

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

109th Legislative Day

May 22, 1992

PRESIDENT ROCK:

The hour of nine having arrived, the Senate will please come to order. Will the Members be at their desks, and will our guests in the gallery please rise. Prayer this morning by Father Don Wolford, St. Patrick's Church, Decatur, Illinois. Father.

FATHER DON WOLFORD:

(Prayer by Father Don Wolford)

PRESIDENT ROCK:

Thank you, Father. Reading of the Journal, Madam Secretary. Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. I move that the reading and approval of the Journals of Wednesday, May 13th; Thursday, May 14th; Tuesday, May 19th; and Wednesday, May 20th; and Thursday, May 21st, in the year 1992, be postponed, pending arrival of the printed Journals.

PRESIDENT ROCK:

You've heard the motion as placed by Senator Kelly. Is there any discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and it is so ordered. Messages from the House.

SECRETARY HAWKER:

A Message from the House by Mr. O'Brien, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I'm instructed to ask the concurrence of the Senate, to wit:

House Bills 2734, 2741, 3038, 2846, 3209, 3125, 3199, 3538, 3539, 3540, 3083, 3335, 3549, 3551, 3554, 3556, 3557, 3600, 3250, 3541, 3542, 3543, 3544, 3545, 3546, 3547, 3550, 3553. Passed the House, May 21, 1992.

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With leave of the Body, the report of the Compensation Review Board will be journalized as received. Resolutions.

SECRETARY HAWKER:

Senate Resolution 1294 offered by Senator Janet Joyce.

Senate Resolution 1295 offered by Senator DeAngelis.

Senate Resolution 1296 offered by Senators Friedland and Karpziel.

Senate Resolution 1297 offered by Senator Karpziel.

Senate Resolution 1298 offered by Senator Demuzio and all Members.

Senate Resolution 1299 offered by Senator Brookins.

Senate Resolution 1300 offered by President Rock and all Members.

Senate Resolution 1301 offered by Senator DeAngelis.

And Senate Resolution 1302 offered by Senators Mahar, DeAngelis and Kelly.

They're all congratulatory and death resolutions.

PRESIDENT ROCK:

Consent Calendar. Resolutions.

SECRETARY HAWKER:

Senate Joint Resolution 165 offered by Senator Demuzio.

(Secretary reads SJR No. 165)

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

While we're on that Order of Business, we just as well do this. I move to suspend the rules for the immediate consideration and adoption of Senate Joint Resolution 165, which calls for us to come back, when we adjourn today, on Wednesday, May the 27th, at the hour of noon. I would move to suspend the rules.

PRESIDENT ROCK:

All right. Senator Demuzio has moved to suspend the rules for

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the immediate consideration and adoption of Senate Joint Resolution 165, the adjournment resolution. All in favor of the Motion to Suspend, indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. Senator Demuzio now moves the adoption of Senate Joint Resolution 165. All in favor, indicate by saying Aye. All opposed. The Ayes have it, and the resolution is adopted. With leave of the Body, we'll move to the Order of House Bills 1st Reading. And again, I would admonish the Members that if the House sponsors have requested that you pick up the bill, please inform the Secretary. There will be a Rules Committee meeting next Wednesday, at the hour of eleven o'clock in the President's Office. With leave of the Body then, Madam Secretary, we'll move to page 12 on the Calendar. Page 12 on the Calendar, the Order of House Bills 1st Reading.

SECRETARY HAWKER:

House Bill 2766 offered by Senators Hawkinson, Fawell, Thomas Dunn and Topinka.

(Secretary reads title of bill)

House Bill 2691 offered by Senator Leverenz.

(Secretary reads title of bill)

House Bill 2730 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 2763 offered by Senator Luft.

(Secretary reads title of bill)

House Bill 2798 offered by Senator Macdonald.

(Secretary reads title of bill)

House Bill 2857 offered by Senators Friedland and Macdonald.

(Secretary reads title of bill)

House Bill 2927 offered by Senators Severns and President Rock.

(Secretary reads title of bill)

House Bill 2968 offered by Senator O'Daniel.

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(Secretary reads title of bill)

House Bill 3065 offered by Senator Leverenz.

(Secretary reads title of bill)

House Bill 3126 offered by Senator Schaffer.

(Secretary reads title of bill)

House Bill 3165 offered by Senators Vadalabene and Friedland.

(Secretary reads title of bill)

House Bill 3221 offered by Senator Leverenz.

(Secretary reads title of bill)

House Bill 3227 offered by Senator Rea.

(Secretary reads title of bill)

House Bill 3354 offered by Senator Marovitz.

(Secretary reads title of bill)

House Bill 3409 offered by Senator Marovitz.

(Secretary reads title of bill)

House Bill 3427 <sic> (3437) offered by Senator DeAngelis.

(Secretary reads title of bill)

House Bill 3463 offered by Senator Thomas Dunn.

(Secretary reads title of bill)

House Bill 3464 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 3485 offered by Senator O'Daniel.

(Secretary reads title of bill)

House Bill 3516 offered by Senator Luft.

(Secretary reads title of bill)

House Bill 3628 offered by Senator Demuzio.

(Secretary reads title of bill)

House Bill 3716 offered by Senator Leverenz.

(Secretary reads title of bill)

House Bill 3769 offered by Senator Topinka.

(Secretary reads title of bill)

House Bill 3770 offered by Senator Topinka.

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(Secretary reads title of bill)

House Bill 3773 offered by Senator Maitland.

(Secretary reads title of bill)

House Bill 3799 offered by Senators Berman and Maitland.

(Secretary reads title of bill)

House Bill 3801 offered by Senator Palmer.

(Secretary reads title of bill)

House Bill 3892 offered by Senator Palmer.

(Secretary reads title of bill)

House Bill 3898 offered by Senator Luft.

(Secretary reads title of bill)

House Bill 4056 offered by Senators Palmer and Smith.

(Secretary reads title of bill)

House Bill 4073 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 4078 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 4156 offered by Senator Vadalabene.

(Secretary reads title of bill)

House Bill 4191 offered by Senator Jones.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDENT ROCK:

Those bills will be referred to the Rules Committee, Madam Secretary. It is 9:25 on Friday, May 22nd, which is the deadline day. I daresay, over the past two days, virtually every Member has asked me how soon we're going to get out of here, and I too am just as anxious. When are we going to get out of here, right? We have only a hundred bills remaining on the Calendar, and I would suggest we get going and move through them with some -- in some expedited fashion. Move through them with dispatch - that's a good word. So I would ask the Members to bear in mind that

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everybody's anxious to get on the Memorial Day weekend train. Try to keep the -- I'm not sure we're going to change anybody's mind with any lengthy debate. Page 2 on the Calendar. Page 2 on the Calendar. And I would ask the Members to please be attentive. There is a distinct, real possibility that once passed over, we're not getting back to it today. On the Order of Senate Bills 3rd Reading is Senate Bill 1468. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1468.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Thank you, Mr. President, Members of the Senate. Senate Bill 1468 creates the Naprapathic Practice Act. It -- it creates the Naprapathic Licensing and Examining Committee to establish qualifications for licensure and also grounds for disciplinary. It defines the scope of practice of naprapathy as a professional -- a professional health care system to assist the body in restoring its structural and functional integrity. Naprapathy relies on specific connective tissues, manipulative therapy and relieves nuclear vascular interference that may generate circulatory congestion. It -- it sets up a licensing fee of two hundred dollars -- requirement to be licensed under the Act. It changed the -- the date of effectiveness from sixty days to a hundred and fifty days. So this will cause no problems as it relate to the Department of Professional Regulation. The -- the purpose of this Act is to -- really to decriminalize a -- a group of people who went to a school recognized by the Board of Higher Education. When we did the rewrite of the Medical Practice Act in

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1987, we left out that portion that -- that allowed these persons who went to an accredited college to practice in their profession. And -- in effect, we made criminals out of them. We should not have done that. So this bill, in effect, decriminalizes them, and at the same time, sets up the necessary consumer protection. That's why it's called a licensing Act. The School of Naprapathy has been in business for more than eighty years in the State of Illinois. It is located in the City of Chicago. I have worked with the Medical -- the Medical Society. We amended the bill to deal with the objections that were raised in committee, and I would answer any questions as it relate to this bill.

PRESIDENT ROCK:

The Gentleman has moved passage of Senate Bill 1468. Discussion? Senator Davidson.

SENATOR DAVIDSON:

Mr. President, due to the fact that I could have a conflict of interest, because the bill allows me to -- as a practicing chiropractic physician, to refer to a naprapath, if this becomes law, I will be voting Present.

PRESIDENT ROCK:

Further discussion? Further discussion? If not, the question is, shall Senate Bill 1468 pass. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none <sic> (1) voting Present. Senate Bill 1468, having received the required constitutional majority, is declared passed. 1510. Senator Berman. Read the bill, Madam Secretary, please. With leave of the Body, Senator Berman's handling that for Senator Lechowicz. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 1510.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Several years ago, we passed a bill that provided for civil damages that could be brought by victims of persons who were convicted of first degree murder, Class X, or Class I felonies. This bill makes that previous Act retroactive, so that persons that were damaged by these criminals could sue, even though the actions that took place, took place before the passage of the original bill. There was an amendment that was put on that was controversial. Senator Hawkinson and Barkhausen opposed it. Although we put it on, I took it off yesterday. This is all that's in the bill.

PRESIDENT ROCK:

Discussion? If not, the question is, shall Senate Bill 1510 pass. Those in favor, vote Aye. Opposed, vote Nay. And the voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 1510, having received the required constitutional majority, is declared passed. Senator Welch, on 1526. Madam Secretary, read the bill, please.

SECRETARY HAWKER:

Senate Bill 1526.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

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Thank you, Mr. President. This bill creates the School Energy Conservation Act. The bill is designed to encourage schools to save money by improving their energy efficiency. It creates a commission that will approve and audit the schools to make sure that they get the best possible energy savings. I'd be glad to answer any questions.

PRESIDENT ROCK:

Discussion? If not, the question is, shall Senate Bill 1526 pass. Those in favor, vote Aye. Opposed, vote Nay. And the voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 1526, having received the required constitutional majority, is declared passed. 1529. Senator Karpiel. Madam Secretary, read the bill, please.

SECRETARY HAWKER:

Senate Bill 1529.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. Senate Bill 1529, as amended, would address the management of radioactive uranium and thorium mill tailings that are located within the State. The bill really addresses only one site in the State, and that's West Chicago. And -- and the bill only applies to that site and to the Kerr-McGee Company. The bill does -- as amended, it changes the -- well, first of all, let me say that last year we passed a bill which was a -- a storage-fee bill that -- that said that the company that left this -- these mill tailings on site would be charged a storage fee of ten dollars a cubic foot, to be paid to

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the State as a penalty -- or a storage fee. Because that was a very punitive bill, it finally brought Kerr-McGee, after many years, to the table for negotiations. They did agree, in a five-point agreement, to move the material from the site, and this year they also signed a contract with Envirocare of Utah to move the material to that site. So there has been progress. We are not completely finished, however, and so we -- I reintroduced the same bill. I don't believe that any longer - with the progress that we've made, with the encouragement that Kerr-McGee has given us with their signing of the contract with Envirocare - that that bill was any -- any longer necessary. As amended, the bill changes the storage-fee price from ten dollars to -- two dollars a cubic foot. We've delayed the effective date to January of '94. This -- the money will be used by Kerr-McGee -- the money that will be accumulated in this fund will be used by Kerr-McGee to move the materials. If for some reason they don't move them, it will be used by the State for that reason. The bill requires local siting, the same as we do for landfills, radioactive waste facilities, et cetera. And there is a provision in the bill that says that if a consent decree is signed - and we're still working on that - that the bill becomes null and void. I think this is a responsible approach to an environmental problem. It sets up a funding mechanism the same as Com-Ed and the electric power companies have, and I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor, Mr. Chairman.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield, Senator Welch.

SENATOR WELCH:

Senator Karpziel, on the decommissioning funds, you said that

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Kerr-McGee could use those. Is there any requirement that they be used to pay the attorneys' fees that have been incurred to negotiate this settlement?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpiel.

SENATOR KARPIEL:

No, not to my knowledge.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in opposition to Senate Bill 1529, as amended, and let me tell you the reason why. The reason is that this case is currently -- this situation is currently in litigation in the Circuit Court of DuPage County, and by all reports - at least those that I have read in the newspapers - there are currently good faith negotiations ongoing between the residents of the Village of West Chicago and the village officials and the company. And it is one thing to say, "Move it out of here." It's quite another to try to effect a move, which I am told they have agreed to do, until there is a licensed recipient. And so the question I would ask of the sponsor: is it -- to her knowledge, is there, in -- anywhere in the United States, a recipient or a receptacle that is indeed licensed by the Federal Government for the receipt of this material, presently?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpiel.

SENATOR KARPIEL:

Thank you. Kerr-McGee has signed a contract with Envirocare. It is not at the present time licensed, but they had intervened in the case at a -- previously to prevent them being licensed. When signing this contract recently with Envirocare, they have said

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that they will withdraw their intervention in that case, and work with Envirocare to get the licensing accomplished, and hopefully -- they -- they told us they would hope to have that done in no more than a year - in perhaps nine months.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Well, I guess that's the point, that -- that we have on the one front a current litigation going on, and all of a sudden the attorneys for the other side now come into the General Assembly and say, "Lookit -- we can't get this done by ourselves; you're going to have to punish them or threaten them." And I would suggest to you that a possible twenty-six-million-dollar-per-year fine is a pretty heavy threat, and indeed, it sets, I think, something of a precedent around here. I suppose then we could virtually have the General Assembly virtually intervening in lawsuits all over the place - threatening or cajoling or beating up one party or another. I think this is a mistake. I have absolute sympathy for the people of West Chicago and the problem that has existed there for a long time. My understanding is twofold. The -- the company has admitted liability for this - responsibility for this; they have bent every effort to find a licensed recipient; they have even said that they will help this company get a license. It seems to me they're doing everything reasonably possible, and to have this kind of a club continue to beat them over the head I think is a mistake.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President, and I appreciate Senator Rock's comments. But, Senator Rock, let me explain your logic to you in another case. A case is already being litigated, therefore the

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Legislature no longer has a role. Under the education school funding inequities, there's presently a lawsuit going on right now; therefore, we, the Legislature, should take no action. Now that is, frankly, not particularly logical. We already passed the Constitutional Amendment, with bipartisan support and bipartisan opposition, to change the way the school -- or the State accepts its funding responsibilities, and we regularly - regularly - as a Legislative Body who represent the people, attempt to intervene to see what's going on in various areas in the State. To somehow pretend someone -- because there's a lawsuit going on, that the Legislature's hands are tied, flies in the face of two hundred years of legislative activity in fifty states and at the U.S. Congress. I appreciate your thoughts, but for a moment take your own logic to the next step and realize that, frankly, you are totally in error. And I would solicit your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Well, I rise in strong support of this bill, and I unfortunately feel that - as Senator Keats does - that this -- this is of such great importance - this particular piece of legislation and the threat - the health threat - that this situation that has existed for far too long, is of such importance that I think that this bill is essential, and it's the responsibility of the Legislature to get this whole situation under control and to pass this bill. This is not just any piece of legislation that may also have a court case involved; this is a threat to all of the people that live in that area. It has been an ongoing threat for far too many years, and it looks to me as though we finally have the resolution to the problem, and I would strongly urge your Yes vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

There are many issues which seem to outdate even those of us who have been here twenty years, and this is one of them, I think. As long as I can recall, the papers in our -- the northern part of the State have been filled with articles about this situation. Some progress has been made this year, but it was pretty obviously progress inspired by legislative action last year. There's no question in my mind that moving this bill will expedite the final solution to this unending problem. I think one of the reasons people all over this country are frustrated with government is that we never seem to be able to accomplish anything or get anything done. This is not the time to backwater on this issue; this is the time to continue the pressure, to continue to force people to the table to get this problem resolved. Senator Karpel's bill is a reasonable, balanced attempt to do that - one that's in the interest of every taxpayer and citizen of this country, and she deserves every one of our votes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I did not originally plan on standing up and speaking about this bill, because it -- it affects me very personally. I lived in this town of West Chicago for twenty-one years. This is where I raised my children, and this is where my brother-in-law and sister-in-law raised their children. One of my nieces has cancer, as a direct result of what has happened in West Chicago. Kerr-McGee has admitted that this is her problem and their problem. Unfortunately, she was raised in a home a half a block away from where my children were raised. And -- and the -- and the person that owned the home before had used these tailings as a landfill. She is dying by inches. She has lived with me on

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and off for five years, and is like my own daughter. If you don't get this stuff out of West Chicago, we are going to see more and more of these cases. I have lost friends. I have lost my co-leader in Girl Scouts. I beg you, support this bill, and get that damn stuff out of the State of Illinois and out of West Chicago before it destroys us.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Karpziel may close.

