

STATE OF ILLINOIS  
87th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

32nd Legislative Day

May 23, 1991

PRESIDENT ROCK:

Senate will please come to order. Will the Members be at their desks, and will our guests in the gallery please rise. Our prayer this morning by Pastor Robert Weise, Our Savior's Lutheran Church, Springfield, Illinois. Reverend.

PASTOR ROBERT WEISE:

(Prayer by Pastor Robert Weise)

PRESIDENT ROCK:

Thank you, Pastor. Reading of the Journal, Madam Secretary.

SECRETARY HAWKER:

Senate Journal of Wednesday, May 15, 1991.

PRESIDENT ROCK:

Senator Kelly.

SENATOR KELLY:

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

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. Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. I now move that reading and approval of the Journals of Thursday, May 16th; Monday, May 20th; Tuesday, May 21st; and Wednesday May 22nd, in the year 1991, be postponed, pending arrival of the printed Journals.

PRESIDENT ROCK:

You've heard the motion as placed by Senator Kelly. 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.

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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 am instructed to ask the concurrence of the Senate, to wit:

House Bills 136, 214, 319, 373, 376, 378, 384, 386, 388, 393, 394, 395, 505, 545, 581, 629, 630, 631, 632, 633, 634, 635, 636, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 736, 737, 766, 808, 886, 887, 1048, 1055 <sic> (1155), 1878 and 1917.

Passed the House, May 21, 1991.

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 am instructed to ask the concurrence of the Senate, to wit:

House Bills 153, 185, 186, 316, 370, 477, 517, 575, 579, 624, 714, 742, 760, 762, 763, 764, 794, 798, 799, 800, 801, 816, 833, 915, 1102, 1312, 1479, 1620, -- pardon me -- 1661, 1920, 1929, 2151, 2190, 2254, 2451, 2488 and 2592.

Passed the House, May 22nd, 1991.

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 adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 46.

Adopted by the House May 21, 1991. It is a death resolution.

I have a like Message on House Joint Resolution 47.

Adopted by the House, May 21, 1991. It's congratulatory.

PRESIDENT ROCK:

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Consent Calendar with the two House resolutions. Resolutions.

SECRETARY HAWKER:

Senate Resolution 426 offered by Senator Dudycz.

It is congratulatory.

PRESIDENT ROCK:

Consent Calendar.

SECRETARY HAWKER:

Senate Resolution 425 offered by Senator Karpziel.

It is substantive.

And Senate Joint Resolution 58 offered by Senator Topinka.

It is also substantive.

PRESIDENT ROCK:

Executive. All right. For the benefit of the Membership, those that are still in meetings or in their offices, we will be -- we will begin with the Order of Recalls. The Secretary has informed me that there are two, four, six, seven amendments pending. Senators Berman, Macdonald, Dudycz, Maitland and Welch have bills that people are seeking to recall for purposes of an amendment. That list will be distributed shortly. In the meantime, with leave of the Body, we will go to the Order of House Bills 1st Reading. And, again, I would ask the Members if the House sponsor has requested the -- that someone assume the responsibility for the bill in the Senate, please let the Secretary know. Page 21 on the Calendar. Page 21 on the Calendar, on the Order of House Bills 1st Reading, Madam Secretary.

SECRETARY HAWKER:

House Bill 121 offered by Senator Cullerton.

(Secretary reads title of bill)

House Bill 338 offered by Senator Maitland.

(Secretary reads title of bill)

House Bill 341 offered by Senator Kelly.

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(Secretary reads title of bill)

House Bill 455 offered by Senator Holmberg.

(Secretary reads title of bill)

House Bill 472 offered by Senator Jacobs.

(Secretary reads title of bill)

House Bill 478 offered by Senator Kelly.

(Secretary reads title of bill)

House Bill 528 offered by Senator J.J. Joyce.

(Secretary reads title of bill)

House Bill -- House Bill 554 offered by Senator Macdonald.

(Secretary reads title of bill)

House Bill 480 offered by Senator O'Daniel.

(Secretary reads title of bill)

House Bill 605 offered by Senator Maitland.

(Secretary reads title of bill)

House Bill 606 offered by Senator Holmberg.

(Secretary reads title of bill)

House Bill 619 offered by Senator Welch.

(Secretary reads title of bill)

House Bill 628 offered by Senator Barkhausen.

(Secretary reads title of bill)

House Bill 677 offered by Senator Woodyard.

(Secretary reads title of bill)

House Bill 678 offered by Senator Woodyard.

(Secretary reads title of bill)

House Bill 718 offered by Senator Brookins.

(Secretary reads title of bill)

House Bill 734 offered by Senator Ralph Dunn.

(Secretary reads title of bill)

House Bill 770 offered by Senator Barkhausen.

(Secretary reads title of bill)

House Bill 811 offered by Senator J.E. Joyce.

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(Secretary reads title of bill)

House Bill 942 offered by Senator Lechowicz.

(Secretary reads title of bill)

House Bill 1097 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 1101 offered by Senator Jacobs.

(Secretary reads title of bill)

House Bill 1134 offered by Senator Donahue.

(Secretary reads title of bill)

House Bill 1160 offered by Senator Ralph Dunn.

(Secretary reads title of bill)

House Bill 1184 offered by Senator Welch.

(Secretary reads title of bill)

House Bill 1196 offered by Senators Vadalabene and President  
Rock.

(Secretary reads title of bill)

House Bill 1207 offered by Senator O'Daniel.

(Secretary reads title of bill)

House Bill 1228 offered by Senator Maitland.

(Secretary reads title of bill)

House Bill 1254 offered by Senator Geo-Karis.

(Secretary reads title of bill)

House Bill 1286 offered by Senator Brookins.

(Secretary reads title of bill)

House Bill 1430 offered by Senator Rigney.

(Secretary reads title of bill)

House Bill 1446 offered by Senator Barkhausen.

(Secretary reads title of bill)

House Bill 1475 offered by Senator Woodyard.

(Secretary reads title of bill)

House Bill 1644 offered by Senators Alexander and Brookins.

(Secretary reads title of bill)

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House Bill 1688 offered by Senator Fawell.

(Secretary reads title of bill)

House Bill 1744 offered by Senator Madigan.

(Secretary reads title of bill)

House Bill 1804 offered by Senator del Valle.

(Secretary reads title of bill)

House Bill 1855 offered by Senator Leverenz.

(Secretary reads title of bill)

House Bill 1884 offered by Senator DeAngelis.

(Secretary reads title of bill)

House Bill 1945 offered by Senator Demuzio.

(Secretary reads title of bill)

House Bill 1960 offered by Senator Brookins.

(Secretary reads title of bill)

House Bill 2006 offered by Senator Cullerton.

(Secretary reads title of bill)

House Bill 2056 offered by Senator Welch.

(Secretary reads title of bill)

House Bill 2125 offered by Senator Barkhausen.

(Secretary reads title of bill)

House Bill 2211 offered by Senator Hawkinson.

(Secretary reads title of bill)

House Bill 2329 offered by Senators Jones and Woodyard.

(Secretary reads title of bill)

House Bill 2396 offered by Senator Schaffer.

(Secretary reads title of bill)

House Bill 2443 offered by Senator Berman.

(Secretary reads title of bill)

House Bill 2521 offered by Senator Daley.

(Secretary reads title of bill)

House Bill 1843 offered by Senator Barkhausen.

(Secretary reads title of bill)

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First Reading of the bills.

PRESIDENT ROCK:

Ladies and Gentlemen, it is Thursday, May 23rd, and Friday, May 24, is the deadline. So to accommodate the Members who have filed amendments, we will attempt to start on that Order of Business. And then those bills that have been recalled will be put to the end of the call on the Calendar so that the Membership will have an opportunity to review, at their leisure, any amendments that have been adopted. In addition, it's been suggested by Senator Philip and others that the -- you turn to Page 15 on the Calendar, 3rd Reading appropriation bills - that we will later today handle those bills on -- on a single roll call with the same procedure. If any Member wishes to express other than an affirmative vote, he's free to do so, and it will be so journalized. Once having done the recalls, we will begin on the Order of Senate Bills 3rd Reading. We will begin at the top and proceed through the Calendar, I hope as expeditiously as possible, with a view toward ending our Session today at approximately six o'clock. Senator Philip, for what purpose do you arise, sir?

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'd like the record to indicate that Senator Hudson is absent today. His wife is being operated on. Secondly, we have a small celebration on our side of the aisle. The distinguished Senator from Champaign-Urbana is...(machine cutoff)...

