, changing
4. it to may. That's...that's a very specific change in HB 1436.
5. It authorizes units of local government in it's present
6. form to make grants to community action agencies from
7. their...from their Federal revenue sharing monies at their
8. option. And this is going to have a very decided change
9. unless the Senator can convince me otherwise, other than
10. the fact that Representative Giorgi who is up in Rockford
11. as I understand and this really pertains down to your
12. area, I assume, down in the East St. Louis area. Just
13. because the House passed it those are not good enough
14. arguments for me to sustain the Governor's veto of HB
15. 1436.

16. PRESIDING OFFICER (SENATOR GRAHAM):

17. Senator Hall.

18. SENATOR KENNETH HALL:

19. At this time, I would like to hold this and we'll
20. just postpone it for...at this time.

21. PRESIDING OFFICER (SENATOR GRAHAM):

22. We will take it from the record...

23. SENATOR KENNETH HALL:

24. Take it out of the record.

25. PRESIDING OFFICER (SENATOR GRAHAM):

26. ...the motion filed by Senator Hall. It shall be
27. taken from the record. While we are getting prepared
28. for another bit of action, Senator Ozinga has an announcement
29. to make that might provoke us to get on with the business
30. so we can get to his committee. Senator Ozinga.

31. SENATOR OZINGA:

32. The Executive Committee is scheduled to meet at
33. 2:15, so as soon as we can adjourn this Session we'll

1. go into Executive meeting at 2:15 and we'll have at least
2. 13 members to be considered down there. Thirteen appointees,
3. shall I say. So as soon as we are through here we are to
4. adjourn right to the Executive Committee meeting.

5. PRESIDING OFFICER (SENATOR GRAHAM):

6. Chair recognizes the Senator from Skokie, Senator
7. Nimrod. Senator Berning, what purpose do you rise Sir?

8. SENATOR BERNING:

9. Mr. President, while we are in a state of limbo...

10. PRESIDING OFFICER (SENATOR GRAHAM):

11. We are not, but you may.

12. SENATOR BERNING:

13. ...we're waiting, may I take this time to also make
14. an announcement that the sub-committee on Personnel of
15. the Pension and Personnel Committee will meet tomorrow
16. morning at 8:00 a.m. in room 212.

17. PRESIDING OFFICER (SENATOR GRAHAM):

18. They won't like you. Senator Mohr. We have some
19. action, Gentlemen. We're not on the order of announcements
20. yet. May you...Will you... Senator Nimrod.

21. SENATOR NIMROD:

22. Mr. President, Fellow Senators, I would like to
23. call on HB 18 to concur in the House action on the
24. Amendatory Veto on the...on that particular bill which
25. provides for capital punishment.

26. PRESIDING OFFICER (SENATOR GRAHAM):

27. Senator Nimrod has asked that we suspend the rules
28. and move to the order of concurrence in House action on
29. Amendatory Vetoes. All in favor signify by saying aye.
30. Opposed. The ayes have it and we are now on that order
31. of business and the Senator would like to speak to amendatory
32. ...to the House action on the amendatory veto on HB 18.
33. Senator Nimrod.

1. SENATOR NIMROD:

2. Mr. President, I believe that we are all well informed
3. and have voted on this bill in the past. And it did
4. go to the Governor and the Governor amended this bill,
5. and in particular, I believe in talking with the sponsor
6. and also in the action that was concurred on in the House,
7. I think we will all agree that with the amendatory vetoes
8. that this has made this a better bill. And I would just
9. like to review for you a few of these changes that were made
10. so that you might have a little better understanding, and
11. a little more knowledge on actually what action was taken.
12. Now on the amendatory veto there are two provisions that
13. are listed here that I think you should draw your attention
14. to, and that is on page 6, on line 1, there has been an
15. insertion which...which reads as follows: that unless
16. a majority of the judges of such court determine that
17. there are compelling reasons for mercy and that the defendant
18. should not be sentenced to death. That would be an exception
19. in providing for the death penalty and this is good, in
20. respect to that there are a few examples I'm sure that we
21. can all cite and we might know that the cases of this type
22. would...