SENATOR KARPIEL:

Well, thank you, Mr. President. A lot of things have been said here, particularly by the President, who is not on the Floor now, that are simply wrong. Five years ago, the Members of this Senate - Members of this General Assembly - almost unanimously - in fact, I think it was unanimously - passed a bill requesting the NRC to give Illinois the agreement-state status over this site. Kerr-McGee has, since that time, waged a two-year fight against us - against the State of Illinois - to stop the transfer of authority to IDNS. They are still fighting that fight, and still have a suit on that. They -- Senator Rock mentioned a suit in DuPage County, and we shouldn't mess around in litigation. There are all kinds of suits. In DuPage County, in the State of Illinois, at the -- at the national level, all over this country, there are suits by Kerr-McGee to stop the State of Illinois from making them remove this -- these radioactive wastes that are sitting in the middle of West Chicago. It is a block from a park. There are homes right across the street. It's sitting there like huge piles of dirt. It's not in a waste landfill. We worry about solid waste landfills and what we should be putting in it. But we're allowing radioactive waste to sit in the middle of a town? That's crazy. That is simply crazy. And they are still fighting us on it. Yes, we have made progress since last year, when we again unanimously passed a bill that would put a storage fee on

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them. And that was a punitive bill. I admit that. And it was to get them to the table, and it worked. And we have made progress. They have signed a contract with Envirocare, but nobody has seen that contract. No one in the State of Illinois has seen that contract. We don't know what it involves, and we don't know how permanent it is. And they say they are going to help get the licensing for Envirocare, but how do we know that? If we don't reach -- get a consent decree - which by the way they are dragging their feet on - if we don't get a consent decree signed, we have to have this bill for our Department of Nuclear Safety to be able to guarantee the funding necessary to move this material if it needs to be moved by the State of Illinois. They've said they're going to move it, and I certainly hope they are, and the money that'll be in this fund, they'll be able to use. It is not a penalty, Senator Rock. It is not a penalty at all. It just goes into a fund - the way we -- the way we fund Martinsville, the way we fund other radioactive sites - by putting a fee on Commonwealth Edison and electric power. It's simply a fund that they themselves can use if they are, in fact, trustworthy, and are, in fact, intending on moving the material. We have to do this to protect the State, or we'll all be paying for this, and we won't have any money from Kerr-McGee, who is legally liable for it - they even admit that. And by the way, I want to say, this is not a partisan issue. The Attorney General's Office has been working very hard in this case, as well as the Governor's Office, the EPA, the IEPA. They have been sitting up there for this whole week, from nine in the morning till seven and eight at night, trying to grind out an agreement. Kerr-McGee has been doing nothing but dragging their feet and walking the halls of this Legislature spreading all kinds of bad information. I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1529 pass. Those in favor will

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vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are 5, none voting Present. Senate Bill 1529, having received the required constitutional majority, is declared passed. Senate Bill 1557, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1557.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Senate Bill 1557 is the result of a lot of work by Senator Carroll, who I'm sure will speak on this, and our staff. Putting together a Joint Committee on Spending Control, it sets forth the people that should be on it, the different chairmen and vice chairmen of the committee. We sunset it after, I believe, July 1 of 1993, so we don't get ourselves committed to another bureaucracy, but I think it's extremely important in today's times for us to have a much stronger oversight of the budget process. And I think even the Governor himself, in one of his speeches, suggested that we move towards this direction. So I would attempt to answer any questions, or else ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? Senator Rigney.

SENATOR RIGNEY:

I've got a couple questions for the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates that he would yield to Senator Carroll to answer questions. Senator Rigney.

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SENATOR RIGNEY:

Okay. I assume that, first of all, you're talking about an emergency expenditure. This assumes that, first of all, an appropriation was made in this particular area. You're not attempting to give appropriation authority, are you?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Senator Rigney, if I could explain: when we amended the bill we gave some very specific language to it because of what appears to be the necessary reductions in spending for this fiscal year, if none of Governor Edgar's tax increases are going to pass. There was some concern: what happens when we're not in Session? When we're in Session we can deal with supplemental legislation, like we always do - like we did yesterday in passing a supplemental budget. My own opinion is, we're here so much anyway, this truly may be - and hopefully will be - totally unnecessary. But for that possibility that we even get out of here the end of June, or early July, there may be a couple months when we're not here. During that time, no agency should have a problem anyway, because they've got twelve months' funding. What this set up is a couple million dollars - I think it was two- or three-million-dollar appropriation authority - so in the case of a crisis, there was someone to whom the executive to go -- could go without calling back a hundred and seventy-seven Members to deal with a moderate spending crisis. And this would be equal number of Democrats and Republicans, and equal number of House and Senate, and it would take a majority of that Body to authorize a spending, but the total that they could ever spend would be two million dollars, and it would only be under those kind of situations. I don't think it'll ever be used, but it's that safety valve so that there is no necessity to call back the entire

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General Assembly on one of those rare occasions where there's a month we're not here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rigney.

SENATOR RIGNEY:

Well, does this assume we simply couldn't give the Governor some kind of a miscellaneous account where he could make those types of shifts, based upon where he felt the need was?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Senator Rigney, he already has two percent transferability in each agency. So this would be if that went beyond that. He's already got two percent of the General Revenue -- of all -- not all of the General Revenue budget - of the operating accounts of the General Revenue budget - that he can transfer. So this would just say if, in fact, he's already used his transfer authority, which is hundreds of millions of dollars, there's a couple million there so he doesn't have to call everybody back. If the preference is to call back all hundred and seventy-seven Members, that's his choice. But I -- you know, it's just an effort to give a modest safety valve, that I don't think will ever be used - it was just an answer to one of the criticisms. Because, really, the only months we're not going to be down here are - if we're out of here in July - August, September, October. The other months we're here, so we can deal with it supplementally. And in those first months of a fiscal year, there's almost no need for an emergency, because there's enough money to carry them through at least those four months, no matter what the General Assembly did to their budget. But it's that moderate safety valve that's there to be more fiscally responsible.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Rigney.

SENATOR RIGNEY:

The duties are all summed up, in fact, in one sentence in Section 15 of the bill. And -- who calls the emergency? How is an emergency determined?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Just by a request of the Executive Branch or the Governor. And instead of having to call a proclamation of emergency, they would just send a notice to the -- this committee that an emergency exists, and they would like a spending authority. But we can change that if somebody's got a better language. The whole purpose was to just be a safety net so they don't have to call us all back.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. A question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right.

SENATOR MAITLAND:

Yes. Senator Carroll...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll indicates he will yield. Senator Maitland.

SENATOR MAITLAND:

In -- in the -- I don't recall ever, in the fourteen years I've been here, having any such situation come up. I'm wondering if you might cite an example of something like this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

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SENATOR CARROLL:

I have none. It was just that we were accused, in our cuts, of causing crises in government where we wouldn't be here to deal with them if the crises occurred. Here's a way to deal with it, in case there is a crisis that's less expensive than calling everybody back. As I said before, in answer to Senator Rigney, I know of none. I can't believe there'll ever be one where this committee would ever meet, because the budget, the way it works, the months that could be a crunch are the months we're here anyway, which would probably be March, April, May and June of next year. But if a safety net is important to have, this is at least an idea of how to do it, rather than making the Governor call us all back. I can't even conceive of a situation where it could be used, but it's that safety net if we need it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Well, I agree, and I'm not -- I'm not standing up to oppose it -- just -- just to oppose it because it's your issue. My concern is, I find it -- I find the same thing is true - I can't -- I can't conceive of a time when we'd ever use this. We give the two-percent transferability. It's there. That, with many of the agencies that would be affected, is a substantial amount of money. And what happens here, although we're not changing appropriations, we are moving from line item to line item, and that's twelve individuals making a decision that otherwise is made by a hundred and seventy-seven. And I guess that's of great concern to me, and I -- I really question whether that's needed or not.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

That's why the very limited amount of appropriation authority,

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which, as I said, is a couple million dollars, so that they're not making major decisions; you and I and whoever else would be on this committee, are not going to be making any major decisions. It's just for in case, for example, a multiyear lease come up and they need lease authority, and it came up in September. Rather than bring back a hundred and seventy-seven Members just to show that they have the appropriation authority, and claiming that their account was too low, this group could meet. It isn't earthshaking. It was just there to be a safety valve for the Governor if the two percent didn't work for him, rather than having to spend the money that we always get criticized for if they call back all hundred and seventy-seven Members for at least six days, with the costs of opening up shop and per diem and all that. It's a minor safety valve that's there, that I think will never be called upon to be used, and you know, I hope it will never be.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland. Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Over the last decade I have become more and more alarmed at the increasing control of the Illinois General Assembly by a relatively small number of Members, probably caused, in part, by the fact that the Membership very seldom listens to debate, such as the current situation. The simple fact is that the average Member is becoming more and more redundant, and certainly our friends in the media are aware of that. I don't question the motivation of the sponsor, or the sincerity of the sponsor, but I believe this concept is another step down the road to less and less involvement, less and less clout, less and less reason for existing, for the average Member of the General Assembly. I think this problem is much greater in the other Chamber, where we could effectively, obviously, operate with only one Member, but I'd hate

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to see those of you who are going to be here next year, more and more redundant. Were I going to be here next year, this bill would make me very nervous, because it is clearly another major step down the road to the concentration of the total power and responsibility of the General Assembly - not in the elected Members, but in a much smaller group of people. Again, I don't accuse the sponsor of -- of that; that's just how I interpret this will happen. This committee will find itself, if it's created, expanded, its role enlarged; and before you know it, if you -- those of you who think you're on the Appropriations Committee now - don't think you don't have any input now - wait till it's twelve people that don't even have to invite you to the meetings.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hall.

SENATOR HALL:

A point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point, sir.

SENATOR HALL:

We're honored today to have a school from East St. Louis, A.M. Jackson School, to my left in the gallery. Would the Senate please stand and recognize them.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Will our guests in the gallery please stand, and welcome to Springfield, from East St. Louis. Further discussion? Senator Keats.

SENATOR KEATS:

Just a quick comment, and I in no way question the intentions of the sponsor of this bill, but if you remember - and this only applies to the most senior of the Members here - we once had something called proxy voting. And you used to have a committee chairman who would sit there -- oh, and as Senator Demuzio says,

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our guys. No question. If you think back to proxy voting, it's when the Republicans used to have forty Senators, and eighteen Democrats, and we'd sit there and a Democrat would come in and the chairman would basically say, "Tough luck - your bill's dead. Here's my proxies; get out." This is nowhere near this far, and I know it is not the intention of the sponsor, but this is proxy voting all over again. It is, at times, a pain in the neck to have the Legislature get together and discuss things, but you know, that's what the Constitution tells us to do. So I know this is a well-intentioned attempt to solve what is a minor problem, but the truth is it causes a greater problem to simply ignore the entire rest of the Legislature. And that is something -- a practice we do not want to get back into, which is the equivalent to proxy voting.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, Senator -- to close, Senator Carroll.

SENATOR CARROLL:

Just very briefly: obviously it's not proxy voting; it's not a big deal. The -- Senator Schaffer, it sunsets July 1st of '93. We'll be in Session all the months of the new General Assembly, so it's only to cover those couple months of the remainder of this General Assembly, when people may not be around. If you want to take a chance that the Governor is right and that we -- that when we're out of here we will have cut too deep, that he's going to have to bring everybody back for a minor amount of spending authority, and spend probably five times that to have us here, vote against it. It's not a big deal. It's just a safety valve there that has protection of being as many Republicans as Democrats, as many House Members as Senators, so that nobody has control of it, to be there for that two million dollar out of thirteen billion dollars in case of a crisis, instead of calling

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everybody back. I would suggest a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 1557 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 23, the Nays are 28, 1 voting Present. Senate Bill 1555 <sic> (1557), having failed to receive the required constitutional majority, is declared lost. 1564, Mr. Secretary. On the Order of Senate Bills 3rd Reading is Senate Bill 1564.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1564.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President and Members of the Senate. This bill does change some legislative boundaries. Specifically, in my case, my house is about four hundred and fifty feet out of the district that I am the Democratic nominee for Senate, and it changes the boundaries so that my -- my house would be in the district. It also has a -- a change down in the Kewanee area. As we've indicated in the 2nd Reading stage, there is a lady named Lydia Thorp who lives in a precinct, and she's the only person in that precinct, so Representative -- Senator Hawkinson offered an amendment, which I accepted, which moves her. The fact is that the deviation which is of concern to us, is actually improved. So there's zero deviation as a result of these changes. I don't break up any blocks, and I've indicated that - and I will indicate in the record that - if the bill passes, it will be held in the House until after the November election. Obviously I have

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opposition in November, and if I'm not successful, I would not ask for the change. And so for that reason, I've asked the -- will ask the sponsor in the House to hold the bill, and I would appreciate your Aye vote, and be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Generally speaking, I am sympathetic towards his problem. I had that same problem myself ten years ago, where I was barely in my district, and I was put in with Senator Fawell; I decided to move. We also had, unfortunately, Senator Schaffer with two other Senators; three Republican Senators in one district. George "Ray" Hudson was in with another Senator. We didn't come back here and change one border, period. In regards to Kewanee - and I kind of feel sorry for that lady - the Illinois Supreme Court turned her down. I think that that's a shame. And let me say this in regard to her keeping her vote private, because she's the only one that -- I guess that would vote. If in your precinct you have one person vote absentee, all the judges know how that person voted, because, as you know, the name is on that ballot, and you mark it in the binder. So we already have, to a very small degree -- in some very limited cases, people know how you would vote if there's only one person that casts a absentee ballot. So I would suggest we -- we ought to say No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Cullerton may close.

SENATOR CULLERTON:

Well, as I indicated, the amount -- the distance that's involved here is about four hundred and fifty feet. I don't know about those individual circumstances - how far away they were from the districts. I talked to Senator Watson, who indicated that he

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also was in this situation ten years ago, but I don't, quite frankly, know why the Senators or Representatives didn't come in with a bill to modify the districts. I don't know that the people would have turned them down. The map is over and done with. The Republican map prevailed in court. I'm saying that if I'm elected the Senator, I would like to not have to sell my house and move my wife and five children four hundred and fifty feet. The people in the community are supportive. The Representatives and Senators that are affected are supportive, and I just don't understand why you couldn't support it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1564 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 28, the Nays are 25, 1 voting Present. Senate Bill 1564, having failed to receive the required constitutional majority, is declared lost. 1584. Mr. Secretary, Senate Bills 3rd Reading, Senate Bill 1584.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1584.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator del Valle.

SENATOR DEL VALLE:

Well, thank you, Mr. President. This bill limits to ninety cents the maximum fee a community or ambulatory currency exchange can charge to cash a public benefit check, and it also requires each currency exchange to post a notice that complaints against the currency exchange may be sent to DFI. The problem is that in Illinois we have seven hundred currency exchanges that are

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overcharging their customers for cashing government-issued benefit checks. In many neighborhoods, the local currency exchange is the only financial institution, so its customers have no alternative. The list of benefit checks includes Social Security, retirement benefits, unemployment insurance, General Assistance, AFDC, et cetera. This bill creates a two-tier fee structure for catching -- cashing at currency exchanges. Currency exchanges may continue to charge 1.2 percent plus the ninety cents for the cashing of private checks. The fee for government benefit checks, however, would be a flat ninety cents. And there was an editorial in the Sun-Times yesterday that supports this legislation. The legislation has the support of the Mayor of the City of Chicago, the Commissioner of the Department of Consumer Services in Chicago, and the Treasurer of the State of Illinois, and many community organizations, including numerous seniors' groups and other organizations who have been working on this issue for some time. I ask for the support of the Membership, and I'll be glad to answer any questions.