PRESIDENT ROCK:

I think the system is -- What a guy. He's got youth and looks and money, too, now I'm told. For those of you who are not aware, Senator Weaver has indicated he's probably going to have to buy lunch for everybody today, 'cause he -- he did so well last night. Thank you, Senator Weaver. It's a great tribute. While we're waiting for the system to reactivate itself, I would just

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alert Senators Berman, Cullerton, Macdonald, Dudycz, Maitland and Welch that they are on the Recall List and we will go to that order first. The electronic marvel is now reactivated, you'll be happy to hear. So we will begin on the Order of Senate Bills 3rd Reading with the Recall List, a copy of which has been distributed. I'd ask the Members to please get their files and their amendments ready. Senator Severns, for what purpose do you seek recognition?

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. I rise on a point of personal privilege.

PRESIDENT ROCK:

State your point, please.

SENATOR SEVERNS:

It's my honor today to have joining us, in the visitors' gallery, the women from the Christian County Farm Bureau's Women's Group, and I'm delighted that they make the trip to Springfield, not only this year, but every year, to make their case for the people of Christian County.

PRESIDENT ROCK:

Will our guests please stand and be recognized. Welcome to Springfield. All right. Directing your attention to the Recall List. Page 3 on the Calendar, on the Order of Senate Bills 3rd Reading is Senate Bill 10. Senator Berman seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 10, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Berman.

PRESIDENT ROCK:

Senator Berman, on Amendment No. 2.

SENATOR BERMAN:



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Thank you, Mr. President and Ladies and Gentlemen of the Senate. We got it -- started discussion on Chicago school reform one person/one vote yesterday. Overnight, Senator Karpziel, the Minority Spokesman and I and other interested Members of the Senate, have conferred. There is a -- as is not atypical -- a substantial difference of opinion both on this Floor and back home in Chicago. In accordance with those differences of opinion, I'm going to withdraw this amendment. The bill, at the present time, is in a shell-bill posture. I believe Senator Karpziel has indicated she will withdraw her amendment. We will pass the bill out as a shell and continue to address the issues addressed. So I will withdraw amendment -- this amendment.

PRESIDENT ROCK:

Amendment's been withdrawn. Further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Karpziel.

PRESIDENT ROCK:

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. I'll withdraw Amendment No. 2.

PRESIDENT ROCK:

Amendment No. 2 has been withdrawn. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. No amendments having been offered, Senator Berman, are you prepared to go ahead with this bill then? All right. When we get to the end of the recall, we'll start right with 10 and 11. Page 4 on the Calendar. I'm sorry. I missed one. Yeah. Page 4 on the Calendar, on the Order of Senate Bills 3rd Reading is Senate Bill 214. Senator Cullerton seeks leave of the Body to return that bill to the Order of 2nd Reading for

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purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 214, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 5 offered by Senator Cullerton.

PRESIDENT ROCK:

Senator Cullerton, on Amendment No. 5.

SENATOR CULLERTON:

Yes, thank you, Mr. President and Members of the Senate. This is identical to Senate Amendment No. 4, which we considered yesterday. I think there was some confusion on -- on the roll call, so I think I'll take some time to explain it. This deals with the DuPage County Airport and it deals with the change in the makeup of the airport. And it's changed from the way the bill was originally introduced, so I would ask you to just follow with me what's happening. We are not wiping out the entire DuPage County Airport Board, as was originally contemplated in the first bill. What we're doing here is we're saying that Kane County, which now has one member which is appointed by the DuPage County Board President, will now have two members, and they will be appointed by the Kane County Board President, with the advise and consent of the Kane County Board. And then, as the vacancies occur, with regard to the DuPage County members, they shall be appointed by the DuPage County Board President, but then he or she will have to get the advise and consent of the DuPage County Board. So I think that the -- the effect of the amendment is, first of all, to allow Kane to have an extra member than they have now, and -- as well as have the ability to appoint that member themselves. And with regard to DuPage County, it would involve the DuPage County Board to have some say in the selection of the DuPage County Board members. I've talked this amendment over with representatives of the DuPage County Airport Authority. I believe it is to their

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agreement. I've talked to Senator Philip. I believe it's also something which he can support. And I would be happy to answer any questions, and I would urge that we adopt this amendment.

PRESIDENT ROCK:

Senator Cullerton has moved the adoption of Amendment No. 5 to Senate Bill 214. Discussion? Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Senator Cullerton, since I have just now seen this amendment and didn't hear your complete description, could I ask how and when are these -- are you abolishing the Board now and then reappointing, or how are you going to make these new appointments?

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Yes, as soon as a vacancy occurs -- let's do it this way. First of all, there's one Kane County member that's appointed right now by the DuPage County Board President. What we do with that one is we abolish that office right away and we say -- and then we re-create it and allow the Kane County Board President to make that appointment with the advise and consent of the Kane County Board. That's the first thing we do. The second thing we do is as soon as there's a vacancy, the first vacancy that occurs, that automatically goes to Kane, and that vacancy is filled in the same -- the same fashion that I just described. So then you have two from Kane and then, as vacancies occur on the -- for the DuPage County members - the remaining seven members which are from DuPage County - as the vacancy occurs, they would be appointed by the DuPage County Board President, with the advise and consent of the DuPage County Board. So there's no -- there's a transition period. There's not a total elimination of the -- the Board.

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Senator Karpziel.

SENATOR KARPIEL:

Thank you. The problem is that now the Kane County -- it isn't the Kane County -- it was never the Kane County Board Chairman that made appointments from Kane County - it was the mayors of the municipalities. And the mayors would like to retain that power to do that.

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Well, yes, but that was before we changed the law to the state it is now, and the state it is now is that the DuPage County Board Chairman is appointing the Kane County Board member. And so, as an accommodation to the mayors that we -- that you spoke of, we do require that the Kane County Board members live in the affected area. So they have to live in either St. Charles or Geneva. And so I think as a result there'll be cooperation between the mayors and the Kane County Board Chairman. And the reason why we did that was just to make it consistent with the appointment powers of the DuPage County Board Chairman.

PRESIDENT ROCK:

All right. Senator Cullerton has moved the adoption of Amendment No. 5 to Senate Bill 214. Further discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 6 offered by Senator Butler.

PRESIDENT ROCK:

Senator Butler. Withdraw the amendment. We'll have to ask Senator Cullerton to bring it back at a later date. Further amendments?

SECRETARY HAWKER:

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No further amendments.

PRESIDENT ROCK:

3rd Reading. 294. Senator Macdonald. Senator Macdonald. Bottom of Page 4. On the Order of Senate Bills 3rd Reading is Senate Bill 294. Senator Macdonald seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 294, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Macdonald.

PRESIDENT ROCK:

Senator Macdonald, on Amendment No. 2.

SENATOR MACDONALD:

Yes. The first of the two filed amendments would keep DUI within the Crime Victims' Compensation Act. However, instead of the Attorney General's Office investigating the class, the Secretary of State's Office would fulfill that function. In addition, the next amendment, a penalty of fifty dollars would be added to every fine imposed for DUI conviction, a twenty-five dollar penalty for a fine imposed for a conviction of illegal transportation or possession of alcohol in a motor vehicle. These monies would then be used for drunk driver victim compensation. Next, the amendment would impose a penalty of a hundred dollars for DUI-related reckless homicide. This money would then be used for drunk driver victim compensation. It would also increase the driver's license reinstatement fee for DUI-related functions. Now there is a -- a circulated piece of paper that has gone around. Senator Welch has circulated it on behalf of -- of Attorney General Burris, and I would just like to say that as of this morning, there is -- there's something that is amiss here; because as of this morning, we talked to the Department of Justice, Jay Olson, who is the Program Administrator of the Federal Crime

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Victims' Assistance Fund in the Department of Justice, and he has said that Illinois indeed will not lose funds by my bill or these amendments. So I ask that these amendments be accepted.

PRESIDENT ROCK:

Senator Macdonald has moved the adoption of Amendment No. 2 to Senate Bill 294. Discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I don't know why we're doing this, really, because it appears to me that if you're a victim, you're a victim. And whether you're named as a victim under drunk driving or whatever - I don't know what that has to do with it, but it is my understanding, Senator - and I understand that you have a difference of opinion - but Roland Burris seems to feel that we would lose forty percent of our funds, and I don't think we should jeopardize the possibility that these funds are not going to be available and it will damage the Victims' Fund in its entirety. And I don't think we should take that risk, 'cause they're available to it now, I would think, if they're a victim.

PRESIDENT ROCK:

Further discussion? Senator Welch.