23. PRESIDING OFFICER (SENATOR GRAHAM):

24. Senator Nimrod, we again have bumped up against
25. the problem of the sponsor not having filed a motion.
26. And again we are indicating to the Senators to take
27. action upon these Amendatory Vetoes that there must
28. be a motion in writing filed which would incorporate
29. the specifics in the subject matter to be discussed by
30. the sponsor.

31. SENATOR NIMROD:

32. We will so do.

33. PRESIDING OFFICER (SENATOR GRAHAM):

1. We take...

2. SENATOR NIMROD:

3. Take it out of the record.

4. PRESIDING OFFICER (SENATOR GRAHAM):

5. ...take it from the record. Gentlemen, again, Ladies,

6. if you're going...if you're thinking of taking action on

7. some of these matters, check with Senators Partee or Harris

8. or Mr. Fernandes, find what is the appropriate action to

9. be taken, so that we can avoid delays. If you would do

10. that, please it would be helpful. Senator Don Moore.

11. SENATOR DON MOORE:

12. Thank you, Mr. President. A...notification to the

13. Members of the Senate Elections and Reapportionment Com-

14. mittee that there will be a brief meeting tomorrow morning

15. at 9:00 o'clock in room A-1.

16. PRESIDING OFFICER (SENATOR GRAHAM):

17. We won't like you. We have...is there further

18. business now to be brought before the Senate. We have

19. a couple of death resolutions. The reading of the

20. second one having been completed, we will adjourn at

21. that time. So, is there any announcements? Any busi-

22. ness? Now, is the time. Hearing none, the Secretary will

23. proceed on the order of Resolutions.

24. SECRETARY:

25. Senate Resolution number 263 by Senator Berning.

26. (Secretary reads Resolution)

27. PRESIDING OFFICER (SENATOR GRAHAM):

28. Senator Berning moves suspension of the rules for

29. the immediate consideration of the Resolution. All in

30. favor of the motion to suspend will signify by saying aye.

31. Senator Berning.

32. SENATOR BERNING:

33. Thank you, Mr. President. This delightful gentleman

1. was 94 years old. An outstanding personality in our
2. community, in the Highland Park-Deerfield area, one of
3. the last remaining contacts with the era of the Gay '90's
4. and prior to 1900. A great civic personality, a lost to
5. our community and I would invite all Members of the Body
6. to join in this Resolution to this significant American.

7. PRESIDING OFFICER (SENATOR GRAHAM):

8. He was a personal friend of mine, too, Senator Berning.
9. And you now move for the immediate consideration of the
10. Resolution and invite all Senators to become cosponsors
11. thereon. All in favor of the adoption of the Resolution
12. will indicate by rising. The Resolution is adopted.

13. Mr. Secretary.

14. SECRETARY:

15. Senate Resolution 264 by Senator Carroll and all
16. Members of the Senate.

17. (Secretary reads Resolution)

18. PRESIDING OFFICER (SENATOR GRAHAM):

19. Senator Carroll moves for suspension of the rules
20. for an immediate adoption of the Resolution. On the
21. motion...to suspend, all in favor will signify by saying
22. aye. The motion before the Senate now is for immediate
23. consideration of this Resolution. Senator Carroll.

24. SENATOR CARROLL:

25. Thank you, Mr. President, those of you who knew the
26. late judge and the nephew of our colleague Senator Ben
27. Palmer, I know that all of you would like to join in
28. this Resolution. I would ask for its immediate adoption.

29. PRESIDING OFFICER (SENATOR GRAHAM):

30. Senator Palmer moves for an immediate adoption of
31. the Resolution, and invites all Senators to join in
32. sponsorship therein. All in favor of the adoption of
33. the Death Resolution will signify by arising. The Resolution

1. is adopted and the Senate stands adjourned until 10:30
2. tomorrow morning. Executive immediately.
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