PRESIDENT ROCK:

Gentleman has moved passage of Senate Bill 1584. Discussion?
Senator Alexander.

SENATOR ALEXANDER:

Thank you, Mr. President. I stand in support of Senate Bill 1584. In a majority of the communities in the -- on the South Side and in various areas, there are no banks; there are no financial institutions in order to help those persons or avail themselves for cashings of checks or things, or transacting their business. So those persons who have to use - have to use - the currency exchange become captive audiences, for -- to be used at the whim of currency exchange owners. I do not say that the currency exchange owners should not make a profit for their services and their overhead. Yes, they're in the business for

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business, but I do feel that they have become a little overlarge or -- or too big for what they are doing. Let me give you some classic examples. There is no signs, and this legislation says that there should be signs posted in every currency exchange advising persons where to complain in the event they have been ripped off with a bad check. This is a necessary evil, because many persons don't know where to complain if their checks are stolen. I would like to see this piece of legislation be more thorough by saying that if a currency exchange has a history - and there are some out there - of cashing stolen checks, that they would be - first - be warned, verbally or orally; second, they would be advised in writing of the next offense; and third, that they could be license suspended for periods of time; and finally, total revocation of their license. There are persons in these currency exchanges that allow the most unseedly <sic> persons in the world to sit around and to rob you as you walk out the door, with a gun in your ribs. I know they cannot control all of these entities, but to pay and pay and pay and then be robbed, and then sit in some of these circumstances, is really not fair to this captive audience that the exchange people have. I have only one more thing to say, and I know some of you are tired of hearing me say this, but I'd like to pose a question to this General Assembly if you don't mind, Mr. President. Why do we now need twenty-four-hour currency exchange in my neighborhood and some of our neighborhoods, when we don't have jobs to cash checks in? Is there something going on? And I've raised this question with currency exchange owners. That the necessity and the springing up of twenty-four-hour currency exchanges where there are no jobs, where there's no economic benefits, where there's no banks, where there's no -- nothing. Why do we need them? What are they staying in business for all night long, when we know there is a large volume of profiting in dope out there in our areas? I ask

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your Aye vote on this piece on legislation.

PRESIDENT ROCK:

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Question of the sponsor.

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator DeAngelis.

SENATOR DeANGELIS:

Senator del Valle, if this were successful, at what period in time would this rate be equal to? In other words, when was the last time that the rate was ninety cents? What year?

PRESIDENT ROCK:

Senator del Valle.

SENATOR dEL VALLE:

...(machine cutoff)...understanding is that the current rate was established in 1985.

PRESIDENT ROCK:

Senator DeAngelis.

SENATOR DeANGELIS:

Are you suggesting that we change the rate only on those people who are either unemployed or who are receiving public assistance, but keep it on the person that's working at the higher level?

PRESIDENT ROCK:

Senator del Valle.

SENATOR dEL VALLE:

What this bill does is that it reduces the rate for those individuals who are on a fixed income or low income, who are receiving government benefit checks - checks that are risk-free for currency exchanges. This bill does not affect all other checks. It doesn't affect payroll checks. It doesn't affect any of the other services that a currency exchange provides.

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PRESIDENT ROCK:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, first of all, let me suggest to you that there are a lot of hourly people who are collecting checks that are on fixed income. A lot of those people have been on wage freezes for a long time. So it's not a fixed-income issue. What it basically is is an issue of transferring the additional cost of doing business to one group, and relieving the burden on the other group. I have no problem with relieving. I'm just trying to determine what the real economic motivation here is. My last question is: Is there a meeting to be taking place sometime in June on this issue with DFI and some other people?

PRESIDENT ROCK:

Senator del Valle.

SENATOR DEL VALLE:

No, there is no meeting. With -- with the industry? No, there is no meeting. DFI -- the Director of DFI has decided, on his own, that he wants to conduct a hearing. As you know, this rate was set by DFI. My position is that this is a public policy matter, and that the same way we work around here to try and control Medicaid costs, health care costs, we ought to also be controlling the costs to the individual recipient. In this case, we're going beyond Public Aid in -- in order to make sure that these individuals who are on fixed incomes can keep more of those very much-needed dollars.

PRESIDENT ROCK:

Senator DeAngelis.

SENATOR DeANGELIS:

But there is a meeting in June on this issue with DFI.

PRESIDENT ROCK:

Further discussion? Senator Raica.

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SENATOR RAICA:

Thank you, Mr. President. It's my understanding that there's a meeting with the Department of Financial Institutions on June 11th, where they're going to look at both sides of the matter and decide what they're going to do. Just like to caution the Members on our side of the Floor, this was a partisan vote in committee, and I would ask for either Present or No votes from our Members.

PRESIDENT ROCK:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

I think Senator Raica has made a very good point, that the bill is, in fact, premature, as there are hearings, at least one or more, planned to -- by the Department to look at this rate structure. You know, every now and then we -- we do something for the best of reasons that comes back to -- to backfire on us. We're talking about a bill that would kick the rates back for this industry to where they were in the forties. Now there are very few industries that can survive today if they charge 1940's rates or prices. My guess is that the end result of this will be that the currency exchanges in the areas that we're -- we were talking about will go out of business. They'll cease to exist. It wasn't that many years ago that eighty percent of Public Aid checks in this State were cashed in places that served alcohol. I don't think we want to go back to those days. I don't think we want somebody to get their Public Aid check cashed to have to buy a couple of bottles. 'Cause that's clearly what used to go on. You're going to wipe out the industry in your part of the State. This bill doesn't affect taverns, liquor stores. It doesn't affect grocery stores or banks. It only affects that one industry, which, frankly, is centrally located in your part of the State. I freely admit it. We have very few of them out our way. And I think you're -- I think you're really making a big mistake that

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will come back to negatively impact on your -- your own constituencies and kill an industry, which I was happy to see replace the alcohol-serving industry as a place to cash checks. I'd rather see that money spent on kids, not booze, and that's what you're going to force these people back to. One other comment: Based on the way the State and Federal Government are going lately, I'm not sure government checks are risk-free anymore.

PRESIDENT ROCK:

Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President, Members of the Senate. Senator Schaffer would have you believe that we're suddenly going back into the tavern business by permitting those who receive government checks only to pay ninety cents for cashing them. I'd like to remind the Members that government checks includes those for widows who are on fixed incomes, whom I'm sure are not going into currency exchanges to have a drink. It also includes any number of others who are on fixed incomes. Government checks includes everyone that you can think of who is receiving a check from the government, not just people on welfare. So I'd urge you, if you're concerned about those who are senior citizens and others, that you vote for this. It saves the average person five dollars per check for cashing a check.

PRESIDENT ROCK:

Further discussion? Senator del Valle may close.

SENATOR DEL VALLE:

Thank you, Mr. President. The largest group that would benefit from this would be those individuals on Social Security receiving retirement benefits. We're talking about an average savings of seven dollars and thirty-three cents for senior citizens - many of them, yes, living in neighborhoods where they

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don't have many, many choices. There has been a tremendous growth in this industry. And I submit to you that one of the reasons for this growth, particularly in the City of Chicago, where there are over four hundred currency exchanges out of the seven hundred, has been because we, this Body, has allowed them to have a captive market. They have had a stranglehold on the recipient of public benefits. We have allowed that to happen. We have allowed for those individuals to have to go to pick up their check at a currency exchange because they cannot go anyplace else. Over ninety-seven percent of our checks from the Department of Public Aid go to currency exchanges. People have no other choice but to walk through those doors. And once they walk through those doors, what do they get? They also pay their utility bills. They get money orders. They conduct all kinds of transactions that generate millions and millions of dollars for this industry. Wouldn't you love to have a business that held a captive consumer, that required that that consumer have to go to you and no place else? Wouldn't it be nice to be able to have guaranteed profits, compliments of State Government? Wouldn't it be nice -- and should we depend on DFI? Well, let me say to you -- all -- with all due respect to DFI, the currency exchange industry, folks, has had a very cozy relationship with DFI. And I'm glad that the current Director is looking at this, but there are no guarantees. The currency exchange industry is now -- and petitioned DFI last August for an increase - an increase - to add insult to injury. Talk about the arrogance of an industry! They're slapping all of us in the face. An increase! For a senior citizen cashing an average amount of six hundred and eleven dollars, the present fee is eight dollars and twenty-three cents. Seniors are the most affected by this. And so, yes, we want to create options. Yes, we want our banks to open up, but we can't wait for all these things to happen. We can't wait for electronic benefits transfer,

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which I think should come, and I hope to see the day when it comes. But currency exchange owners -- and I'll close by sharing with you what one currency exchange owner said to me in Chicago. That currency exchange owner said, "You know, you're absolutely right, Senator. These fees are excessive. And if you cut it down to ninety cents, yeah, I'll feel it a little bit, but you know, I'll continue to distribute these checks because it gets the customer to walk in that door, and I'll be able to conduct other transactions, and I will do fine." That's what a currency exchange owner said to me. And so I ask you to take the only step that this Body is going to take this year to ensure that low-income individuals can keep just a little more of the money we're currently giving them, because heaven knows, we're not going to increase any benefit level now or in the foreseeable future. And so let's take the only step that ensures that people can deal with the rising costs of utilities, food, et cetera. I ask for an Aye vote.

PRESIDENT ROCK:

Question is, shall Senate Bill 1584 pass. Those in favor will vote Aye. Opposed, vote Nay. And the voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 18 Ayes, 26 Nays, 7 voting Present. Senate Bill 1584, having failed to receive the required constitutional majority, is declared lost. 1588. Senator Carroll. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1588.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

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Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill, as it now is amended, actually accomplishes two things. One is to set up the rules by which prompt payment will be promulgated, so that people know how they're going to have to comply with it; and then secondly, to make the automatic prompt payment to a level that's more consistent with today's economic market than the two percent a month that it had been before and never paid before. This would make it automatic at the greater of one and a quarter percent a month or five percent over prime, so that vendors will still be paid, hopefully, on time. There's -- there's still a penalty to the State, in fact, if they don't, but it's much more realistic, and hopefully we can have enough votes to pass this and to indicate to the Governor that we're very serious about prompt pay. I would urge a favorable vote on Senate Bill 1588.

PRESIDENT ROCK:

Discussion on Senate Bill 1588? Senator Schaffer.

SENATOR SCHAFFER:

Well, a couple of questions. I'm told that the interest rate that we're talking about and having the State pay is between eleven and fifteen percent?

PRESIDENT ROCK:

Senator Carroll.

SENATOR SCHAFFER:

That's -- that's pretty good.

SENATOR CARROLL:

Yes, sir, that is.

PRESIDENT ROCK:

Senator Schaffer.

SENATOR SCHAFFER:

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I fully recognize that the percentage we get for people that don't pay us on time is that or higher. I don't know what the cost implications are, and I suspect, like every Member of the General Assembly, I have voted for this concept. In fact, I think I've even sponsored one of these bills over a period of time. Since you lowered the interest rate to eleven to fifteen percent - which I would, by the way, dearly like to get a little of - the -- I don't know what the cost estimations are, but I'm told that the old interest rate, we were talking seventy-five or eighty million dollars in public aid, million dollars in group medical. And I don't know what the total implications are, but it quickly got to a hundred million dollars. Now with this reduced rate to eleven to fifteen percent, you know, I'm sure it's probably maybe only seventy or eighty million dollars. But based on where we're going with the budget - the fact that we are unable to even move budget bills, it would seem - I'm not sure that we responsibly can do this. I guess it's a good press release, but it -- it is not terribly responsible. And I would suggest a Present vote for those of us who agree with the basic argument that we ought to be paying these interests, but also recognize that the chances of the State coming up with another seventy or eighty million dollars on top of everything else we have is pretty unrealistic.

PRESIDENT ROCK:

Further discussion? Senator Carroll, to close.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Let me just comment on a few things, in response to Senator Schaffer, particularly. One - we tried to get it down to the same thing consumers in this State are paying on credit cards, and less than the State is extracting from people who are late to the State. Hopefully, nobody ever gets a dime out of this. The State should be paying its bills within sixty days. Who are we

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borrowing from? The businesses who chose to do business with the State and are getting stiffed and are closing, causing people to be unemployed, because they never got paid. The State can borrow - the State can borrow - at under four percent. The State would be dumb to not borrow at four percent and pay these people, than to pay them later some fifteen percent. I don't believe the State, under any Executive, would ever be that dumb. The point of it is, yes, to be a slight penalty, because the State's got to own up to its financial responsibility to the people it does business with, just like anyone else. And I think we should have a unanimous roll call on Senate Bill 1588.

PRESIDENT ROCK:

Question is, shall Senate Bill 1588 pass. Those in favor, vote Aye. Opposed, vote Nay. And the voting's open. All voted who wish? All voted who wish? All voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 38 Ayes, 5 Nays, 11 voting Present. Senate Bill 1588, having received the required constitutional majority, is declared passed. 1592. Senator Geo-Karis. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1592.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of this Assembly, this bill creates a new Section in the Consumer Fraud and Deceptive Business Practices Act, entitled "Solicitation of Elderly Persons." It requires organizations soliciting elderly persons who are at least sixty years of age to make certain disclosures,

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and creates remedies for violation of the Section. The solicitation must be in person or by telephone in the home of an elderly person, and this bill -- came as a result of a letter to me from the House of Delegates of West Virginia from Delegate John Overington, who told me what happened to his -- the life savings of his mother from the Lyndon LaRouche group, which -- she lost seven hundred and forty-one thousand. I have circulated a letter. I ask for a favorable roll call.

PRESIDENT ROCK:

Discussion? If not, the question is, shall Senate Bill 1592 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, 1 <sic> voting Present. Senate Bill 1592, having received the required constitutional majority, is declared passed. 1620. Senator Karpziel. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1620.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Yesterday we tabled Amendment No. 3, which was the amendment that dealt with operating and developing airport property. As it is, this bill is very simple. It simply cleans up a mistake that was made last year, which took St. Charles out of the DuPage Airport Authority. What we were trying to do is to take Schaumburg out. Somehow or other, we made a mistake and took them both out. This puts St. Charles back in the Authority, which they want. And it also -- Amendment 2 says

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that if there are two municipalities lying outside of DuPage County, they each get an appointment to the board. If there's only one municipality, there's only one appointment to the board from that municipality, and I ask for your Aye vote.

PRESIDENT ROCK:

Discussion? Discussion? If not, the question is, shall Senate Bill 1620 pass. Those in favor, vote Aye. Opposed, vote Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, 2 Nays, none voting Present. Senate Bill 1620, having received the required constitutional majority, is declared passed. 1636. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1636.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1636 would limit up to twenty-five hundred dollars, during a semiannual period, political contributions that could be made to constitutional officers in Illinois. Senator Schaffer put an amendment on the other day applying it to the Mayor of Chicago, which is fine, because it is already applicable in the City Council. It's been working very well in the City. It ought to be applicable Statewide. I would ask for your support.

PRESIDENT ROCK:

Discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. A question of the sponsor, please.

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PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Dudycz.

SENATOR DUDYCYZ:

Senator Demuzio, I have no problem with your bill. I just have a few questions. Maybe you can clarify them for me. As far as the contributors, couldn't they go around their contributions by giving their money to PACs or other special interest committees that could funnel the money, then, to these executives -- committees?

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Well, if they -- if they are members of a parent organization and they make political contributions to a constitutional officer, then they are, in fact, in excess -- and they come in excess of the twenty-five hundred dollars during a semiannual period, then they are in violation. And that is if they are reimbursed by the parent organization for the contribution that they have made to the constitutional officer.