SENATOR WELCH:

Mr. President, I would rise in opposition to the amendment, too. It seems to me that we already have a Crime Victims' Compensation Fund. Now if we're going to have a Crime Victim Compensation Fund for driving under the influence, we'll probably have one for murder cases, for other homicide cases, for attempted murder cases - the list will be endless about how you can have separate categories of funding for different crimes. Just in the past year, there -- there was twenty-one claims compensated for driving under the influence - victim compensations - out of the Fund. This is already done. What this is is a creation of a

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bureaucracy within the Secretary of State's Office. Now we know that various officers want to emphasize issues for their future campaigns, but this is really unnecessary. This is already done. It's a duplication. It's more bureaucracy. It flies in the face of what we're trying to do in a -- in a year when we don't have any money, when there's very little in the budget, and it's going to create more administration. And it's going to end up costing us to create this Fund, so there will be less money available in the end for victims of crime with this amendment. So I think we should vote No on this amendment.

PRESIDENT ROCK:

Further discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. In the Transportation Committee and afterwards in discussing this bill, Senator Macdonald said that she would work with the Secretary of State, and we had agreed that if only one fund was established and remained where it was, then we saw no problem. We then learned that this is totally duplication of what has been taken place already. So I have to rise in opposition to this amendment and this bill. Thank you.

PRESIDENT ROCK:

Further discussion? Senator Raica.

SENATOR RAICA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Will the sponsor yield for a question, please?

PRESIDENT ROCK:

Sponsor indicates she will yield, Senator Raica.

SENATOR RAICA:

Senator Macdonald, is this -- bring in additional funding, or raises the fines for DUI offenders at all?

PRESIDENT ROCK:

Senator Macdonald.

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SENATOR MACDONALD:

Yes, it does.

PRESIDENT ROCK:

Senator Raica.

SENATOR MACDONALD:

Substantially.

SENATOR RAICA:

Okay. Then, Mr. President, if I may, to the -- to the amendment: I don't know if it was last year or the year before, the Mayor of the City of Chicago and I attempted, in this Body, to raise additional funding by putting additional fines on DUI offenders and -- and -- such, seeing that they had committed and have -- have been the cause of most of the percentage of trauma victims within the State of Illinois. And our attempts were to allow additional funding to the trauma centers, and it failed like 6 votes short. And I know the Mayor of the City of Chicago and I fought very hard for that legislation. Although I believe that Senator Macdonald's intent is -- is -- is true, I would much rather see this be opened up to the trauma centers throughout the State of Illinois, since DUI offenders and -- and accidents alike are the leading signs of trauma. So for that reason alone, I'm going to have to oppose this amendment.

PRESIDENT ROCK:

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank -- thank you very much, Mr. President and Members of the Assembly. I've had some experience with some of my constituents trying to get through the bureaucracy at the Attorney General's Office to be compensated as -- under the Victims' Compensation Law. And very frankly, they have been very, very unsuccessful. I have a little old lady who was knocked down in the City of Chicago, who eventually moved out to DuPage County, and has been



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waiting three and a -- three and a half years to be compensated. And when I called the Attorney General's Office, they assured me that -- that it was in the works, and one of these days she would get compensated. I think the woman's going to die before it ever happens, very frankly. I think this is a good bill. I think it's a good amendment. I think it's about time that we set up a bureaucracy - if that's what we want to call it - to be responsive to these claims when people are injured or killed in this kind of accident. I think we should go ahead with these amendments. Surely the sponsor has the right to set the bill in the manner that she would like to. If we want to continue this debate on the Floor on 3rd Reading, that's something else, but I think we should all join in and let Senator Macdonald have her amendment.

PRESIDENT ROCK:

Further discussion? Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. Well, Senator Fawell, there's two reasons that there may be a problem. Number one is the Court of Claims, and the second is we haven't funded the Fund that pays the victims. So when we vote to fund that, then they'll be paid promptly.

PRESIDENT ROCK:

Further discussion? Senator Macdonald, to close.

SENATOR MACDONALD:

Well, Mr. President, Ladies and Gentlemen of this Body, apparently some did not listen to the -- what I had originally said, that there will be no loss of funding of federal dollars, at least in -- with this particular setting up of this individual fund. In fact, it will free up more money for the crime -- other crime victims' funding. I think that -- I would like to get this bill in the form which I would like to debate it. So I ask for your support of the two amendments that I have just described.

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PRESIDENT ROCK:

Question is, the adoption of Amendment No. 2 to Senate Bill 294. 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? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 25 Ayes, 28 Nays, none voting Present. The amendment fails. Further amendments?

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Macdonald.

PRESIDENT ROCK:

Senator Macdonald, on Amendment No. 3.

SENATOR MACDONALD:

I withdraw the amendment, Mr. President.

PRESIDENT ROCK:

Amendment's been withdrawn. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 393. Senator Dudycz seeks leave of the Body to return Senate Bill 393 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 3-9-3, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Dudycz.

PRESIDENT ROCK:

Senator Dudycz.

SENATOR DUDYCZ:

Well, I believe, Mr. President, we have to Table Amendment No. 1 before we adopt Amendment No. 2.

PRESIDENT ROCK:

All right. Senator Dudycz, having voted on the prevailing

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side, is moving to reconsider the vote by which Amendment No. 1 to Senate Bill 3-9-3 was adopted. All in favor of the Motion to Reconsider, indicate by saying Aye. All opposed. The Ayes have it. The vote's reconsidered. Senator Dudycz now moves to Table Committee Amendment No. 1 to Senate Bill 393. Discussion? If not, all in favor of the Motion to Table, indicate by saying Aye. All opposed. The Ayes have it. The motion carries. The amendment's Tabled. Further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Dudycz.

PRESIDENT ROCK:

Senator Dudycz, on Amendment No. 2.

SENATOR DUDYCYZ:

Thank you, Mr. President. Amendment No. 2 becomes the bill. It contains the technical corrections that were requested by the Secretary of State's Office. It -- the amendment represents the agreement which was reached between the Illinois New Car and Truck Dealers and the Illinois Credit Union League. This bill had previously been on the Agreed Bill List. Now it's technically correct.

PRESIDENT ROCK:

Senator Dudycz has moved the adoption of Amendment No. 2 to Senate Bill 393. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Senator Maitland, on 598. Senator Maitland seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill

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598, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Maitland.

PRESIDENT ROCK:

Senator Maitland, on Amendment No. 1.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Senate -- Floor Amendment No. 1 changes the administration of this program from CMS to the individual universities. This is an agreed-to amendment. I discussed this with Senator Jones, and I would move for the adoption.

PRESIDENT ROCK:

Senator Maitland has moved the adoption of Amendment No. 1 to Senate Bill 598. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 1392. Senator Welch seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1392, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Welch.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill was moved out of committee on the understanding that I would remove the transfer tax on real estate, and that's what this amendment does. We believe we are going to locate a source of funding for the Rivers

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and Streams Bill which will help to keep rivers and streams from being polluted by sediment running off from farms and non-farm areas located adjacent to streams. What the language does is state that the Department of Agriculture and -- of the State and the Department of Agriculture, Soil Conservation Service and Agriculture Stabilization and Conservation Service, and local soil and water conservation districts fully implement the Environment Easement Program and the Agriculture Water Quality Protection Program provisions of the Conservation Title of the 1990 Farm Bill to establish grass filter strips and to establish riparian corridors along streams. I'd be glad to answer any questions.

PRESIDENT ROCK:

Senator Welch has moved the adoption of Amendment No. 2. Discussion? Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. Question of the sponsor, please.

PRESIDENT ROCK:

Sponsor indicates he'll yield.

SENATOR WOODYARD:

Senator Welch, do you know if this amendment, by taking the transfer tax out, has removed the objections of Farm Bureau, the land title people and the banks? Or was it just the money part of it, or is, like, Farm Bureau still opposed to the bill?

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

The two objections that were raised in committee was, number one, the Department of Agriculture, and the State was not involved. The second objection was the real estate tax. The amendment now puts the Department of Agriculture in charge, and secondly, removes the real estate tax. We haven't had time to run

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it by the Farm Bureau, frankly, Senator. But I don't think they would object.

PRESIDENT ROCK:

Further discussion? Senator Joyce. I'm sorry. Senator Woodyard. I thought you had concluded.

SENATOR WOODYARD:

I'm -- I'm sorry. One more question. Do you have any idea, at this point in time, what kind of funding source you're going to be looking at for this? I assume you'd do that over in the House, but --

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Right now it's all federal funding we're trying to garner under the Farm Bill, but we're looking at other sources. But right now in the Senate, we don't have any to identify.

PRESIDENT ROCK:

Further discussion? Senator Joyce.

SENATOR J.J. JOYCE:

Yes, thank you, Mr. President. Senator Woodyard and Senator Madigan, I have a resolution that will go along with this bill, and that resolution asks the Department of Agriculture, the USDA, to incorporate this program with the Farm Bill, so that when you leave your set-aside acres, it can be put along any ditch, stream, what have you, to make sure that it cuts down on that erosion. So it wouldn't cost the State of Illinois -- well, it might cost them something if the -- the Illinois Department of Agriculture works in conjunction with them to make sure that these strips are there. And I think it would be something that -- that some cooperation between the State and Federal Government could have great benefits and be -- the cost would be virtually nothing. So I think this is a good bill, and I would certainly urge support.

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PRESIDENT ROCK:

All right. Senator Welch has moved the adoption of Amendment No. 2 to Senate Bill 1392. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. We're going to start on the Order of Senate Bills 3rd Reading, Ladies and Gentlemen. I again admonish the group that today is Thursday. Tomorrow is the deadline. We're going to go through 3rd Reading. Senator Dudycz, for what purpose do you arise?

SENATOR DUDYCH:

Point of information, Mr. President. Earlier, when we were on recalls, you -- you mentioned that you would give leave for us to return to Senate Bill 214 so that Senator Butler would have the opportunity to offer his amendment.

PRESIDENT ROCK:

Senator Butler moot, or mute, or what? No, the point is that the Recall List is subject to the control of the sponsor. I'm not the sponsor of that bill. All right. I'd turn your attention to Page 3 on the Calendar. We're going to start with Senator Berman and go right down the list. In the meantime, the Governor's Office has asked us to introduce a group -- a very special group of distinguished visitors, and I -- the Chair will yield to Senator Topinka.

SENATOR TOPINKA:

Well, thank you, Mr. President and Ladies and Gentlemen of the Senate. Today we have visiting with us the U.S./Japan Young Political Leaders Exchange Program visitors here to Springfield. It includes ten members. They have come from Japan to be with us

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today. They have been visiting the Capitol. They were just with the Governor. They will be down in Room 202 after this if you'd like to visit with them. They consist of - and, please, I will have to be slow on some of the pronunciations - Kunihisa Aizawa, David Garofalo, Kentaro Hara, Kiyoshi Ishigaki, Noriyoshi Kakuta, Faye Kleenan, John McDonald - I'm doing well on those - Yoshitaka Shimozawa, Hiroshi Takaku, Yoshiyuki Tanaka. And their leader and the gentleman who will speak to us today is Kiyoshi Ishigaki. Mr. Ishigaki.

KIYOSHI ISHIGAKI:

(Addresses the Assembly in Japanese through an interpreter)

SENATOR TOPINKA:

And we wish you all well as you now go up to Chicago and visit and tour the great State of Illinois. Thank you very much. Thank you, President Rock.

PRESIDENT ROCK:

All right. Ladies and Gentlemen, it's been again pointed out by Senator Philip, instead of starting at the beginning, we'll start where we left off yesterday. We left off at 393. That bill was on the Recall. 399. Senator Newhouse. 405. Senator Severns. Read the bill, Madam Secretary. On the Order of Senate Bills 3rd Reading, top of Page 5, is Senate Bill 405. So I'd alert Senators Severns, Joyce, Rea, Topinka, Cullerton, Severns that they're next in line. 405. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 405.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Severns.

SENATOR SEVERNS:

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



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405 simply provides for a State Travel Management Program. In essence, what we're attempting to do is to coordinate travel arrangements within one agency, the Department of Central Management Services. We've worked with CMS on this, have tried to provide enough time for them to be able to implement the program. We're trying to make certain that State employees are flying at the lowest rate, that frequent flyer points are delivered and returned back to the State after the State has paid for the travel arrangements. It has a precedent in other states where savings have been garnered. In the smaller State of Mississippi, they realized over a two-million-dollar savings with a similar program. We've worked with United Airlines, American Airlines on this bill to try to also make certain that it is as efficient as possible. I know of no opposition, and would be happy to answer any questions that anyone have -- has.

PRESIDENT ROCK:

Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDENT ROCK:

Indicates she will yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, does this bill now, after amendments, exempt the Legislative Branch and exempt State planes?

PRESIDENT ROCK:

Senator Severns.

SENATOR SEVERNS:

After an amendment offered by Senator Philip yesterday, it now exempts the Legislative Branch. An amendment put on on the Floor yesterday as well exempts the Division of Aeronautics.

PRESIDENT ROCK:

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Further discussion? If not, the question is, shall Senate Bill 405 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, 1 Nay, none voting Present. Senate Bill 405, having received the required constitutional majority, is declared passed. 406. Senator Joyce. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 406.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. Senate Bill 406 relates to the Horse Racing Tax Allocation Fund. Under current law, a portion of the monies paid into this Fund is allocated to the Department of Commerce and Community Affairs for the purposes of promoting Illinois horse racing and the breeding industry. This bill changes the law to provide that the allocation is paid to the Illinois Department of Agriculture rather than to DCCA. It's the feeling of just about everyone - other than DCCA - that Agriculture could do a better job in doing this because they are in that business, and they are doing a substantial amount of that right now. I'd be happy to answer any questions.

PRESIDENT ROCK:

Discussion on Senate Bill 406? Senator DeAngelis.

SENATOR DeANGELIS:

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

PRESIDENT ROCK:

Indicates he will yield, Senator Deangelis.

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SENATOR DeANGELIS:

Senator Joyce, does this money go into the Ag Premium Fund?

PRESIDENT ROCK:

Senator Joyce.

SENATOR J.J. JOYCE:

No, it's a specific fund.

PRESIDENT ROCK:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I want the Body to be aware that even though this is going to the Department of Ag, it's not going to the Ag Premium Fund. I see no need why we should take monies that are designed for advertising and then put them to another department. One of the reasons why we had been attempting to departmentalize this function is because the efforts of DCCA are already fragmented in terms of advertising. What we're going to do right now is further fragmentize that effort. And frankly, I don't think the Department has the expertise at all to go ahead and even promote this kind of activity. So I don't know why we're doing it.

PRESIDENT ROCK:

Further discussion? Further discussion? Senator Joyce, to close.

SENATOR J.J. JOYCE:

Thank you, Mr. President. Well, the reason we're doing it is because they did a pretty lousy job of it the last few years. And the -- the industry itself would sooner see Agriculture doing it. I think basically everyone would. Even DCCA says now that they are going to try and do a better job, and do away with this consulting firm they hired last time to do it, and try and do it in-house and so forth. And the Department of Agriculture is in this business. I think it would just be more prudent to -- to have them deal with it. I'd ask for your consideration.

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PRESIDENT ROCK:

Question is, shall Senate Bill 406 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 37 Ayes, 14 Nays, none voting Present. Senate Bill 406, having received the required constitutional majority, is declared passed. 410. Senator Rea. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 410.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Rea.

SENATOR REA:

Thank you, Mr. President, Members of the Senate. Senate Bill 410 provides the funding to Senate Bill 2277, which was passed last year, and without taking monies away from any other programs. And as you know, Senate Bill 2277 was a comprehensive health care initiative for all of Illinois, and the support for a comprehensive primary care effort has been a high priority, as we indicated in passing Senate Bill 2277. And as the effort grows, so does the priority, and so does the commitment. Many citizens are currently located in underserved areas of Illinois. This bill addresses those concerns by providing a one-percent increase in the annual privilege tax on foreign and alien insurance companies doing business in Illinois on accident and health insurance. This bill does not hurt Illinois business. In fact, it will help, and address the need, to move health care professionals into underserved areas of Illinois. It addresses the growing cost of medical education as well as the concerns of health care professionals about making a living in an area of

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extreme poverty. It is a problem that we all share. It is a problem that we all must address. And this provides the components of comprehensive primary care with linkages to secondary health care. I ask for your Aye vote.

PRESIDENT ROCK:

Discussion on Senate Bill 410? Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President, Members of the Senate. First of all, I want to compliment the Senator on trying to address the rural health care problem in Illinois; however, I think we're going about it in the wrong direction, because, basically, what we're doing, Ladies and Gentlemen, is collecting a dollar from each foreign insurance company in the State of Illinois that's going to force every insurance company that's registered in this State to pay another dollar in forty-nine other states. So, where are they going to get that money? They're going to get that money from their policyholders, which, for every dollar - which, in effect, Ladies and Gentlemen - for every dollar that goes into this fund, it's going to cost every policyholder that's doing -- got a policy with the -- with a company that's registered in the State of Illinois -- it's going to cost them forty-nine dollars more on their premiums, because the insurance companies are going to pass this on to their policyholders. Again, I compliment the Senator, but we're -- we're going after a dollar, and it's going to cost the policyholders in the State forty-nine dollars to collect that dollar. So I must rise in opposition to this measure.