PRESIDENT ROCK:

Senator Dudycz.

SENATOR DUDYCYZ:

Would that include if -- let's say the -- somebody wanted to give the money to a State political party and that would be funneled then to the -- on behalf of the constitutional officer's campaign?

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Only -- only if the political committee itself made a -- a contribution in excess of twenty-five percent of the committee's total receipts. Otherwise, that is explicitly prohibited in -- in

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paragraph (d) of this bill.

PRESIDENT ROCK:

Senator Dudycz.

SENATOR DUDYCZ:

Why do you want to place the excess money in the State Treasury, rather than refund it to the contributor?

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Because, frankly, on anonymous contributions in the Statute that -- that's where it goes now. If it's deposited in the State Treasurer's account, it then would be reverted back to State purposes.

PRESIDENT ROCK:

Further discussion? If not, the question is, shall Senate Bill 1636 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? All voted who wish? All voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 52 Ayes, 4 Nays, none voting Present. Senate Bill 1636, having received the required constitutional majority, is declared passed. 1640. Senator Cullerton. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1640.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

I thank you, Mr. President, Members of the Senate. We had debated this bill yesterday and I took it out of the record because some questions were asked concerning the -- the bill.

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This deals with the -- the blind -- bill that we referred to yesterday. The Federation of the Blind has come forward with this bill. The purpose of the bill is to encourage the teaching of Braille - something which is becoming a lost art. So the bill does two things. The first thing is, that it -- it requires Braille teachers to take a test before they can get certified, and this is done with their support, I would point out. And secondly, it deals with this issue of textbooks. And there were some questions, and so I think I -- I have a pretty good understanding of how this works. It deals with the issue of Braille textbooks, and it says that the State Board shall -- the State Board has a list of books that are used for textbooks, that -- and according to this bill, they would have to get the computer diskettes that come with these books, but it's limited to literary subjects that are already on a computer diskette, according to the State Board. And they, by the way, are supportive of the bill. It does say that if there are nonliterary subjects, such as science or mathematics, where the Braille specialty code translation software is -- is not available, then they don't have to purchase those books. I did indicate to Senator Schaffer that if we find out that -- that in some way there would be a textbook that someone is trying to -- some school district is trying to purchase, where there is no computer diskette, that we provide some type of a safety valve so the State Board of Education can make an exception. And I agree with him on that. I -- I told him that if that was necessary, I would encourage an amendment to be put on in the House to do so. But if it's not necessary, then of course, the bill would not have to be amended. But I think it's something which is a good idea. The Braille -- the art of Braille is being lost as more blind students are just listening to books of -- through the audio tapes, and it's something which the Blind Federation is very much in favor of. It's supported by their

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teachers, as well as the State Board. Be happy to answer any questions, and encourage an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Schuneman.

END OF TAPE

TAPE 2

SENATOR SCHUNEMAN:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, in the discussion when your amendment went on, there -- there was some question about the computer diskettes, and a concern was raised that perhaps schools are using now - and will in the future use - textbooks of some nature for which computer diskettes are not necessarily available. And I think that continues to be a concern, because I don't think you or I, as we sit here on the Senate Floor, in fact, know about all the textbooks that are out there. But for those that have a computer diskette, can you explain to me how that is -- is translated, if you will, into Braille? How does that work?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Yes, there -- from what I've been told, all books now that are published are on computer. They take this computer diskette and they put it into a computer, and there is something which is

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called a Braille speciality code translation software. And you just print up -- you put the computer diskette in, you apply it to this Braille software, and you just print up the book in Braille. And apparently there is enough of these machines available so that if any school district wants to, they can utilize them. And -- and as I said yesterday, I understand that this will actually save money, because it -- because now, if the school district does not ask for this computer diskette - is not aware that they are available - they have to hire somebody to actually translate this into Braille, and that's very costly.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

So, your concept is that the publishing company will provide the diskette and that the school that teaches Braille will have to acquire the software and produce the Braille, or -- who has to acquire the software?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Well, it -- the -- the bill does not specify that. From what I have been told, these -- this software is readily available and it would not add any costs. But it does not mandate that the school go out and purchase Braille software. It does not mandate that. It says that the -- the school district cannot purchase the book without getting the computer diskette. That part is required; I -- I agree. But it does not require that they then go ahead and translate it into the Braille.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

So, as I understand it, the publishing company would be

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required to furnish a diskette and whatever the cost of that diskette is would, of course, be added into the cost of textbooks, which may or may not be a large sum of money. But then someone has to have the software to convert that diskette into Braille, and you're telling me you don't know who does that. Is that -- is that right, or -- that's the way I understood your answer.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Well, as I understood your question, the question was, does the bill require that each school district go out and purchase Braille software; and my answer was, no. I don't know, personally, who has the Braille software. I understand -- I was told by the national -- Illinois Federation for the Blind that it's readily available.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Ladies and Gentlemen, we debated this bill yesterday for about a half an hour. Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

The -- I -- Senator Cullerton and I talked about the amendment and I think we discussed having a -- a relief valve at the State Board for those odd little publications that individual schools may, for some reason, want to include in their curriculum. And I'm interpreting his comments as to say when we get in the House, they'd be happy to take care of that. The one -- occasionally we end up talking about the amendment and ignoring the bill. The bill, as I understand it, has some mandates on school districts to establish some specialized program for visually impaired students who are a desirable goal, as I understand it. But -- excuse me? I guess I'll phrase that in a question. In addition to the amendment we've talked about, what else does the bill include?

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Well, with regard to the teachers of Braille, it does require that they be certified by taking a test, a special test in the area of Braille -- ability to teach Braille, and they have to have completed that test before they can get certified as a -- by the State Board. And the way this is going to work is, apparently there is some test that's available - a national test. They have to take that test; they have to pass it. Once they pass it, then that's a prerequisite for being certified by the State Board. Now with regard to you -- you used the magic word "mandates" on school districts, and I certainly do not believe that that's anywhere in here. There's -- the amendment becomes the bill, virtually. Yes, it does. The amendment becomes the bill. I'm looking at page 5 of the amendment and it talks about indicating that -- it's kind of a statement of support for encouraging proficiency in Braille reading and writing. But I don't believe it does anything other than to -- it doesn't add any new obligations onto school districts, in terms of teaching Braille.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Our analysis, which perhaps the amendment changes, indicates that it mandates an individualized education program for each student to -- determined to be functionally blind to include instruction with Braille and writing sufficiency, and it also creates a commission to expedite the production of Braille textbooks. That's all gone? Okay. Well, one of the things that I'm always -- I'll just say, in the committee, in -- this was through the Education Committee, no one registered in opposition against this, and I assume that all of the education, the School

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Board Association, everybody was in the room and they didn't think it was a mandate. Right? Okay. Well, we're going to hear about it later if they change their mind. That's what always frustrates me a little.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Watson, for what purpose do you arise?

SENATOR WATSON:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point, sir.

SENATOR WATSON:

I'd like to take this opportunity to introduce a school group that's in the back of the gallery here on the Democrat side, from Altamont, Illinois, and Steve Smith is with them, but we'd like to welcome them to Springfield. And they're from Senator O'Daniel and my district.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Will our guests in the gallery please rise. Welcome to Springfield. Further discussion? Senator Butler. Further discussion? Senator Butler. Further discussion? If not, Senator Cullerton may close.

SENATOR CULLERTON:

Well, I indicated in debate to Senator Schaffer that I will further explore this issue of whether or not there's a need for a safety valve with regard to the possibility of a textbook that does not have this computer diskette. And other than that pledge, I don't what else I can say, other than the fact that I believe that there is no opposition to the bill. Ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall 1640 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish?

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Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are 1, none voting Present. Senate Bill 1640, having received the constitutional majority, is declared passed. Senate Bill 1645. Senator Smith. On the Order of Senate Bills 3rd Reading is Senate Bill 1645, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1645.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The amendment, 1645, says that the Department of Health may investigate the impact of violence and homicide on the public health and safety of Illinois residents, especially children, and if warranted, declare a violence and homicide as a public health epidemic. The Department of Health shall recommend anti-violence and homicide-prevention programs to the General Assembly. I'd like to bring to your attention that violence and homicide is a major epidemic in this State and nationally. And the Federal Center for Disease Control and many State and local governments are proceeding to declare violence and homicide public health programs number one. And so we would like to add that -- an immediate effective date -- becomes a part of this legislation. And I ask for your approval and...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall Senate Bill 1645 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record.

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On that question, the Ayes are 53, and the Nays are none, none voting Present. Senate Bill 1645, having received the required constitutional majority, is declared passed. Senate Bill 1662, Madam Secretary, on the Order of Senate Bills 3rd Reading.

SECRETARY HAWKER:

Senate Bill 1662.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yes. Thank you, Mr. President and Members of the Senate. Currently negotiations are going on between the Department of Professional Regulation and -- and the cosmetology and barber industry. When we passed the nail technician's bill last year, the Department wanted to delay the effective start-up date of that legislation, as well as do some clean-up language in the Act. The negotiations are going on; this is the purpose of this bill, to be used for that purpose and only that purpose.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. I think the Senator just answered the question that I was going to ask him - if indeed this was going to be used for that purpose and that purpose only.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Illinois Public Radio has sought permission to record the proceedings. Is leave granted? Leave is granted. Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Indicates he will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

I didn't quite get the purpose that you were trying to articulate. Would you like to articulate it again? What's the purpose of this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Senator Geo-Karis, the purpose of this bill is to be used for the purpose of providing the language that the cosmetology industry and the Department of Professional Regulation agree on. When we passed the nail technician bill last Session, the Department wants to extend the effective date, as far as the deadline is concerned, or implementation of that Act, as well as necessary clean-up language. This is the sole purpose of this bill, and it's to be used for that purpose and that purpose only.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

In other words, we did pass a bill about nail technology last year?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Of course. That's why your nails look so beautiful.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, if my nails look beautiful, it's because I do them myself, because I don't have time to go to a nail technologist. But I think we're going pretty far afield, for goodness sakes. I suppose the next thing

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you're going to do is trim my eyebrows. I don't know. But I'm telling you, I -- I don't see the purpose of this bill. And as much as I love you, Senator Jones, I'm moving against it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, Senator Jones may close.

SENATOR JONES:

Again, as I indicated, this bill is just a vehicle bill to be used when the negotiations between the Department of Professional Regulation and the cosmetology industry -- when they come up with the language necessary. This is what this bill is for and that purpose only. And I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1662 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 31, the Nays are 22, none voting Present. Senate Bill 1662, having received the required constitutional majority, is declared passed. Senate Bills 3rd Reading, Senate Bill 1665, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1665.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. The U. S. Government, the Department of Defense, is planning to consolidate some finance and accounting services at a few selected sites throughout the nation and the Quad-City Regional Economic Development Authority is

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attempting to attract one of these sites. This bill is an attempt to develop a plan so that not only the Quad-Cities, but other areas in the State of Illinois can bid on these particular proposals. The bill in its current state is not what we want; it's a bill that's going to have to be agreed upon by both sides of the aisle and the Governor, because we have to have this as part of a contract in June or it's no-go. And so I -- I would like to have this bill passed out of here with the idea that we'll continue to work with the other side of the aisle and the Governor in order to get this to everyone's satisfaction.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Will the sponsor yield, please, Mr. President?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Etheredge.

SENATOR ETHEREDGE:

Senator, you've identified that this is a vehicle bill for the purposes that you enumerated. Is it -- who are the participants in these discussions?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

At this point, we have asked the Governor to -- to enter into the discussions with us, because -- well, we talked with Belletire the other day and told him that we'd like to have the Governor on board, because we need him. If he's not going to sign any bill that comes out of here, then there's no sense in continuing the process.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

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Are there, or do you expect that there will be cost implications as a consequence of any agreement that might be reached? Is that -- is that part of the bargain, do you think?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

If there is an agreement, there could be a cost factor, because these are value-added jobs. It depends on whether you look at it as, with the cost, whether there will be a glass that is a third full, or two-thirds empty. But yeah, there could be. But that will all be taken into consideration. And if you want someone on your side of the aisle from this Body to join in on it, that's fine with me, because this thing has to work in total or otherwise, it's -- it's a futile issue.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, is there any agreement by anybody in the administration about the -- the tax credit proposal that's included in this -- in this bill? Does anybody agree to that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

At this point, no. All I know is the Governor of Iowa has called the Governor of Illinois to indicate that they have done it in Iowa, and he'd like to see us do it; but there is no commitment from this Governor - no.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Schuneman.

SENATOR SCHUNEMAN:

Well, certainly I think we all want to help the Quad-Cities area, and there should be some State involvement in this very large job-creation program in the Quad-Cities. My only reluctance -- well, first of all, I want to support that idea. But my only reluctance is in voting for a bill that contains this particular provision, because I'm not at all sure - even in my own mind - that I -- that this is the right way to go. But I'm willing to vote for the bill at this time to keep the process moving, with the understanding that you need to get some broad agreement from a lot of people before this bird is really going to fly.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Jacobs may close. I beg your pardon. I beg your pardon. Senator Butler.

SENATOR BUTLER:

Thank you. Will the sponsor yield, please?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Butler.

SENATOR BUTLER:

The question I have is - and you may have addressed this and I was out of the room briefly - does this -- is this bill site-specific, or can it be used in a broader context?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

This particular bill, as it sits, is site-specific, but it would have to be broadened to include all -- all areas that are bidding on these projects. And we have -- we have indicated we would do that, if the Governor, or whomsoever, desires that to happen.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Butler. Further discussion?

SENATOR BUTLER:

Senator Jacobs, you wish to close? Senator Jacobs.

SENATOR JACOBS:

Just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1665 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are 2, none voting Present. Senate Bill 1665, having received the required constitutional majority, is declared passed. Bottom of page 3, Senate Bills 3rd Reading, Senate Bill 1680, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1680.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, this bill began life as mandatory dental testing which would have been combined with the current physicals that are mandated to our schools. That language has been stripped of the bill by virtue of an amendment yesterday. What we seek to do now is to tie into those medical tests a -- a tuberculosis test. Tuberculosis is -- is spreading in the State of Illinois. I think the case was made very well about three days ago by Dr. Whitney Addington, who is the President of the Chicago Board of Health, in one of our metropolitan newspapers, who discussed the fact that a -- a very contagious disease, which we thought had died and gone away

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forever and always, has now come back and not only come back, but come back in strains that we have never even dealt with before. I'm not real happy with this amendment; I think we have to do some further amending. We do have negotiations going on with various health care groups and the schools. I would like to see this bill go over to the House, where we can get that fine tuning done, so we can address this problem in a -- a way that is doable, and we can attend to it and hopefully halt this before it gets to be a -- a real major epidemic.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I rise in opposition to this bill. The House, I am told, has passed a similar bill. I am further told by staff that the resurgence of tuberculosis is limited to two particular areas of our population. This bill, as it presently sits, would impose upon every parent - and I'm not talking about only non-public aid parents; I'm talking about on every parent - the additional cost on a annual basis of an additional tuberculosis test. Now I don't know whether that's just five bucks or fifteen bucks, or fifty dollars, but you're imposing upon every parent of every kid a new charge. I would suggest that we not pass this bill as amended; let's see what the House does, and let's keep it here and find out whether the House Bill makes sense. I'm concerned that if we pass this with what the House has done with a broad - overly broad bill, were going to be imposing -- using a cannon to -- to shoot a fly, and it doesn't make sense. I would urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and Members of the Senate. I guess

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Senator Berman has made my point. This bill, when it was introduced and we debated it in committee, dealt with dental exams, and we found out that we didn't know what the cost was going to be; there might be all kinds of problems with that. It was up in the air, and now -- with opposition to that, now we have come back with another mandate. No one has written to me or commented to me about this issue. I have heard of -- of the -- of some concern with tuberculosis in some parts of the State, and I would agree with Senator Berman that we ought to wait here and see what happens, instead of passing a bill out of here that mandates a cost on the entire State; and we have no idea what that might be.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Will -- will the sponsor yield for a question? Are these yearly tests that you're talking about or -- according to the analysis they're -- they're kindergarten, fifth and ninth grade.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

In answer to the Senator's question, as well as in response to the previous speakers: as I mentioned, the bill needs further amending, which addresses the issue of narrowing it down to areas of the State via various public health statutes that are currently there, so as to address the problem where it is most specific. It would also look at probably limiting it to just entrance into kindergarten, because that's where new cases begin, and give the indication of whether or not there is something going on in that area that indeed is starting a -- a new influx of the disease. I -- I think we can achieve that in the House by the negotiations of the parties who are willing to discuss this and see a need for it.