PRESIDENT ROCK:

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President, Ladies and Gentlemen of the Senate, and I, too, compliment Senator Rea because I realize that he has a

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problem on rural health care. But, as we all know, health care is a problem in general in this State, and part of the problem is to be able to get people to be insured, to keep them insured or insured enough so that, indeed, they can get their medical bills paid. As Senator Madigan has said, when we start getting into retaliatory rates, this indeed will be passed on to the policyholders or to the businesses, indeed, that do proceed to get health care insurance and work through our Illinois health insurers. So, ultimately, it's going to raise the rate. Now, I don't know about your people, but my people complain to us regularly, as constituents, that the rates on their insurance policies continue to rise. They, very often then, let their insurance policies go and then fall into this abyss of the great mass of uninsured and underinsured people that we have. I think you may be trying to solve a problem; it might momentarily solve your problem, but in exchange, you're going to open the door for a significant other -- or significant number of other problems for a whole mess of other people who now remain untouched. And I really think that we should consider this bill very strongly as we vote, because it may not be a wise course.

PRESIDENT ROCK:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Our staff analysis indicates that the sponsor agreed in committee that he would work with the insurance industry before this bill was moved out of the Senate, and I think that's why you're seeing all of this objection to the bill. Let me make a couple of statements about the bill. First of all, I understand what the sponsor is doing and I applaud that effort. The problem is in the manner in which he intends to pay for it. In the State of Illinois, we have imposed a tax on insurance companies who are not headquartered in Illinois. In

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other words, Metropolitan Life, Equitable of New York and all these other companies that do business in Illinois have to pay a two-percent tax that is not paid by State Farm, and Allstate, and Kemper and other companies that are headquartered here in Illinois. But in other states throughout the nation, just the reverse is true. Illinois companies have to pay some kind of foreign insurer tax. And some company -- some states, rather, have a reciprocity agreement under which they say, in effect, that if we change that balance of power in Illinois, they - that is, those other states - will retaliate against Illinois companies doing business in their state. So, by raising these taxes, what the sponsor is guaranteeing is that in some states in the United States, they're going to raise taxes on Illinois companies. And I really don't think that's what the sponsor intended or what we want to do. There's another aspect to this. A number of years ago, the State of Illinois was sued by Metropolitan Life and a group of other companies claiming that our tax on those foreign companies was -- was unjust and was wrong. I have a copy of the settlement agreement here, in which the State of Illinois agreed that so long as we do not raise the tax on those companies, that Metropolitan and the others will not pursue their lawsuit. So, obviously, the Department of Insurance felt that the we were on rather touchy ground in collecting these taxes in the first place. Now, if this bill passes, it simply gives those insurance companies, from New York, and Pennsylvania, and California and other places, the right to reinstitute that tax that might cost the loss of huge tax revenues for this State. We shouldn't be doing this. And I think that if the sponsor had worked with the Department and with the industry, we wouldn't be at this point now, but this bill should certainly not pass in its present posture.

PRESIDENT ROCK:

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Further discussion on Senate Bill 410? If not, Senator Rea may close.

SENATOR REA:

Thank you, Mr. President. Let me first clarify a few points that have been made here. As far as working with the insurance industry, I told Mr. Barry that day - and I always keep my word - to, you know, look over, get back to us. I have not heard anything from him, actually, since that day. The Department, in fact, only - I believe it was yesterday or the day before -- it was this week that they came to us on the -- what has been referred to as the settlement agreement. Now, the lawsuit settlement is an agreement between the Department of Insurance and the Metropolitan Life Insurance Company, and in the lawsuit the Department has agreed not to raise the privilege tax. However, that is not the Department's responsibility, nor is that of the courts. The lawsuit is not applicable to this bill. Now, as far as the retaliation, all states have that. We are within -- they range from one to five percent, and all fifty states do have the privilege tax, and if there is any, it could only be a small amount. I feel that this is one of our best ways of approaching this problem, and it's a fair way of doing it, and it's not hurting the business in this State one bit. I would ask for an Aye vote.

PRESIDENT ROCK:

Question is, shall Senate Bill 410 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? Have all voted who wish? Take the record. On that question, there are 32 Ayes, 21 Nays, 2 voting Present. Senate Bill 410, having received the required constitutional majority, is declared passed. Senator Topinka. 439. Yes, no or maybe? Yes. On the Order of Senate Bills 3rd Reading, Senate Bill 4-3-9. Read



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the bill, please.

SECRETARY HAWKER:

Senate Bill 4-3-9.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Mr. President and Ladies and Gentlemen of the Senate, Senate Bill 439 -- excuse me - it was developed because of the extreme flooding problem that we have in Northern Illinois, especially in West Suburban Cook and DuPage Counties. And I brought this to the attention of the Illinois Association of Realtors, who proceeded to note that similar things were going on in California to address this problem. What we would seek would be to require the Illinois Department of Transportation to review every five years - in Cook and DuPage County only - all floodplain maps and identify and record the notice of property located within the one-hundred-year floodplain. We would also provide for a toll-free telephone access by the public to information on this, and IDOT would therefore -- would become the central listing for all of these properties in the State. The reason we seek IDOT's assistance in this is because IDOT is in the unique position of being able to have access to these maps, to be able to understand how to read them, to know when the inaccuracies that are currently in them are identified, if there are changes in the map because of changes in the floodplain. It would make life easier for lenders, insurance agents, real estate agents and individuals who wish to determine whether or not a specific piece of property is in a floodplain. It handles the transaction of real estate business and the transfer of property something fierce. Our Realtors, point blank, tell us, as do others like lenders and insurance agents, that they

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cannot get access to these maps. And, furthermore, when they do get them, they are so gross, often out of date and inaccurate - they cannot read them, so they cannot adequately address this situation. I think IDOT will argue that the Federal Government is seeking to do something similar to this, but they can give me no time or date or, really, anticipated -- anticipated expected date of when we are going to have this. And I am sure we are going to have another one-hundred-year flood before this, and no one can get any information. I would seek your positive vote.

PRESIDENT ROCK:

Discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President. Here we go again. It's all unbudgeted money. Seven hundred thousand dollars the first year. Four hundred thousand dollars every year thereafter. You know, this is tight economic times that we are in here in Illinois, and I don't know whether or not -- certainly a laudable idea, but I just don't know whether or not we can afford this at this time, Mr. President.

PRESIDENT ROCK:

Further discussion? Senator Carroll.

SENATOR CARROLL:

Just to add to the comments, Mr. President, Members of the Senate, of Senator Demuzio, the Department also said that they'd have to assign fifty people to it, and the Federal Government is, in fact, doing one of these plans that we would not have to pay for. It's my understanding that the Federal Government has said they will have it done in the next several years. It may not be the next year or two - the next several years. And the Department of Transportation said they could not do it any faster. So why would we want to waste seven hundred thousand dollars this year and four hundred thousand every year thereafter, duplicating what

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the Federal Government is already going to do for us and not doing it any faster? I think this is a very bad idea at this time.

PRESIDENT ROCK:

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I would like to be shown, with permission of the sponsor, to be a hyphenated sponsor on this bill, and I rise in strong support. Recently, in an area that previously had had very little problem, a flood, which was not of the hundred-year type, occurred in our area, and I was astounded to know that many of those citizens were not even aware they were in a floodplain. So I strongly support this kind of legislation.

PRESIDENT ROCK:

All right. Gentleman seeks leave to be added as a hyphenated co-sponsor on Senate Bill 439. Further discussion? Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. Ladies and Gentlemen, I come from a community that was partially devastated by a flood a few years ago. Seated to my right, I will say, incidentally, is the mayor of an adjoining community, one of the largest communities in Illinois, and that is Mayor Mike Albrecht of Des Plaines.

PRESIDENT ROCK:

Mayor, stand up and be recognized. Welcome.

SENATOR BUTLER:

I rise to ask the sponsor a question, please.

PRESIDENT ROCK:

Sponsor indicates he will yield -- she will yield. I'm sorry. Yes, please.

SENATOR BUTLER:

The question -- the question I have is based on the fact that many of these communities are beginning to take strong steps to

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alleviate the problem. I know in our own community, we have built berms and retaining walls, et cetera, and we consider ourselves pretty safe now. However, is - the question I have - is there a mechanism by which the -- the ongoing efforts made which result in taking away some of the property formerly on a floodplain -- is there a mechanism by which a potential purchaser of a piece of property could -- could find out up to date what's happening, and whether or not that property is indeed in a floodplain? Five years is a long time in this business.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

About the only mechanism that they would have would be to know the -- how to reach the Department of Transportation Division of Waterways personally. And obviously, the average person on the street probably doesn't even know that the Division of Waterways is even located in the Department of Transportation and where the Department of Transportation is. They may call you to start that process. Whether or not they would get a response, I can't guarantee. I think this is probably the only sure way that they would be able to do it on a regular and ongoing basis where you'd have some predictability.

PRESIDENT ROCK:

Senator Butler.

SENATOR BUTLER:

As a follow-up question then, you're saying that it would be a minimum of five years before a -- a potential purchaser of property -- or let me put it the other way - before a piece of property can be shown as no longer being in a floodplain. Five years is the minimum.

PRESIDENT ROCK:

Senator Topinka.

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SENATOR TOPINKA:

I don't know that it would necessarily be five years, but it would be to the extent that this program could be put into effect. Like anything else, it's not going to happen overnight. But right now there is nothing, and everything else that has been promised either on a county or federal level is at best incremental and, on a federal level, there's no due date. So I mean, if you trust the feds, God bless you.

PRESIDENT ROCK:

Further discussion? Senator Watson.

SENATOR WATSON:

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

PRESIDENT ROCK:

Sponsor indicates she'll yield.

SENATOR WATSON:

Senator, our analysis says that the Federal Emergency Management Agency, IDOT and local officials are cooperating to provide mapping as a -- resources now -- as resources are being permitted. What can you say to that particular statement?

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

To the extent that they are doing it, to the extent that they have financial resources available. Again, in reiterating what I told Senator Butler, it is incremental at best. So if your property happens to be outside of the area that may be under consideration, you will not get that predictability. You would not be able to avail yourself of the program. If you have ever seen what these flood maps look like and how versions of these come back to the public, even to our local mayors, managers and whatever, they have a tendency to be gross maps. They oftentimes vary in terms of twenty feet here or there. That could be a whole

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lot. They're very difficult to follow. There are inaccuracies in them. And really and truly, you have to have experts tell you what they are before you can be for sure that your property is involved.

PRESIDENT ROCK:

Further discussion? Senator Topinka, to close.

SENATOR TOPINKA:

Well, Mr. President, Ladies and Gentlemen of the Senate, and for all of those in Cook County and DuPage County who have been under water and have been getting wet feet on a fairly regular basis, your Realtors, your real estate boards, your lenders, your appraisers - everyone who is involved in this process - says they need a central clearing house because they do not know if their -- if the property that they are selling or lending on or working with is going to flood. I think it also sets the pace for local municipalities to know if indeed they are going to consider berms or if they are going to consider any type of movement on flooding in their areas, what -- what lots, what property is indeed going to flood. And we can delineate it and provide that predictability. I would seek your positive vote.

PRESIDENT ROCK:

Question is, shall Senate Bill 439 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have 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 23 Ayes and 27 Nays, and the bill fails. 443. Senator Cullerton. In the meantime, Senators, if I can have your attention. We have another special guest, and the Chair will yield to Senator Ken Hall.

SENATOR HALL:

Thank you -- thank you, Mr. President. We are indeed honored to have the mayor of the City of East St. Louis and his lovely

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wife and some of the aldermen. So he's going to come right out. This is the new mayor, Mayor Gordon Bush, and the clerk of the City of East St. Louis, the president pro tem of the aldermen, and of course, his lovely wife. So at this time we'll turn it over to the mayor, Gordon Bush, of East St. Louis, Illinois.

MAYOR GORDON BUSH:

(Remarks by Mayor Gordon Bush)

SENATOR HALL:

This is his lovely wife. This is the city clerk, Alzada Carr. This is the president pro tem of the aldermen. And this fellow is a little taller than I am. I'm always jealous of fellows taller than I am. And he is the assistant clerk, is that right -- City of East St. Louis. That -- where's the president? Here's the president pro tem.

OLIVER HENDRICKS:

(Remarks by Oliver Hendricks)

SENATOR HALL:

She's a mayor, by the way, Mayor. She is the mayor of Zion. Also, she's a Senator -- that's the reason why she asked that question. This young man is an alderman.

MICHAEL COLLINS:

(Remarks by Alderman Michael Collins)

SENATOR HALL:

This is the Chief Advisor, Frank Childress. I heard Sam Vadalabene say, uh-huh, uh-huh. So -- at this -- certainly want to thank -- and just to tell you our City is on the move. And we're so appreciative of the vote in both Houses of the Legislature that we were able to get that oversight committee. Here's a city that has lost over forty-some thousand people and they're going to rise up out of the ashes. We had a great memorial service yesterday. And Gordon, our new mayor, is a Major in the Armed Forces, and you would have been proud to see that

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yesterday, Mayor. So anyway, again, we want to thank you for being able to greet him here this -- today. Now, we want to have a picture. Where is the photographer? Again, want to thank everyone. And President Rock, we are very grateful to be able to do that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

On the Order of Senate Bills 3rd Reading, Senate Bill 443, Madam Secretary. Read the bill. 4-4-3.

SECRETARY HAWKER:

Senate Bill 4-4-3.

(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 would create the Electrician Licensing Act for the regulation of electricians and electrical contractors by the Department of Labor. In committee, some concerns were raised by the Municipal League. The bill is supported by the AFL-CIO. So what we did was to enter into negotiations with the Municipal League, as well as other interested parties, and the committee amendment made the bill a shell. I would ask that we pass this bill over to the House as we continue our negotiations, and hopefully come about with an agreed bill that we can concur with.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall Senate Bill 4-4-3 pass. Those in favor will vote Aye. The opposed, Nay. The voting is open. I'm sorry. Senator Jones. Senator Jones.

SENATOR JONES:

Yes. What the sponsor indicated was true, and I have been working with many groups in the City of Chicago, the many minority



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electrical contractors, the BCU. The bill is just a shell bill at this time, and it will remain a shell until the issues that we are concerned about are resolved. So we would -- and so Senator Cullerton has made that commitment. Those who are in the industry -- we are working with them and minority contractors to insure that this bill does no harm. Matter of fact, this bill should be the vehicle to solve many of the problems we have with the particular trade. And so I support the Gentleman's motion that we pass that bill over, keep it alive as a shell until we can work on those various problems.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President, Senators. Senator Jones, I'm delighted to hear that you are taking part in this, and I would absolutely like to be involved. Because this whole question of -- of breaking into these industries, as you know, has been one in which I have had a deep interest for over twenty years. So if I could be included in those discussions, I'd certainly appreciate it, and I'd like to see it happen.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 4-4-3 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 49, the Nays are 1, 2 voting Present. Senate Bill 4-4-3, having received the required constitutional majority, is declared passed. Senate Bills 3rd Reading, Senate Bill 4-4-9, Madam Secretary. Read the bill.

SECRETARY HAWKER:

Senate Bill 4-4-9.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. I'd like to request leave to have Senate Bill 4-4-9 recommitted to the State Government Organization and Administration Committee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

You've heard the request of Senator Severns to recommit 449 to the Committee on State Government Reorganization <sic>. Leave is granted. Senate 449 is recommitted. 456. Senator Jones. On the Order of Senate Bills 3rd Reading is Senate Bill 456, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 4-5-6.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. This bill is one of the series of racing bills that eventually will end up in conference. But what this bill does is require inter-track wagering licensees as well as inter-track wagering location licensees to deposit one percent of the total wages on multiple wages in the Special Purse and Reward Account. Right now, current law only allow the licensee to make that deposit. And I move for the passage of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Topinka.

SENATOR TOPINKA:

Question of the sponsor, if I may.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Topinka.

SENATOR TOPINKA:

Yeah. Having three racetracks surrounding my district, you know, that -- who are good employers and a great source of taxes for us and people we appreciate - how do they feel about this? Have they given you any opinion?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

This doesn't impact on the track itself. This deals with the OTB parlors and current discussions are going on right now on this legislation and other legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

And if those tracks are involved in -- are part and parcel of being involved in OTB parlors, how do they feel about it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

As I indicated, this is a series of bills that are currently under discussion right here, right now, with the track owners that you're concerned about, as well as those -- the horsemen, the thoroughbred, the -- everyone's involved in this here. So this is just one of the series of bills that they are working on right now. That's the reason why I indicated in my opening remarks that this is one of the bills that eventually will end up in conference committee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Welch.

SENATOR WELCH:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he'll yield. Senator Welch.

SENATOR WELCH:

Senator Jones, I'm not sure I understand this. Is this a one-percent fee that's going to be paid from off-track betting parlors?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yes. Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch. Senator Jones.