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It's something I would not like to let wait, because, again, it is spreading; it is moving.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Do you have any idea how much these tests cost? As I remember, I -- I've had one or two in my day, and it seems to me it was fifty cents or a buck or something.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

I don't know the exact amount of money.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Topinka may close.

SENATOR TOPINKA:

Well, again, I -- I think since we have in the past sent bills over to the House knowingly that amendments would be forthcoming, that people were negotiating, had an interest, were working on it, saw common ground ahead; and this indeed is not so much of a new mandate as it is an extension of the physical mandate that we already have on schools. And that mandate, it's my understanding, came to pass in order to make sure that students did not come into school with something contagious that indeed could be spread in that kind of a controlled environment. I think we have the means to accomplish that here, and I would ask for a favorable vote, so that we could go on and solve the problem.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1680 pass. Those in favor will vote Aye. Those opposed, Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 16, the Nays are 22, 6 voting Present. Senate Bill 1680, having failed to receive

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the required constitutional majority, is declared lost. Page 4. Page 4 at the top is 1717. Madam Secretary, on the Order of Senate Bills 3rd Reading, Senate Bill 1717.

SECRETARY HAWKER:

Senate Bill 1717.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Mr. President and Members of the Senate. Senate Bill 1717 and 1718 are basically shell bills. The first bill -- and is to deal with a problem, if we can come up with an agreement with the Department of Public Aid and the Governor's Office, to assist those people who are employable to -- with transportation to suburban and surrounding areas where there are jobs for unskilled persons. And I'm sure that many of you read the Tribune and some other articles, not just in metropolitan areas such as Chicago, where most of these people are -- are, currently, that were terminated from General Assistance, but this is a pattern around the country for large cities; and the need to move people who are unskilled to where the unskilled jobs are, and there are no link in transportation at this point in time. So what this bill would do hopefully, if we can resolve it and come to some agreement, 1717, it would be to assist them temporarily in providing linkage transportation to existing public transportation so that they can transport to and from those jobs in the mornings and in the afternoons. So I would just ask that you please let these bills pass to the House. We will continue our work, and we will not move them. They're nothing but shells. Both 1717, 1718 - is to deal with the -- and I can go on and do that now. 1718 is to deal with streamlining the existing eligibility criteria as it

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relates to determining who is employable and not employable. Again, there's some serious problems with the way that process were dealt with, and I think Public Aid has the knowledge - I know they have - and also the Governor's Office, that there is a problem that there were people that were terminated that was not the intention of terminating these people; and we most certainly are trying to work on some language to ensure that those who are not eligible to work would be -- would be added back to the Transitional Assistance roll. And we are again working on the language and there's hope that we will reach an agreement. I'd ask that 1718 also be moved as a shell to the House.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, the question -- is there discussion? Question, that is, on 1717. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 31, the Nays are 23, none voting Present. Senate Bill 1717, having received the required constitutional majority, is declared passed. Senator Collins is -- on Senate Bill 1718, is there discussion with respect to that bill? She covered that in her explanation of 1717. If not, the question is -- I beg your pardon. Let's be sure and read it. Senate Bill 1718, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1718.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

It's a shell. I move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Question is -- discussion? If not, the question is, shall Senate Bill 1718 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 27, the Nays are 26, 1 voting Present. Senate Bill 1718, having received the required constitutional majority, is declared lost. Sponsor requests Postponed Consideration. Postponed Consideration. Senate Bills 3rd Reading is Senate Bill 1727, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1727.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1727 is the annual appropriation for the ordinary and contingent expenses of the operation of the Senate and the House. It has now suffered a five-percent General Revenue Fund reduction, and so the total amount is roughly twenty-one million dollars. I would solicit an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1727 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are 1, none voting Present. Senate Bill 1727, having received the required constitutional majority, is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 1728, Madam Secretary.

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SECRETARY HAWKER:

Senate Bill 1728.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

WCIA-TV has requested permission to videotape. Is leave granted? Leave is granted. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1728 as introduced at the level of 8.9 million dollars, represents that amount of money necessary and afforded to each of us to operate a district office. Senator Philip and I have offered an amendment to reduce the district office allowance by five percent in accordance with the Governor's and the Senate guidelines. I know of no opposition, and I would solicit an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1728 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 1728, having received the required constitutional majority, is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 1729, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1729.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

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Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1729 is the annual appropriation in the amount of roughly eleven million dollars to -- for the ordinary and contingent expenses of our legislative support agencies. These agencies have also had their operational lines reduced by five percent, amounting to a five-hundred-thousand-dollar cut in GRF. Again, I would solicit your favorable support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1729 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1729, having received the required constitutional majority, is declared passed.

PRESIDENT ROCK:

On the Order of Senate Bills 3rd Reading, middle of page 4, is Senate Bill 1730. Madam Secretary, read the bill, please.

SECRETARY HAWKER:

Senate Bill 1730.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the Auditor General's appropriation. Amendment No. 1 to this bill changed the funding source of the respective audits that we did yesterday to the newly created Audit Expense Fund that was the major change with respect to his appropriation bill. I would ask for your support.

PRESIDENT ROCK:

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Discussion? If not, the question is, shall Senate Bill 1730 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 1730, having received the required constitutional majority, is declared passed. 1768. Senator Welch. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 1768.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill came out of the Environment and Energy Committee with an agreement that it would be held unless there was a meeting of the minds among various groups interested in the bill. They have agreed on a task force to discuss the issue of keeping batteries out of landfills. In addition, an amendment was added yesterday by Senator Philip concerning tires, particularly tires on bicycles and other smaller items other than automobiles that have been caught up in a recycling fee, and it would exempt them. I would urge an Aye vote, and I'd be glad to answer any questions.

PRESIDENT ROCK:

Discussion? Senator Philip.

SENATOR PHILIP:

Yeah. Thank you, Mr. President, Ladies and Gentlemen of the Senate. I want to thank Senator Welch for allowing me to put my amendment on which clarifies for the Department of Revenue that would put a dollar on every tire, toy, lawn mower in the world, and this clarifies it, and I hope you would support it.

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PRESIDENT ROCK:

Question is, shall Senate Bill 1768 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. Senate Bill 1768, having received the required constitutional majority, is declared passed. 1803. Senator Marovitz. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1803.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. This deals with the bail bond issue, and is really a shell bill. We've -- talking -- talked with the president of the county board and the chief judges of the various divisions, and we are working on legislation to deal with the overcrowding problem at the jails, save the county's money and allow people to make bond sooner, which will alleviate the overcrowding problem. But I -- there's a commitment - and I make this to the President and others - that unless there is an agreement with the chief judge - that's Comerford - and the county board members and people around the State who deal with the county boards, that this bill will not move, and I would solicit your Aye vote.

PRESIDENT ROCK:

Discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I got some correspondence from the DuPage Bar on this. I wonder if the sponsor would yield to a question.

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PRESIDENT ROCK:

Indicates he will yield, Senator Fawell.

SENATOR FAWELL:

I gather this is Statewide that you're talking about?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

That is correct, Senator Fawell.

PRESIDENT ROCK:

Senator Fawell.

SENATOR FAWELL:

Is it permissive or is it mandatory?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

It's totally permissive.

PRESIDENT ROCK:

Question is, shall Senate Bill 1803 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? All voted who wish? All voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 1803, having received the required constitutional majority, is declared passed. 1814. Senator Topinka. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1814.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate,

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this bill is the product of many hours and many months of work that has now gone on since last Session by the Acute Care Task Force, which was set up here by a resolution which was sponsored by Senator Leverenz. I think the work that has come out of this particular entity has finally put into place a methodology whereby we can evaluate new options, in terms of health care, as they come up in this ever-changing face of health care. With -- if we just look at technology alone, we can see it changing right before our eyes. I would stress that there is not - and I stress "not" - a compromise bill in the House, even though the only opponent to this bill, the Illinois Hospital Association, in its rather questionable form of lobbying, has tried to pass around this Chamber. So again I stress - there is not a compromise bill. Whatever is going on in the House is a desire to cut -- to undercut this bill in the other Chamber, which I think is a very sad precedent for a lobbying organization to attempt to do. Suffice to say that this particular task force has created a way that the Department of Public Health can develop rules and regulations and -- and models that can be used in fifteen sites throughout the State. What is, I think, very, very elemental, basic and extremely good by this is that underserved areas get first crack at any licensing that would go on. Furthermore, we have made sure that all areas of the State were represented, so that, indeed, we can generate data that can compare and contrast with what is going on in other states, and see if this indeed is working out as an alternative, and hopefully, a cost-effective alternative. Data from other states would certainly not justify the hysterical reaction of the Illinois Hospital Association, which has led to some of the misrepresentations in their material that's been passed around. Because where these particular models have existed, for one thing, there has not been an overload of them, and where they have been, they have not created adverse

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competition, nor have they served as a method of undercutting local hospitals. I think, you know, that we have to look at, you know, the various options that we have, and we just can't consider special interests, especially those -- and I might cite the Study of Illinois Hospital Capital Expenditures of April, 1992, which would show that the majority of our hospitals in the State of Illinois are making millions of dollars in profit, and therefore, should not be concerned by various other options that are put forward, discussed, with a five-year cap, to make sure if, indeed, they do not work out, these can stop. We do have three models that have been put into the system for the first time out, in terms of review, and that would include birthing centers; it would include overnight surgical units; and it would include subacute care, which involves ventilation and respiration. We added that on. I think it's just and right and proper for this State to evaluate all health care options that are available for the good of the public, and to oppose this mandate to the State I think is really questionable. And I would, I guess, submit that maybe we have overlooked the basic needs of the health care of the citizens of the State of Illinois. I will certainly be willing to answer any questions.

PRESIDENT ROCK:

Discussion? The Lady has moved passage of Senate Bill 1814.

Discussion? Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. I have a question of the sponsor.

PRESIDENT ROCK:

Indicates she will yield, Senator Donahue.

SENATOR DONAHUE:

Where in the legislation does it indicate that the underserved areas will be first? Because I -- I totally agree that some of these things need to -- options and other alternative methods need

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to be available to the rural and underserved areas. But where does it say these will have priority?

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Our staff is looking it up; but I stand behind that there is a line, because it was a very specific point of discussion by the Acute Care Task Force, which represented all the major players in health care in the State of Illinois. It was of great concern, and we made them first among equals. And again, I will get you that line as soon as our staff comes up with it.

PRESIDENT ROCK:

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. If -- are there any other people that are wishing to have questions, Mr. President? I'm sorry.

PRESIDENT ROCK:

I beg your pardon?

SENATOR DONAHUE:

Are there -- are there any other people -- wanting to talk?

PRESIDENT ROCK:

About nine.

SENATOR DONAHUE:

Fine. Then why don't you get back to me when she has her answer, and you can go on. I won't hold things up.

PRESIDENT ROCK:

That'll be fine. Further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I merely want to state that I, too, served as a member of this Acute Task Force, and I wanted to bring to your attention that the birth centers and recovery centers have been used in New York

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City, in Arizona, respectively, and these states have discovered that these alternative health care delivery models contain health care costs and provide access, especially for low-income health care consumers. So whatever we can do to enhance this pilot project, I think it would prove most advantageous to the State of Illinois in its entirety.

PRESIDENT ROCK:

Further discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. I rise in opposition to this proposal, because while the proponents of this legislation are telling us that if somehow we build these mini-hospitals across the State that we're going to have greater access to health care. They point out that the shortages of services in many areas, such as in the rural areas of the State where we have entire counties without OB services available - what they neglect to point out is that while we do suffer a shortage of services, there is no shortage of facilities. What we are lacking is not bricks and mortar; it is doctors. What we need most is doctors who are willing to work in our health care manpower shortage areas, and we need, as a State, the money to pay our overdue bills.

PRESIDENT ROCK:

Further discussion? Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDENT ROCK:

Indicates she will yield, Senator Hall.

SENATOR HALL:

Senator, my understanding is that the hospitals oppose this. Do you know why?

PRESIDENT ROCK:

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Senator Topinka.

SENATOR TOPINKA:

First of all, if I may respond to Senator Donahue...

PRESIDENT ROCK:

No, no, no, no, no...

SENATOR TOPINKA:

No, she -- I said I would because of the specific item. If she would look at page 6, line 12 of the bill, which reads that "delivery models in medically underserved areas shall receive priority in obtaining a certificate of need." So there it is. In terms of what Senator Hall is saying, I think that it is probably best put that the hospitals here that are -- well, I shouldn't even say the hospitals, because the Illinois Hospital Association would indicate that hospitals en masse in the State of Illinois oppose this legislation, and that is just patently untrue. We have many who are now seeking to get involved in just this type of work. We also have a -- a catchphrase here in the -- in the legislation which would have our hospitals as back-up facilities, so contractual relationships have to exist between these models and our hospitals, should there be any complications. I think probably we're just talking about the Illinois Hospital Association's lack of desire to address change, in terms of health care and in terms of cost containment, and the availability and the ability to serve many areas in the State of Illinois, including rural areas, where three of the models are proposed to be established.

PRESIDENT ROCK:

Senator Hall, aren't you sorry you asked? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. I stand in strong support of this -- this bill. You know, I do have to chuckle, listening to a lot of the conversations and listening to everybody that's debated

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this and also the lobbying groups. And I guess I am just of the belief that there's a lot of alternatives out there that we've got to try. We've got to be looking for alternatives, because our past practices sure as heck have not done good for us. So I think that there's a lot of things we have to look at. I think that there's -- this provides an alternative that I think is a viable alternative, and I think it's going to bring health care costs down. But let me ask one question, and that's so that we get this for the record, that there are those who say that these models are not eligible for reimbursement under Medicare or Medicaid. Could you respond to that, Senator?

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

At this point, we would have to seek a waiver, and that has been done in other forms of health care options in the State. However, it was very strongly discussed in the Acute Care Task Force, and there is a line that requires these models to provide charity care - and those are the words used.

PRESIDENT ROCK:

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. I am also concerned about the Medicaid and Medicare services. My understanding is that facilities of these -- this type have existed in many other states, and some other states for more than twenty years, and that the Federal Government has never approved them for Medicare, never approved payment of a share of Medicaid for patients they have served. Now, how will this affect hospitals in poor areas? I envision boutique health centers developing, siphoning off insured patients and not serving Medicare and Medicaid patients. I know that you're saying that a waiver will be sought out, but based on

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the record that I'm looking at here - for example, Arizona has had a facility of this type for about two decades and for two decades this mini-hospital concept has been catering to the needs of those Sunbelt citizens who prefer to have their elective procedures in a more aesthetically pleasing environment than a hospital. Is this what we're moving towards? I agree with the birthing centers and I agree with the general concept, but I'm wondering whether we're going to be able to provide the guarantees that you're saying are really in this bill.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

I repeat, by very specific, you know, line item, that it requires charity care. Some hospitals -- I mean, some of these overnight surgical units in other states have applied for waivers. I don't know that all have either applied or where that situation stands. I might note, though, that you make a very interesting point, that by bringing up the fact that a -- a center like this has been in Arizona for over two decades. We have not seen the hospital industry of Arizona come clamoring down. I know the Hospital Association makes an issue of four recovery centers in California - four in that very big state, which is about three or four times the size of Illinois. And the hospital industry of California has not come tumbling down. This is no desire to provide boutique medicine, and it was very strongly put forward in the Acute Care Task Force that that, indeed, was not the intention. This is to provide as many options as possible for health care and, indeed, they are pilot programs - fifteen of them - and they have a five-year cap, so that if we see they don't work out to our specifications, they will be ended. Also, to get their certificate of need, they would have to accept Medicare and Medicaid patients.