SENATOR JONES:

On the multiple wagers when a person bets, it's the one percent of the multiple wagers. Those different trifectas - all different type of things.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Will this reduce the amount a bettor will make on a winning ticket?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Would it reduce the amount that a bettor will make on a ticket? It would be the same as it is on on-track. Currently, on-track right now, they pay this one percent. This part was -- was inadvertently left out and so therefore, that's the reason why we have this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

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SENATOR WELCH:

So what you're saying then is, if you go to a off-track betting parlor where you don't actually get to see the horses live, you're not going to -- you used to make more money on a winning ticket than you did at the track, but now you're going to make the same amount of money on a winning ticket. Is that what you're saying?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yes. And also, as I indicated to you, these matters are still under negotiation right now. This is just the bill at this point which will eventually end up in the total racing package. So we're just acting on it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Weaver.

END OF TAPE

TAPE 2

SENATOR WEAVER:

Thank you, Mr. President. I don't have too much concern with these three bills as they leave the Senate, but I think we certainly must look at them when they come back from the House, because I'm sure that there'll be a great deal more -- a great deal of change made in them in the House. So at this present time I would support the bills.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Brookins.

SENATOR BROOKINS:

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Thank you. Will Senator Jones yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Brookins.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Thank you. Senator Jones, when you go into an off-track betting parlor and you make a bet and you win, you don't get the whole amount that you win. They take a portion away. What is that called, and is your bill alluding to that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

I don't know the exact portion that they take away at this -- this -- this only deals with the multiple wager. This is the -- the gimmick wagering more or less. Currently on-track that one percent goes into this special account. Off-track, it was inadvertently left out. And that's the reason why on the gimmick wagering, trifecta, daily double, perfecta, et cetera, like that. But again, as I indicated in my opening remarks, the race track owners, the horsemen and thoroughbred folks, and so they're all sitting down negotiating on these particular points right now.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brookins.

SENATOR BROOKINS:

Thank you, Senator Jones. When this goes into conference, I would be interested in having input, and to also deal with -- in our community we call it the "juice," but it's another name, I don't know if it's handle or whatever, but I'd like to deal with that situation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, Senator Jones do you wish to close? Question is, shall Senate Bill 4-5-6 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open.

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Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 47, the Nays are 5, 3 voting Present. Senate Bill 456, having received the required constitutional majority, is declared passed. Senate Bills 3rd Reading is Senate Bill 457, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 457.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President. Senate Bill 457 increases, from four to five percent, the amount inter-track wagering location licensee shall pay for pari-mutuel handle wagering on the races and purses. Decreases from eight to seven the amount the inter-track wagering location licensee shall pay of the pari-mutuel handle wagering to satisfy all costs. And I ask for a favorable vote on this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Thomas Dunn.

SENATOR T. DUNN:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Dunn.

SENATOR T. DUNN:

What does this do to the local handle, Senator?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

It doesn't impact at all on the local handle whatsoever.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dunn. Further discussion? Senator Topinka.

SENATOR TOPINKA:

Question to the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Topinka.

SENATOR TOPINKA:

What does this do to the breakage?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

It doesn't impact on the breakage, and again this is something that's currently under discussion right now - this piece of legislation. And when we passed the OTB legislation about five or six years ago, at that time we didn't have OTB parlors, and when they sat down in negotiation we -- we put up some funds that are paid -- that goes on and on and on, and according to the percentages, more people and -- who had never attended tracks before are going to OTB parlors than going to the tracks. So this issue is currently under discussion and may not end up in this final form, but this is one of the packages of bills that they're working on.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you. Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, is this the bill that is intended to address the problem of the share received by the horsemen, decreasing as the share of the OTBs increase?



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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

This is the bill. Right. This is the one.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well then, to the bill, Mr. President: I think that we should keep this process moving along. I think the -- the -- harness horsemen had a legitimate complaint that the percentage going to the owners for off-track betting parlors is a percentage which should perhaps decline ultimately, after they've recovered their capital, and that after that time a larger share should go to the horsemen, who are actually providing the show that's being shown in the off-track betting parlors, and I think I would rise in support of the Gentleman's bill, and hope that we can keep the process moving.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall Senate Bill 457 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 50, the Nays are 6, 2 voting Present. Senate Bill 457, having received the required constitutional majority, is declared passed. Senate Bills 3rd Reading, Senate Bill 458, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 458.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

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SENATOR JONES:

Yeah. Thank you, Mr. President, Members of the Senate. Senate Bill 458 establishes and sets up a Race Track Backstretch Improvement Fund. Currently right now, all the funds go toward the Race Track Improvement Fund. When the bill was heard in committee, the executive director of the -- the -- the Racing Board was there. He indicated then that he may not be for all the money going to the Backstretch Improvement Fund, but he would negotiate and feel that some portion -- we have yet to settle on a exact amount. I have amended the bill to say that fifty percent goes to Backstretch - fifty percent will stay with the Race Track Improvement Fund. But again, this is something that they are still negotiating on with the race track owners and the backstretch. The backstretch is where those persons who work at the racetrack, many who have no facilities, such as toilets in their room, or a decent place to stay, and we've discussed this issue. It must be addressed. They are willing to address it, so I ask for a favorable vote on this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Topinka.

SENATOR TOPINKA:

If I may ask a similar question as before. How does this affect breakage, and if it does, how much is it going to cost our tracks, you know, that are there on the periphery of Chicago?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

It does not affect breakage. It only deals with the Race Track Improvement Fund. Currently the funds are used just to beautify the -- the front of the race track, but where the people work, for example, they live in conditions that you wouldn't want your pet dog to live in, in some instances. Many do not even have

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a washroom or a place -- there is improper day care. The -- the racing director indicated that he's willing to work with us along these lines to see that a portion of those improvement funds be designated for the backstretch. So it does not impact on breakage. This bill will allow fifty percent of the funds to go toward that end; it may end up being sixty percent, or it could go as low as maybe forty percent. But it's something that is currently being negotiated with the race tracks right now.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

Our staff analysis would suggest that these two funds that you would now have running concurrently would indeed divide breakage fifty/fifty. So breakage, at least according to our staff analysis, is affected. My -- again, I would ask, how much is that going to cost our local race tracks?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brookins <sic>.

SENATOR JONES:

These are the current funds. Maybe you and I are using different words. So therefore, I'm -- I'm talking about the Race Track Improvement Fund, which is the breakage fund. So therefore, you are absolutely correct on those basis, but these are not additional funds. These are funds that go into the Race Track Improvement Fund. Okay? Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

WICS has requested permission to videotape. Is leave granted? Leave is granted. Further discussion? Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. I rise in support of this bill, and want to compliment the Senator on bringing the parties together and trying to work towards a solution of this matter. As the

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sponsor and the Senator has indicated, he's working with this group and I think we ought continue and -- to support him and move this bill along.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If -- if not, the -- Senator Jones, do you wish to close? Question is, shall Senate Bill 458 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 54, the Nays are 1, 1 voting Present. Senate Bill 458, having received the required constitutional majority, is declared passed. 459. Senator Jones. On the Order of Senate Bills 3rd Reading, Senate Bill 459, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 459.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President, Members of the Senate. Senate Bill 459 establishes procedures when the owner of burial rights cannot be contacted for twenty-five consecutive years for the sale of those burial rights. What this bill does is changes when you have abandoned cemetery plots that have been a purchase, or -- currently they must wait at least seventy-five years. There's a serious problem in the State of Illinois as relate to abandoned cemetery plots. There have been concerns expressed by some Members as relate to -- how will one know whether or not they will be notified if they own the plot and they are dead. We're currently working with them to solve that problem, and we plan to amend the bill in the House to -- to -- to notify the heirs

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through publication, as well as have it be presented in the court. The same as -- that is done for unclaimed property. But it's a serious problem. The Cemetery Association, the Undertakers' Association have worked long on this particular issue, and this is the bill, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much, Mr. President. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Fawell.

SENATOR FAWELL:

Senator Jones, you know, my family has owned a -- a burial plot in Des Plaines for a number of years, probably close to eighty/ninety years now, and I think there is one grave left in that -- that plot. Now my family paid for that. They paid for perpetual care, et cetera, et cetera, et cetera. You're saying, in effect, that under this bill, if none of -- if neither my sisters nor I claim that plot, it's going to be sold to somebody else? I'm going to have somebody stuck in the middle of my parents, and my grandparents and my brother and what have you?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

No, that is -- that is not the -- that's not what would happen. What -- what would happen is that after twenty-five years they will seek to notify you or the heirs to that property and see if you still want to use that. You may decide that you want to sell it. In many instances -- in many instances, persons do not even know they are heirs -- that they have a lot there. This will set up the procedure by whereby -- whereby if you decide

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to keep the property, you -- you will let the cemetery know that you want to keep that particular piece of property. But if you are notified, then you still have another twenty -- twenty years to go. But it does not take that away from you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

I don't understand what the point of the bill is then. I mean -- if they're not going to sell it, and they're just going to notify me, what if I don't know? I mean, maybe in -- in the case of my family, to tell you the honest to gosh truth, I don't know. I don't know if my sisters or I are going to use it, or we're going to have children that are going to use it, or grandchildren that are going to use it. I -- we really don't know. Do we just -- and what if they can't get a hold of us?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

That is the -- that is the key issue, and I'm glad you raised that particular point. And it was raised by several other legislators, and at the suggestion of Senator Alexander and also Senator Ted Lechowicz, we will do the same thing as is currently done by the Department of Financial Institutions. We will publish a list of property that is there and where they cannot even contact the person. Maybe they will not know you, but one of your neighbors somewhere would know you and get in contact with you. But to have it set there year after year after year, is really creating a problem in the State of Illinois. Again, there's an amendment being drafted in the Reference Bureau to address those concerns, and the bill, in its current form, is not the final draft of this bill. And if there are any other matters that you want to deal with on this bill, I'll be glad to work with you to

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make sure that no one's rights are denied.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Fawell.