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PRESIDENT ROCK:

Senator del Valle.

SENATOR DEL VALLE:

Senator Topinka, how do you define charity care in this bill? Is it defined as bad debt? Because bad debt is -- is not the charity care I'm interested in.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Charity care is charity care. How do we define the Salvation Army? How do we define the donations we give to various charitables? It's helping those who cannot afford or cannot help themselves. And again, it was the desire of the Acute Care Task Force to address that issue, and they were vehement about it.

PRESIDENT ROCK:

Senator Woodyard, for what purpose do you arise, sir?

SENATOR WOODYARD:

For a point of personal privilege, sir.

PRESIDENT ROCK:

State your point, please.

SENATOR WOODYARD:

Joining us in the gallery to the rear today are a group of young people from Vermilion County, and one of the chaperones is Barbara Young.

PRESIDENT ROCK:

Will our guests please stand and be recognized. Welcome to Springfield. Further discussion? Senator Butler.

SENATOR BUTLER:

Thank you. A question for the sponsor, please.

PRESIDENT ROCK:

Sponsor indicates she will yield, Senator Butler.

SENATOR BUTLER:

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A few days ago we passed a bill which restricts the investment in the more expensive hospital equipment by doctors and other care providers. Is there any restriction in this bill which would preclude doctors setting up separate small boutiques, as Senator del Valle called them, as an investment, draining business and patients away from major hospitals, or full-service hospitals, I should say?

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

No, this bill does not address that, but where we -- in other states we've seen some of those who have been most likely to invest in these to be hospitals themselves.

PRESIDENT ROCK:

Senator Butler.

SENATOR BUTLER:

Just as a follow-up comment: I'm bothered by this, because I can see, as Senator del Valle said, that -- I can see some boutiques and I can see the larger full-service hospitals being hurt by this. I think we ought to be -- we ought to think very carefully about it. And my apologies to the Senator for the way I pronounced his name.

PRESIDENT ROCK:

Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you. A question of the sponsor.

PRESIDENT ROCK:

Sponsor indicates she will yield, Senator Palmer.

SENATOR PALMER:

Senator Topinka, I'm just wondering if there was any thought given, with the task force, to putting these inside existing facilities - existing hospitals? In the cities, for example, and

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across the State, there have been a number of hospital closings, there have been a number of hospitals that are on the edge of closing. Is there a reason why we're talking about building other facilities?

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

There is nothing in this bill that would preclude that from occurring. In fact, it's just fine with us. That issue did come up during our discussions. No one had a problem with that. And -- and again - I suppose maybe to add to Senator Butler's question - if the Marovitz bill on physician referral would pass, ultimately this would fall under the clinic provision. So -- but that's all dependent on whether or not the Marovitz bill passes.

PRESIDENT ROCK:

Further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in support of Senate Bill 1814. And I'll tell you the worst thing that's happened in my community is hospitals get larger and larger and larger. My experience has been the larger they are, the less quality control you have for patients, believe me. The hospitals need a little competition. These are small, well-run, inexpensive, homelike atmosphere, and I will guarantee you, you will get better care. I'll tell you this: I've had loved ones in the hospital over holidays. You never want to have a loved one in the hospital over the holidays. You know why? You have all the second- and third-stringers there working. So this -- this idea - its time has come. We ought to do it and give the hospitals a little competition. They deserve it.

PRESIDENT ROCK:

Senator Topinka, to close.

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SENATOR TOPINKA:

Well, Mr. President and Ladies and Gentlemen of the Senate, I think it's our duty in the State of Illinois that we look at every option that comes forward in order to improve the public health. There is nothing wrong in examining options, especially when they are limited by a five-year cap, as we do here. We're talking about models. If they don't work out in the data we generate from these models -- and by the way, they are in Chicago, they are in suburban Cook, they are in the Collar Counties, they are in cities of fifty-five thousand, they are in rural Illinois. Fifteen. Fifteen of these facilities - birthing centers, overnight surgical units or the subacute care facilities - are not going to take the hospital industry of the State of Illinois down. In fact, I think we will see that some of the first investors will be those hospitals themselves that are already waiting to get involved, where they can move this issue out. It's fair, and it's the right thing to do. I would encourage your vote.

PRESIDENT ROCK:

The question is, shall Senate Bill 1814 pass. Those in favor will vote Aye. Opposed, vote Nay. And the voting's open. Have all voted who wish? All voted who wish? All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 20 Ayes, 31 Nays, 4 voting Present. Senate Bill 1814, having failed to receive the required constitutional majority, is declared lost. 1815. Senator Holmberg. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1815.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Holmberg.

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SENATOR HOLMBERG:

Thank you, Mr. President. This bill has been carefully worked out by all of the parties involved. It does allow for freestanding licensed treatment providers to be included in the array of resources available to persons needing substance abuse treatment services. It requires that the substance abuse treatment services must be medically necessary, as determined by a physician. This term "medically necessary" includes rehabilitative and curative services when covered by the insurance policy and determined by a physician to be needed in the recovery process. This is particularly important in providing treatment to adolescents who are at risk of suicide or overdose. It creates no new mandates, but will, where desired, allow people to receive services in the cost-effective less expensive freestanding treatment centers. I would personally like to thank the Associated Employers of Illinois, the Illinois Chamber, the Illinois Life Insurance Council, the Illinois Alcoholism and Drug Dependence Association, the Illinois Manufacturers' Association and the National Federation of Independent Business, all of whom put in many long hours to work out this agreement. At this time the bill has no known opponents, and I would be happy to answer any questions.

PRESIDENT ROCK:

Discussion? If not, the question is, shall Senate Bill 1815 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, none voting Present. Senate Bill 1815, having received the required constitutional majority, is declared passed. 27 and 30 we skipped yesterday. 1862. Senator Etheredge. Read the bill, Madam Secretary.

SECRETARY HAWKER:

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Senate Bill 1862.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. There are ongoing discussions between representatives of the municipalities and representatives of the forest preserve districts, in regard to annexation procedures. This bill is designed to be -- this bill is the vehicle that will contain the agreement which hopefully will soon be reached as a consequence of these negotiations, and I would respectfully ask for your help in moving this vehicle over to the House, so that it will be available when needed.

PRESIDENT ROCK:

Discussion? If not, the question is, shall Senate Bill 1862 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, none voting Present. Senate Bill 1862, having received the required constitutional majority, is declared passed. The Chair will be skipping the appropriation bills. We'll move to page 6. Page 6 on the Calendar. 1908. Senator Etheredge. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 1908.

PRESIDENT ROCK:

All right. Hold on, Madam Secretary. Senator Donahue, for what purpose do you arise?

SENATOR DONAHUE:

Thank you, Mr. President. I rise on a point of personal

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privilege.

PRESIDENT ROCK:

State your point, please.

SENATOR DONAHUE:

I have a group in the other side of the aisles' gallery, Baldwin School West. They're Mrs. Schrecke's fourth grade class. And also on the Floor with me I have one of their parents, Janie Fischer, and I'd like them to rise and be welcomed by the Senate.

PRESIDENT ROCK:

Please rise and be recognized. Welcome to Springfield. Middle of page 6. On the Order of Senate Bills 3rd Reading, Senate Bill 1908. Read the bill.

SECRETARY HAWKER:

Senate Bill 1908.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a vehicle that is designed to contain the agreement which hopefully will be reached on the work force preparation and development issue question. Once again I would ask for your help in moving the vehicle to the House, so that it will be available if and when an agreement is reached on this matter.

PRESIDENT ROCK:

Discussion? If not, the question is, shall Senate Bill 1908 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 46 Ayes, 4 Nays, none voting Present. Senate Bill 1908, having received the required constitutional majority, is declared passed.

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1930. Senator Welch. 1939. Senator Demuzio. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1939.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. We just passed the Auditor General's appropriation bill earlier. This is the Audit Expense Fund that would be created within the Treasury. It's sponsored by myself -- bipartisan support. It would shift the cost of conducting audits to those various special accounts by those different agencies. It is estimated to save about 2.7 million dollars. I know of no known opposition, and I'd ask your support.

PRESIDENT ROCK:

Discussion? Senator Geo-Karis. All right. Question is, shall Senate Bill 1939 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 1939, having received the required constitutional majority, is declared passed. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Mr. President, I inadvertently voted Yes on Senate Bill 1862, and I should have been recorded No.

PRESIDENT ROCK:

The record will so reflect. 1945. Senator Woodyard. 1970. Senator Geo-Karis. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

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Senate Bill 1970.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this bill simply says that it would allow school districts to expel students for up to one hundred and eighty school days. Court cases have held that districts may expel students for the remainder of a school year, but if you have a bad student and he's only ten days away from the end of school year, you're not doing much of a discipline, so I ask for a favorable vote. This was requested by my school district.

PRESIDENT ROCK:

Discussion? Senator Berman.

SENATOR BERMAN:

Question of the sponsor.

PRESIDENT ROCK:

Sponsor indicates she will yield, Senator Berman.

SENATOR BERMAN:

This is -- your last sentence was that this is -- this is a request of your school district. Was that what you'd said?

PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

It was from the community school district of Waukegan, the -- the township school district.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

This did not come through the Education Committee. Has the

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school board -- Illinois Association of School Boards or the Illinois Association of School Administrators taken a position on this bill?

PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

No. But I can tell you the need is great in our area.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Well, I -- I really don't know what to -- what you're doing here is -- is changing so that a school board can keep a student out of class - it says for a hundred and eighty school days. Now a hundred and eighty school days is, in effect, a whole year. It's not a hundred and eighty days; it says a hundred and eighty school days. Now that's a whole year, and -- and I don't know if -- if that makes sense, and I haven't heard -- outside of the sponsor's comment, I really haven't heard any overwhelming need for giving this kind of power to exclude a child for a whole year. And I'm -- I'm going to vote Present, because I just -- it wasn't in committee; I haven't heard any testimony, and I'm not aware that the Associations have done anything on this.

PRESIDENT ROCK:

Further discussion? Senator Collins.

SENATOR COLLINS:

Question of the sponsor.

PRESIDENT ROCK:

Sponsor indicates...

SENATOR COLLINS:

Senator -- Senator, I am concerned too. Would you please -- you kind of -- I didn't hear your explanation. You -- you sort of mumbled there, but I think this is so important that you -- would

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you mind giving us a very clear explanation of what this bill does? I'm looking for the digest of the amendment. As Senator Berman said, an issue like this didn't go through the committee; there was no hearing. So I would appreciate it if you'd tell us and explain to us just what you're trying to do with this bill.

PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator, I will endeavor to answer your question without doing any mumbling whatsoever. This -- this amendment was asked of me by the community school district of Waukegan, which has the elementary schools and the high school in one district. We've had a lot of gangs, and all it says is that it's -- to have the right to expel them up to a hundred and eighty school attendance days. But if -- if you don't put this in the law, then if you have some real bad actors, and it's ten days before the end of the school term, so you suspend them for ten days - it doesn't mean a thing. But if they know that they have a bigger suspension possible, I think this way, at least -- a little bit more discipline. And it's -- we've had so much gang problem in Waukegan, and frankly, I think this is necessary, and I did suggest it earlier - last year - to some Members of the Education Committee, but somehow it got lost in the shuffle. So I would appreciate a favorable vote. It's only up to a hundred and eighty days, and if you think it should be changed, we can have the House change it. But I would like to see this get out.

PRESIDENT ROCK:

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. I have two questions. Number one, how many school days are there? I -- I -- the fact of the matter is, is that you are suspending this person for a period not to

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exceed a hundred and eighty school attendance days. And secondly, on line 14 of your amendment, could you tell me what "s-u-c-c-e-d-d-i-n-g" means?

PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

It was a typo, it should have been the word "succeeding," s-u-c-c-e-e-d-i-n-g, and it was a typo, which can be corrected in the House - honest, it can.

PRESIDENT ROCK:

Senator Demuzio. Further discussion? Senator Alexander.

SENATOR ALEXANDER:

Thank you, Mr. President. Would the sponsor yield?

PRESIDENT ROCK:

Sponsor indicates she will yield, Senator Alexander.

SENATOR ALEXANDER:

Thank you. Senator Geo-Karis, how does this piece of legislation mesh into - parallel to - lay opposite to - the piece of legislation that you so ably got out of this Body relative to workfare, or if you don't go to school your parents are cut off from welfare. If this piece that you're proposing now become effective and you put me out of school tomorrow, and my mother cut off of welfare the next day - and I can never return to the system - how does this kind of mesh together, or parallel itself, one upon the other, or opposite in entities?

PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Very easily. If they're expelled they wouldn't be required to go on to learn anything, because if they're bad actors, they're bad actors. We're trying to improve the conditions. And if we have a little stronger discipline, they know they can be expelled

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up to a hundred and eighty days, maybe they won't be so anxious to keep violating the rules.

PRESIDENT ROCK:

Senator Alexander.

SENATOR ALEXANDER:

Senator, you did not answer the question. The piece of legislation which went out of this Body said that I must go to school or my family is cut off from assistance, if I happen to be an ADC mother. Now if you put me out of school because I am a bad actor, how does this still parallel to that piece of legislation if I'm a meaningful mother and want -- don't have any means of support? How do we parallel the two? Can I -- after you put me out of school, can my parents now reapply for the aid that I needed for the other children? How does this parallel, or run opposite to that piece of legislation?

PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

This is entirely different - entirely different - from my work/learn fare bill, which says if the people who are young people, teenage pregnant cases and are able to work or to be trained, to get an education, help them get an education. This particularly applies to people who are bad people. They're not all bad just because they're on Public Aid; for heaven sakes, there are a lot of good people. But I'm just trying to help out, because I don't want more gangs running loose in the schools.

PRESIDENT ROCK:

Further discussion? Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Question of the sponsor? It's my understanding what you're trying to do here is to expel someone who is a bad kid. Is that what you're saying? And right now, if

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you expel them, you can only expel them to the end of the year. This will allow you to have them go into the next year and they could be expelled for a total of a hundred and eighty school days. That's what you're trying to achieve? I guess what it comes down to is whether or not we think that kids who are a disruptive influence in school, member of gangs, or causing a great deal of trouble, can be expelled. And I think that that -- you know, that's basically the issue. I don't think it has anything to do with the workfare or the learnfare or any other program. It's just to say, do we want to have this kid -- this teacher have to have this disruptive and perhaps dangerous influence in the schools, have to have -- keep that kid in school, or are we going to be allowing our school districts to get -- to get rid of someone like this, if necessary? I support this bill, and I, you know, hope you get it passed.

PRESIDENT ROCK:

All right. Five additional lights have now gone on. Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I, too, rise in support of this bill. I think it is a very reasonable proposal. Under the current law, if we're within five days of the school year or -- or ten school days, whatever it may be, there's almost free rein to act up and act incorrigible, and the worst punishment that can be meted out would be the five or ten days or whatever it may be. I think this is a very reasonable proposal, and I would encourage your support.

PRESIDENT ROCK:

Senator Collins, for the second time.

SENATOR COLLINS:

I'm sorry. Thank you, Mr. President. I did get cut off before, but, Senator, Senator Alexander's question needs to be

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answered here because it is -- this bill does impact the bill that you passed before, because you said if the kid does not stay in school, then the parent can lose their aid. So if, in fact, this kid - be it bad or good or indifferent - is dismissed from school, the question was very clear, will that parent lose the aid because this kid did not stay in school until that kid was eighteen years old? Let's assume that you put this kid out at sixteen or fourteen or even ten or twelve, because they do that sometime now. You have ten- and twelve-year-olds that falls within this so-called bad category that you're talking about. Will this person lose their aid because this kid is now not in school until they're eighteen?

PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

To whether that person will lose the aid or not - it's going to be discretionary in the Department of Public Aid. But this bill says to expel pupils guilty of gross disobedience or misconduct for a continuous period not to exceed a hundred and eighty school attendance days. All I am saying is, you're trying to use my bill -- the other bill against this one. And now -- I am saying to you is, if you have someone who is very disruptive, for heaven's sakes, what are you going to do with them? Are you going to just help them be more disruptive? All I'm asking you to do is see the common sense that if it's at the end of the school year - let's say the school year ends May 30th, and this very bad actor misbehaves May 25 - he will only -- he will be suspended till the end of the school year which is up to May 30th. Five days - is that enough for someone who goes and destroys property and bashes kids and what have you in the schools?. No, it isn't. I think I've answered your questions. Honestly, I have.

PRESIDENT ROCK:

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Senator Collins.

SENATOR COLLINS:

Senator -- then to the bill, which I didn't get a chance to speak to before. Senator, this bill is a good example of what is happening in this State and across the nation. We have -- because we have neglected over the years to really deal with the cause of problems, now the problems are so overwhelming, and the magnitude of them have just gotten so out of proportion, and now we're all going crazy. We're sitting here; we pass bill after bill after bill, and we don't even understand how they impact upon another, but it sounds good to somebody out there that we're doing something now to get rid of gangs and disruptive students in the schools so that children who go there to learn should learn. And we ought to do that, Senator. But you can't just keep doing -- passing bills without understanding the impact and the relationship to other bills that we pass when we attempt to try to address solutions. All we're doing is complicating and further compounding the very problems that we attempt to serve here, and it is crazy, and we ought to stop doing this craziness.

PRESIDENT ROCK:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I have a question of the sponsor.

PRESIDENT ROCK:

Sponsor indicates she will yield, Senator DeAngelis.

SENATOR DeANGELIS:

I'm a little confused on this. You're -- you're trying to get someone expelled beyond the school year. Correct?

PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Yes. Yes.

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SENATOR DeANGELIS:

All right.

PRESIDENT ROCK:

Senator DeAngelis.

SENATOR DeANGELIS:

Let's take that May 25th example you gave. The student reenters in September, displays the same behavior. Why can't that person be expelled at that time? Why do you have to carry over the...

PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

They -- they could, but this board gives the option. They could, but this board -- this bill gives the board the option.

PRESIDENT ROCK:

Further discussion? Senator Alexander.

SENATOR GEO-KARIS:

Again?

SENATOR ALEXANDER:

Excuse me, for the second time, bothering this Body. What I want to know is, when can I get back in school? Who makes that determination, Senator? And number two, do I have a right, being expelled, to a hearing about the charges that have been leveled against me that causes me to be put out of school? Thirdly, I'd like to make a statement that this also affects the loss of funds for the State because of the head count from the moneys we get for the State. How do we account today for that when we're in trouble now with school systems?

PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Yes, the student does have due process and is entitled to a

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hearing - absolutely. We have not removed any of the due process requirements -- respect to a student -- a student's expulsion from school.

PRESIDENT ROCK:

Senator Alexander.

SENATOR ALEXANDER:

When can I reenter? What do I do, and how do I make plans to reenter? Who makes the determination that I'm eligible for a rehearing or reenter? I've been rejuveccated <sic>; I've been reformed.

PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

After the hearing -- is held on the child, the board will make the -- the decision.

PRESIDENT ROCK:

Senator Alexander.

SENATOR ALEXANDER:

The board makes the determination that I am a bad actor; I am expelled. I accept the expellment <sic>. I want to now come back to the school. What will I have to do or my parents have to do to entitle me to come back to school to be re-enrolled? I'm fourteen years old. I'm ten years old. Am I going to be out here now for you all to take care of me the rest of my life?

PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator Alexander, I'm beginning to feel I'm fourteen years old right now myself, and I can tell you that the board -- if the student is willing to come back, appeals to the board, I can't see any reason why the board -- as long as it's satisfied that this youngster is really willing to learn and wants to go back in

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school, I don't see why the board couldn't use its discretion to let him back in, and reduce the time of the -- of suspension.

PRESIDENT ROCK:

Senator Alexander.

SENATOR ALEXANDER:

I speak to the bill. This is a bad piece of legislation. As hard as we're trying to stem the -- the effect of what is happening in this society, now we're not even trying to get at the root of it. I would suggest a No vote, or just don't vote at all on this piece of legislation.

PRESIDENT ROCK:

Senator Geo-Karis, to close.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, expulsion is not a new term in the schools. You all know that. And there is due process, but for heaven's sakes, if you're going to start curbing gangs and people who are disruptive forces in schools, give the school boards some -- some means to do a little more than just expelling them for five days of the school term. I think this is a good bill, and I ask your -- your vote on it, because if you don't like some of it, I'll be happy to remodel it in the House, but I think it's worth a chance. This has been requested of me by a school board that's had many problems from the school district and we've got them in Waukegan - gangs - just like anyone else has. So please give me a favorable vote.

PRESIDENT ROCK:

Question is, shall Senate Bill 1970 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 26 Ayes, 24 Nays, 1 voting Present. 1970, having failed to receive the required constitutional majority, is declared lost.

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Sponsor wishes that further consideration be postponed. 1976 --
77. Senator Luft yesterday passed them over. 1983. Senator
Severns. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1983.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. This is the
bill that we -- that I recalled yesterday to strip down to a
vehicle, like Senator Etheredge -- Senate Bill 1908 is -- it is a
vehicle in the event that we need it for the Work Force
Preparation Task Force. I would urge its adoption.

PRESIDENT ROCK:

Question is, shall Senate Bill 1983 pass. Those in favor,
vote Aye. Opposed, vote Nay. The voting is open. Have all voted
who wish? Have all voted who wish? Have all voted who wish?
All voted who wish? Take the record. On that question, there are
47 Ayes, 6 Nays, none voting Present. Senate Bill 1983, having
received the required constitutional majority, is declared passed.
Middle of page 9, Ladies and Gentlemen. The middle of page 9, and
I'm sure you are aware that the middle of page 10 concludes our
business. Middle of page 9, 2091. Senator Munizzi. Read the
bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 2091.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Munizzi.

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SENATOR MUNIZZI:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 2091, as amended, allows the City of Chicago to establish community-based committees to -- to consider all State and federal economic programs - now adds social programs to that, except where otherwise prohibited by federal law. I ask for a favorable roll call.

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is, shall Senate Bill 2091 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 44 Ayes, 9 Nays, none voting Present. Senate Bill 2091, having received the required constitutional majority, is declared passed. Senator Munizzi, congratulations. 2092. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 2092.

(Secretary begins to read title of bill)

PRESIDENT ROCK:

Take it out of the record. 2094. Senator Jones. 2095. Senator Munizzi. 2096. You're going to be very popular around here. 2099. Senator del Valle. 2100. Senator Luft. Read the bill, Madam Secretary. We're at the bottom of page 9, Ladies and Gentlemen. 2100.

SECRETARY HAWKER:

Senate Bill 2100.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Luft.

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SENATOR LUFT:

Thank you, Mr. President. This is the last of the -- vehicle bills - forgot what it was - vehicle bills dealing with the Revenue Act, and I'd ask to pass it on to the House.

PRESIDENT ROCK:

Discussion? Discussion? If not, the question is, shall Senate Bill 2100 pass. Those in favor, vote Aye. Opposed, vote Nay. And the voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. Senate Bill 2100, having received the required constitutional majority, is declared passed. 2108. Senator Hall. 2119. Senator Barkhausen. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 2119.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Senate Bill 2119 is legislation that would extend to accountants some of the limited protections from liability that we have already given to other professionals, mainly to doctors and lawyers. It does three things: the first - as I say, a provision that we have -- already extended to lawyers and doctors - would ban the award of punitive damages in actions against accountants. Secondly, it would take the provisions that we put in our laws relating to joint and several liability, that provide in negligence and product liability cases, that defendants twenty-five percent or more at fault continue to be jointly liable, but in situations where a defendant is less than twenty-five percent at fault, then those defendants are only

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liable or responsible for their own actions, and would only be liable for that specific percentage, which they are specifically found to be liable. Furthermore, it would -- it would extend the provision in our laws that apply in situations where plaintiffs are more than fifty percent responsible for their own injuries or losses and -- and provisions which now say that in those situations, plaintiffs cannot recover from others to make that protection also apply in -- in actions against accountants. So it does these three important things. I -- I would point out that there are unfortunately more and more lawsuits today where individuals who suffer losses in economic situations can't -- have some difficulty recovering from one party, so they're looking around for what are called "deep pockets," and too often they're turning to and looking towards accountants to try to get those accountants or their insurers to pay for damages for which those accountants really are not responsible. But this does not offer an outright immunization from liability for accountants; it -- it merely provides, as I say, some of those protections which we have already given to others. I'd be glad to answer your questions, and otherwise seek your support.

END OF TAPE

TAPE 3

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? If not, the question is, shall Senate Bill 2119 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 39 Ayes, 7

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Nays, 1 voting Present. Having received the required constitutional majority, Senate Bill 2119 is declared passed. Senate Bill 2125. Senator Jones. Senate Bill 2140. Senator Rock. Senate Bill 2141. Senator Keats, for what purpose do you rise?

SENATOR KEATS:

I thank you. Just a point of personal privilege. I just wanted to commend Senator Barkhausen for being the first Senator this week to pass a bill that had something in it for a change. That's our first nonshell bill this week, I think.

PRESIDING OFFICER: (SENATOR COLLINS)

Senate Bill 2141. Senator Madigan. Read the bill.

SECRETARY HAWKER:

Senate Bill 2141.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam President. Senate Bill 2141, as amended - on the Senate Calendar is the perfect description of it. It amends the Nursing Home Care Act, extending the pilot project allowing the use of annual accreditation reviews of the Joint Commission. The period of extension for this pilot project would be three years. I would be glad to answer any questions, and if there are none, I would ask for its adoption.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Madam President, Members of the Senate. I rise in strong support of this bill. In fact, if the sponsor would permit, I would like to join him as a co-sponsor. I think this is

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a bill that's needed and would clear up some of the delays that the nursing homes currently experience. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Madigan, to close.

SENATOR MADIGAN:

I would welcome the Senator's co-sponsorship, and ask for a roll call.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill 2141 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Having received the required constitutional majority, Senate Bill 2141 is declared passed. Senate Bill 2147. Senator Macdonald. Senate Bill 2201. Senator Marovitz. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 2201.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Madam President and Members of the Senate. This is an extremely important piece of legislation that I bring before you today - the physician self-referral bill. I'm sure many of you have heard a lot about it and got some information. This bill addresses a very serious problem - a problem that contributes to the rising costs of health care throughout the country - seriously in the State of Florida, and also in the State of Illinois, at a time when health care costs are escalating all too fast for people to be able to afford it. This is a problem - the joint venture problem - that seriously

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affects the elderly and the indigent, and may prevent them from getting modern technology. It's a problem that threatens the financial health of full-service community hospitals, and a problem that jeopardizes the inherent trust between doctors and their patients. Physician self-referral occurs when a doctor refers patients to diagnostic and treatment facilities in which they have a financial stake. These doctor-owned facilities are called joint ventures. There's been a lot of rhetoric the last few weeks about what Senate Bill 2201 does and what it doesn't do; who it affects and who it doesn't affect; how much profits joint ventures can generate, and so on. Even last week, I think many of you may have gotten a handout from people, generated by big companies, not in Illinois - down in Florida; down in Georgia - that have come into this State, because they see this State as an area where they can reap huge profits for a select few, at the expense of the health care costs of all of our citizens. And this is a bill that is very clear in what we're voting on today. On the one hand, we have the ability to do something about substantially escalating health care costs; and on the other hand, we have the motive - a profit motive - a very substantial profit motive of a very few. That's what this bill is all about. The people who want this bill killed own and operate some of the biggest joint venture facilities around the nation, and travel from state to state trying to stop legislation like this that seeks to correct the inherent wrong of physician self-referral. The time has come to set the record straight. Physician Self-Referral Act - this bill - would prohibit doctors from referring patients to those facilities that they have a financial interest. It's that simple. It reflects the most recent recommendations of the American Medical Association. And if anybody has any doubts, I have a copy of the AMA recommendations right here, and much of the language in this bill comes right from

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the AMA guidelines and from the most recent Journal of the American Medical Association - JAMA. This would not prohibit -- this bill will not prohibit doctors from investing in joint venture clinics. It will not prohibit doctors from investing in joint venture clinics. Instead, it would prohibit doctors from referring patients to those facilities that they have a financial stake in. It's no surprise that the opponents of this legislation are those individuals who have benefitted from self-referral, and some of the returns have been astronomical. A ten-thousand-dollar investment, a hundred-and-fifty-thousand-dollar return. How can someone make such a huge profit, you ask. Well, the Florida Health Care Cost Containment Board released a study, and that study was unbelievable. It showed, at these joint ventures, twice as many tests were ordered as where the joint venture did not exist. The cost of total billings were up -- up to thirty-eight percent. The number of tests increased up to ninety-six percent. The number of total health care costs increased up to a hundred and twenty-five percent. So we have escalation of total health care costs on one hand; we have huge profits for a few on the other hand. I want to read to you from something that was in -- is now in the Congressional Record, and this comes right from the statement of these companies who are joint ventures. This is to their shareholders - their physician shareholders - a letter. I'll just read it too; it's very brief. Dear Shareholder: We are pleased to distribute your 1991 first quarter dividends on your shares of Advanced Imaging Center. We are diligently striving to increase our volume, as an increase of one MRI scan a day would increase our distribution fifty thousand dollars, and the addition of one MRI and one C scan -- CT scan a day would increase the distribution total by fifty thousand dollars. So what they're doing is saying, "If you send us more MRIs, and if you send us more CT scans, your dividends will go up. Your profits will

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increase." Well, that's fine. Who's paying for it? The people that vote for you and I at the polls; the people that tell us they can't afford health care - that's who's paying for it. And the question is, do we want to do something about escalating health care costs, or do -- do we want to pander to a few people who are making huge profits at the expense of our constituents. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR COLLINS)

The Gentleman has moved passage of Senate Bill 2201. Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will.

SENATOR HAWKINSON:

Senator, there's been some concern expressed about publicly traded companies and the fact that a physician could refer someone to a company that his mutual fund might have stock in. Do you intend to further address concerns like that in the House?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz.

SENATOR MAROVITZ:

Not only will we address -- yes, we will absolutely address -- because that is not what we are trying to do. If somebody's got a mutual fund, that's not at all what we're looking at. And I ought to make it very clear right now that we have been working with the Illinois State Medical Society, with Jeff Holden, with Jim Tierney; with their leadership. We've had many, many, many discussions. Most of the language in here is language from the AMA guidelines, and language that they would like. Those discussions are going to continue. I venture to say this bill

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will be substantially changed in the House. There'll be a lot of clarifications in the House, such as what Senator Hawkinson mentioned. It will be back here again, revisited. I'm going to be sitting down again with the Medical Association at a series of discussions, because, philosophically, we and the Illinois Medical Society are one hundred percent in agreement. The AMA guidelines said this -- this procedure should stop. We agree it should stop. The Medical Society said it should stop. It's a question of dotting the I's and crossing the T's, and -- and some -- some serious discussions. But I think that we'll be able to reach agreement.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Rea.

SENATOR REA:

Thank you. Question of the sponsor.

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR REA:

Senator Marovitz, could you describe the circumstances which perhaps a licensed dentist would find him or herself in violation, and what the -- how they would be subjected to the fines and whatever professional discipline?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz.

SENATOR MAROVITZ:

The only services that are covered in the bill, currently, are clinical laboratory services, physical therapy services, diagnostic, radiology and related services, and radiation therapy and oncology services. So it would be very difficult for a dentist to -- to have a problem in this legislation. Now, if that dentist sent his patient to a clinical laboratory that he owned, for all kind of clinical laboratory tests, and he owned that

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clinical laboratory and ordered those tests, then that would be something that would be covered by the purview of the legislation.

PRESIDENT ROCK:

Senator Rea.

SENATOR REA:

Senator Marovitz, then if he -- if he did own shares of stock, whether directly or indirectly, through a mutual fund, then he -- there would be -- what would be the situation there?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

No. If he owns stock through a mutual fund, that is going to be cleared up, as I mentioned to Senator Hawkinson. That is not the kind of situation -- we believe it's covered under here, and that is not the kind of situation that would be any violation. And if that dentist is a sole practitioner and he's doing the work - the clinical work - as most dentists do in their dental office, there's no violation. All this deals with is when you refer something out that you have no expertise in, that you do not do the work on, that you do not supervise, but you're going to profit from something that is not within your purview, then, and only then, does the bill become operative.

PRESIDENT ROCK:

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Senator Marovitz, I don't think anybody wants to pay more than they should, nor does anybody want to have more medical services than what they need. I have noticed that in my area more and more practices are group practices. The sole practitioner, or sole physician, is very, very rare. Does this bill prohibit a group of doctors, like exist in my area, and many of the clinics, from owning any facilities whatever in those categories that you

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describe?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

The -- the group practice situation that you describe is covered in the legislation, and if you are part of a group practice, you would not be in violation of this legislation.

PRESIDENT ROCK:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, who would be in violation?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

A group practice is something which is -- the doctor is directly involved with, within his group. If he is directly involved with the -- providing those services within his group, he is not in violation. It's when he sends something outside his group to an area that he has no expertise, he is not providing the services, he's not supervising the services, and he's only going to profit by the number of referrals; that is where the violation comes in.

PRESIDENT ROCK:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I think you and I have a difference in the group practice that I'm talking about. In group practice I am talking, for instance, the Suburbanites Clinic, the Boulevard Clinic, where you have sixty/seventy doctors that cover all the specialties. Now I'm an obstetrician, and I sent somebody in for an X-ray that -- into the clinic -- into the X-ray lab that's within the clinic. Am I in violation?

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PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

No, you're not in violation, and we specifically say so on page 4; that referral does not include that which you're describing. The group practice which you are describing, even though it may be fifty/sixty members and they are not associated in the same type of practices, that is specifically excluded in the legislation.

PRESIDENT ROCK:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, let me be just a little more specific on this. In these group practices, quite frequently within the practices themselves, there are set up different elements of ownership in each part of the clinic. There are some -- for instance, younger doctors coming in find it extremely difficult to have the kind of capital that's necessary to buy into some kind of land company that owns the facility, but they might be able to buy into the X-ray part of it. Does this prohibit that?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

No. In my opinion, it does not prohibit that. I will show you the language, and if you need it -- if you need it tightened up - and there are some things that we are still talking about with the Medical Society where language needs to be changed or tightened - I'll be happy to do that, because that is not who we're trying to address with this problem.

PRESIDENT ROCK:

Senator DeAngelis.

SENATOR DeANGELIS:

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The last question: Let's assume that we have somebody in violation in a rural area or an area that doesn't have a lot of health care. Okay? Now what happens to those people that have formed these partnerships that exist right now, that are, in fact, referring -- doing self-referrals? Do they have to get rid of the facility? Do they have to sell it to somebody else? Do they have to get out of the business? What do they do?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

In the rural areas that you describe or the underserved areas that you describe, they are specifically given the opportunity to get a waiver from the Health Facilities Planning Board. And the reason we did it at the Health Facilities Planning Board was at the request of the Illinois State Medical Society. That's where they wanted the procedure, and -- and we want to be able to take care of rural and underserved areas. And that is specifically provided for in the legislation.

PRESIDENT ROCK:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, you know, you keep referring to the Medical Society. I have a lot of respect to them, but the people you're aiming your legislation at are exactly their members. And you're using them as authorities on one side, and then use them as the bad persons on the other side. I am not impressed with who's backing it; I'm looking at the economic considerations. Because I got to tell you, some of the worst abuses that I've ever seen -- I'm on a hospital board. We had, in fact, within the hospital, one of the groups that you're talking about, an outside-owned interest, and when we got rid of them, we saved a hell of a lot of money. And what I am concerned about is that you might be trading abuse for

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extortion, because if I'm the only show in town, because by law nobody else can be, I can charge what I want, and your bill has nothing in it that says there are limits on what they can charge. What you've done is you've eliminated the competition to give them a better opportunity to charge more money. Now if you can eliminate the abuse, that's fine, but I am a little concerned about trading abuse for extortion.

PRESIDENT ROCK:

Further discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President. One quick question: Senator Marovitz, let's say that I go to an orthopedic surgeon and have some operations on a joint - a knee - or two knees; that surgeon then, in turn, refers me to a therapist - maybe in the same building - and I undergo therapy with that -- with that organization. Is that doctor, by virtue of the fact that he has referred me to therapists -- therapists within the same -- same building; he is still supervising my -- my condition from time to time - where does that put him? Does it have to be proven that he has a financial interest in that organization?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Well, he would not be covered for two reasons. There'd be no problem for two reasons. One: he is still supervising your therapy. So right there, he's out of the bill. Number two: he has no financial interest, unless he's getting kickbacks from the physical therapist. He has no -- he has no financial interest in whatever that physical therapist charges you. So there'd be no -- that is not the situation. That goes on every day. It should be able to go on every day, and that is not at all what this bill addresses.

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PRESIDENT ROCK:

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Davidson.

SENATOR DAVIDSON:

Well, Senator Hudson's question triggered my memory. In the instance of an orthopedic surgeon who totally owns a work hardening facility, because neither hospital will or couldn't put it in; he refers patients to that work hardening facility of which he owns, someone works in, separate from his clinic, but it's under his ownership and he is not over there doing the work, but a physical therapist is - is he included under this bill, or not?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Is -- is he doing anything regarding the service? Is he supervising it? Is he overseeing it? Is he involved in any way? I mean, is this his area? Is this his field?

PRESIDENT ROCK:

Senator Davidson.

SENATOR DAVIDSON:

It's his field. He does not do the work. He refers the patient to the facility, which he apparently is the total owner, and a physical therapist or the trainee, whoever does the work hardening training, is his employee. He either suffers the profit or suffers the loss. Is he in violation?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

If -- if this is within the purview of his field, of his

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expertise - if he is responsible continuing for that patient, then he would not be covered by the legislation. If he has enough -- that's the answer.

PRESIDENT ROCK:

Further discussion? Senator Topinka. We have about twelve who have indicated they wish to be heard. Senator Topinka.

SENATOR TOPINKA:

Some very fast questions. First of all, does this exclude hospitals, or does it apply to hospitals?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

This legislation applies to all hospitals, except there is language in here which exempts two hospitals, which are already existing physician-owned hospitals. One is in Springfield, Doctors Hospital, and another is a hospital in Lemont. I believe it's called Four Winds. So those are the only hospitals which are doctor-owned hospitals existing now, which are exempted.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Therefore, you are grandfathering them into this. Would this be applicable henceforth now, so that if there were further doctor-owned hospitals down the road, then it would indeed be applicable to them?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

No. If there are further doctor-owned hospitals that occur in the future -- yes, you are correct. The bill will apply to them. That's correct.

SENATOR TOPINKA:

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And...

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Second question would be, you have picked some areas of endeavor in terms of referral in health care. Why -- why not all areas?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

The reason we have picked those areas is because those are the areas where the abuses are, and continue to occur. They're the ones where they occurred in Florida. They are around the country where the joint ventures are raising money, and rather than try and solve a problem that doesn't currently exist, let's deal with the problems that are here. If others occur in the future, we can revisit the issue.

PRESIDENT ROCK:

Further discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. Will the sponsor yield to a couple questions?

PRESIDENT ROCK:

Indicates he will yield, Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. Senator Marovitz, I want to ask questions under Section 10 for the term "health care items." Section 10, page 2, line 5 - what does this include? What health care items?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

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The health care items includes those materials used which are attendant to provisions of the services limited. And that is why we limited the services, and those items which are used in the provision of those services which are mentioned in the legislation, are the only items that would be included.

PRESIDENT ROCK:

Senator Kelly.

SENATOR KELLY:

Okay. Under -- page 4, I want to ask, under item (g), "immediate family member." That's a quote that you have in here. Can you tell me what this term applies to? "Immediate family member."

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Okay. "Immediate family member" means a health care provider's spouse, child or child's spouse, grandchild or grandchild's spouse, parent or parent-in-law or sibling.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

No, I was asking you what it applies to. I know it says -- that's what it means, but where do you use it? Where does it apply?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

The purpose of this is to get around the idea that, well, okay, the provider knows that he can't refer to a facility that he owns, so he'll put it in his wife's name; he'll put it in his daughter's name; he'll put it in his sister's name, as a way of getting around the legislation, still reaping a huge profit -

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indirectly getting around the legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

And finally, under Section 20, there's a term here, line 5 - "provide health care or services." Can you tell me what this means? Health care or services -- "provide health care or services." Section 20. Prohibited Referrals.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

That refers to providing health care or health care services. It may -- maybe we should have phrased it differently, but it refers to - does not directly provide health care or health care services. Maybe we should have repeated the words "health care" before "services."

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Marovitz, where did you arrive at the -- or the authors of the bill arrive at the figures for the fines? They -- they seem to be quite steep.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

The fine figures are -- I mean, those are things that we continue to talk with the Medical Society, the Hospital Association. They're certainly not set in stone. I'm willing to talk to them about you -- you know, about whether you think those figures are excessive, whether the penalties are excessive; and we continue to talk about the civil penalties.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Barkhausen.

SENATOR BARKHAUSEN:

Since the Health Facilities Planning Board is potentially going to be sitting in judgment on the question of whether an area is underserved with regard to a facility that physicians might otherwise be prohibited from investing in, I wonder if the -- if the concept of -- of underservice would -- might include the notion of competition, in the sense that would -- would, potentially, physicians be able to invest in a -- in a facility if it could be shown that there wasn't any competition in an -- in an area, and that -- and that perhaps the only facility that did exist in an area was charging rates that otherwise exceeded the normal rate charged in other parts of the State.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

I think that's exactly what the waiver procedure should take a look at. I think you bring up a very good point. Where there is no competition and the prices are high, I think that's exactly where a waiver should be -- should be granted.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, in your description of the bill, I understood you to say several times that referrals by physicians in particular, were prohibited if they were referring to a facility in which they had an ownership interest. And my question is, does the bill prohibit referrals, or does it simply require disclosures in those cases?

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

It does -- it does more than just provide for disclosures. It prohibits referrals if you have a financial interest. This is not just a mere disclosure.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

So in the event that these facilities are in existence today, where physicians, for example, have invested in facilities they are operating today - when the prohibitions go into effect, then they no longer will be -- it will then become illegal to refer to those facilities. What accommodations are we going to make for those cases, if they exist?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

They are going to be given a rather lengthy divestiture period. When this bill goes into effect, the procedure is not going to be illegal the next day. Right now we've given them two years, and still continue to talk to everybody involved about that grace period, so that we are not going to ask anybody to divest overnight or within a very quick period of time or at a fire sale.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. To the bill: I understand that the current position of the State Medical Society is that they are not in opposition to the bill at this time, and that they plan -- that doesn't mean that all their problems are resolved, but under those conditions, I intend to support the bill, so this

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process can continue.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. As you know, on yesterday, Senator Marovitz, I had a amendment that -- what I thought would solve the problem that Senator DeAngelis brought up to you, and also that I'd like to talk to you concerning another problem that I see with the bill, and I've sought out a meeting with you and -- and would like to have that meeting next week. But at present, I'm going to vote Present on your bill, and then we'll seek to have the meeting to solve those problems. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not - thank goodness - Senator Marovitz may close.

SENATOR MAROVITZ:

I just -- I just believe that this is a bill that's extremely important to everybody. When we're talking about escalating health care costs, the question is, are we going to tell some people who come in from out of state, "Yeah, we're going to let you come in here, start joint ventures and -- and reap huge profits for a few, and gouge our citizens." This is a bill that every citizen in Illinois is going to recognize as the only bill right now that's going to stop the escalation of health care costs. And, Ladies and Gentlemen, if we don't pass a bill like this this year, I can promise you that next year you'll be back here. This issue won't go away. There'll be ten times as many joint ventures around the State. It'll be more difficult for doctors to divest, and the cost of health care will go up very, very substantially. We've got to nip this problem in the bud, just as Florida did, and I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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The question is, shall Senate Bill 2201 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Last call. Have all voted who wish? Take the record. On that question, the Ayes are 28, the Nays are 11, 2 -- 12 voting Present. Senate Bill 2201, having failed to receive the required constitutional majority, is declared lost. Senate Bill 2211. Senator Jacobs. I'm sorry. Senator Marovitz requests Postponed Consideration. I beg your pardon. Postponed Consideration on Senate Bill 2201. Got some paperwork I'd like to get out of the way here before -- Resolutions.

SECRETARY HAWKER:

Senate Resolution 1303 offered by Senator Leverenz.

Senate Resolution 1304 offered by Senator Carroll.

Senate Resolution 1305 offered by Senator Madigan.

Senate Resolution 1306 offered by Senator Mahar.

Senate Resolution 1307 offered by Senator Mahar.

Senate Resolution 1308 offered by Senator Raica

Senate Resolution 1309 offered by Senator del Valle.

And Senate Resolution 1310 offered by Senator Maitland and all Members.

They're all congratulatory and death resolutions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Consent Calendar. Message from the House.

SECRETARY HAWKER:

A Message from the House by Mr. O'Brien, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I'm instructed to ask the concurrence of the Senate, to wit:

House Bills 109, 110, 112, 372, 379, 382, 385, 871,

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930, 1116, 1680, 2445, 2699, 2700, 2701, 2703, 2704, 2705, 2829, 2831, 2832, 2838, 2839, 2840, 2841, 2842, 2843, 2844, 2845, 2855, 2856, 2860, 2861, 2866, 2867, 2868, 2869, 2871, 2872, 2873, 2874, 2878, 2881, 3042, 3084, 3102, (3201), 3888 <sic> (3388), 3891 <sic> (3391), 3523, 3524, 3525, 3529, 3530, 3531, 3532, 3533, 3534, 3535, 3537, (3552), 3558, 3559, 3604, 3607 <sic> (3707), 3718, 3719, 3720, 3724, 3725, 3726, 3727, 3728, 3741, 3792, 3794, 3932, 4112, 4122, and 4124. (Bills within parentheses submitted in writing, but inadvertently not read into the record).

Passed the House, May 21, 1991 <sic> (1992).

PRESIDENT ROCK:

Copies of the Consent Calendar have, indeed, been distributed. Madam Secretary, have there been any objections filed to the Consent Calendar?

SECRETARY HAWKER:

There have been no objections filed, Mr. President.

PRESIDENT ROCK:

In that event, Senator Vadalabene will move the adoption of the Resolutions Consent Calendar, as distributed, and with leave of the Body, we had added Senate Resolutions 1301 through 1310. If there are no objections, all in favor, indicate by saying Aye. All opposed. The Ayes have it, and the Resolutions Consent Calendar has been adopted. I have been asked to remind Senator Philip and the other Members that the Twenty-first Annual Legislative Correspondents Association Gridiron Dinner is June 3rd. Tickets are thirty dollars and are now available and going fast, from the Press Corps. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, we just want everyone to know that tomorrow will be Senator Weaver's thirty-ninth birthday, and we want to wish him a happy birthday.

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PRESIDENT ROCK:

Senator Weaver, happy birthday, wherever you are. Senator Dudycz, for what purpose do you arise?

SENATOR DUDYCZ:

Yes. Mr. President, just like to ask the Chair if it is the intent of the Chair to go to the business of Postponed Consideration this afternoon?

PRESIDENT ROCK:

Well, there has been some discussion about that, and frankly, the Membership seems to indicate otherwise. Senator Demuzio, for what purpose do you arise?

SENATOR DEMUZIO:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move that we adjourn till next Wednesday at -- the 17th, at the hour of noon.

PRESIDENT ROCK:

You've heard the motion. All in favor, indicate by saying Aye. All opposed. The Ayes have it. Senate's adjourned till next Wednesday. Have a nice weekend everybody.

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