SENATOR FAWELL:

Well, you still haven't answered my question. You know, when we claim property after seven and a half years that it's been sitting in the bank, it goes into the General Revenue Fund, and very frankly, we spend it. Now, are we going to -- is the State going to run around and claim burial plots? And if so, what are we going to do with them? Or is the intent that after a family has bought a burial plot, that at that point the -- if nobody claims it, they can be -- the cemetery owner can resell it, and if so, I think this is a bad idea.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. Thank you, Mr. President. I've checked with the Illinois Funeral Directors Association in this matter because, as you know, it is a funeral director's problem to a certain extent. Because we do encourage people to make prefuneral arrangements, Dr. Davidson -- Senator Davidson. This law and these rules are already in effect as we talk now, to a certain extent. And therefore, it would not alter what we're doing already. I have talked with Senator Jones concerning a few points, which he indicates will be in an amendment that will be put on in the -- in the House to clear up those problems. And I also should say that, as a funeral director, I would -- it may be a conflict of interest, but I'll be voting my conscience.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kelly.

SENATOR KELLY:

Yes. Mr. President, I -- I'd like to know how the Senator was

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able to get this bill on the Agreed Bill List three times, and we had to sign off to get it off the Agreed Bill three times. I hope this never happens again, because when we sign a bill off, we want it to stay off.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, Members of the Senate, I realize that this cuts the period from seventy-five to twenty-five years, but I'm kind of uncomfortable with his concept. I think when one of those high-pressure salesmen ends up in your dining room explaining this burial thing to you and they sell you the plot, then they try and sell you a bunch of plots so that your family will be together forever, and the situation that I see here is maybe -- maybe Senator Fawell's family doesn't have a use for that plot - maybe the -- the family drifts to other parts of the country and they get buried in other places, but if the funeral -- or the cemetery owners - and these are for-profit corporations - can then resell that plot, I think that violates the original -- at least what I think people thought they were buying. And while, for instance, someone in Senator Fawell's family may not have a need for this plot, I suspect their descendants would take umbrage with, say, having a mass murderer buried amidst their family. I don't think we want to do this. I think people tend to lose track of these plots. I discovered I had one that -- that comes to me very obliquely, and I -- I don't know that I'll ever have any interest in it, but I don't think once it's paid for, that people ought to be able to resell these things. This isn't a shell game. And I think when they sell it to you, they sell it to you as a package for your family, and if you don't use it, I don't see why the -- the cemetery should be able to make a double profit on this and double-sell it. 'Cause obviously if they can't find you to tell



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you that you have it, they can't find you to give you the money. There's something basically intrinsically wrong with this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR JONES:

I can -- I can understand and appreciate the concern expressed by Senator Fawell and Senator Schaffer, and the issues that -- many of the issues that you have raised are currently in the Reference Bureau being drafted, to deal with your concerns, but one of the things that we are faced with in this State and across this nation is property that is currently under ownership of persons who no one knows exists. It's been there for many, many years, and you have ran out of space, but it will not take it away from you. They will notify you that you still own this property, and you can decide -- you may decide you want to sell the plot, but at least they will have a record as to who owns and who wants what in a cemetery. And I ask for a favorable vote on this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 459 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 14, the Nays are 33, 4 voting Present. Senate Bill 459, having failed to receive the required constitutional majority, is declared lost. 468. Senator Collins. On the Order of Senate Bills 3rd Reading, Senate Bill 468, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 468.

(Secretary reads title of bill)

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

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SENATOR COLLINS:

Yes. Thank you, Mr. President. When this bill left committee, it was the Sentencing Review Task Force, and when the bill got to the Floor, the Illinois Commission on Juvenile Justice requested that we include them in the bill, and rename the -- the task force to Sentencing and Juvenile Disposition Review Panel. What it does, it is a panel that will review the mandatory sentencing laws in the State of Illinois, and also dispositions of juvenile -- I mean, juvenile dispositions also in Illinois. I think this -- the findings of this committee could have a tremendous impact on overcrowdedness in our jails and our prisons in the State of Illinois. Most of the people who are listed as participating in this process have all signed off on doing this. They think it is very important that we do it, and the -- the Illinois Juvenile Justice Commission, under the direction of a -- the federal law on juvenile justice and delinquent prevention under that Act in 1988, is required as a condition for continued participation and federal funds for prevention, to in fact, do a study, compile a list and at all stages of -- of the juvenile justice system. And also to measure the extent of the problem, and as -- in relationship to the disproportionate number of minorities incarcerated. So this is a task that it is very important that we do, and I would just -- I don't know of any opposition, and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall Senate Bill 468 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 468, having received the required constitutional majority, is declared passed. Top of Page 6. 471. Senator

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Collins. On the Order of Senate Bills 3rd Reading, Senate Bill 471, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 4-7-1.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Thank you. This is a bill that was worked out with the Department of Central Management Services, and what it simply does is allow them to establish, by rule, a program to -- an executive training program for minorities, which includes females. This is important. When we take a look at the statistics on top management and middle management positions, and when we look at the affirmative action reports from the Human Rights Commission, the EEO division, we will see that at the top levels and at the middle management levels, that we have very few representation of minorities and females. We are making progress as it relates to females, but we are most certainly not where we should be, and in order to meet those affirmative action goals, we will allow the Department of Central Management Services to promulgate some rules that would allow them to have a pool of trained people that they can, in fact, move through promotions through that process. I would be happy to answer any questions. If not, I would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield. Senator Davidson.

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SENATOR DAVIDSON:

As I recall that -- this bill in committee, there was no specific number of nominations to be made. Is there any limitation or any -- how many members or percentage of the total number of participants in this program going to be limited to or expanded to?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

No. What we've done is allow Central Management Services that flexibility, which they wanted to do, because that would be determined by any number of factors. They will develop the rules to make that determination.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

And I didn't see any source of funding. This is a new program. With this current fiscal crisis, how you going to fund this program?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

I have not seen any fiscal impact on -- having any fiscal impact on -- at all. I -- and if so, I don't know -- know of any fiscal impact.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

My understanding is State agencies are already covered by the affirmative action quotas and guidelines. What's this going to do to the affirmative action that's already in place and in the Statutes?

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

I'm sorry. What was the question again?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson. It's going to be a long day, Ladies and Gentlemen. Let's pay attention.

SENATOR DAVIDSON:

My understanding - State agencies are already covered by affirmative action quotas and guidelines. What's this going to do to the already in-place Affirmative Action Program?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

This is not going to replace the Affirmative Action Program. What this is going to do is make it easier for the various agencies to fulfill their affirmative action goals. That's all this is going to do. This is to help them, not to hinder them.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR COLLINS:

And these...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and Members of the Senate, I rise in opposition to this bill for two reasons. We already have affirmative action in place. We already have Executive Development Program in place by CMS for all the State agencies. Nowhere, nohow does it say how this is going to be funded. Frankly, even if we weren't in a fiscal crisis, to jeopardize or play with the affirmative action that's in place and the Executive Development Program that's

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already in place that seems to be working. This is total unnecessary legislation. It may be well-meaning in her mind, but I want to tell you, she's tinkering with a program that's been in place for quite a while, and I certainly hope that this bill does not pass.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Dudycz.

SENATOR DUDYCH:

Well -- well, thank you, Mr. President. I also rise in opposition to Senate Bill 471. Senator Davidson is absolutely correct. Our staff analysis indicates that the fiscal impact would be substantially high, and currently CMS is already bound by affirmative action guidelines. The Executive Development Program already requires CMS to make every attempt to guarantee that at least one-third of those participating in the program reflect the ratio of sex, race and ethnicity of eligible employees, and in my view, this type of program basically constitutes just another form of reverse discrimination, and I urge that -- my colleagues to vote No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Collins may close.

SENATOR COLLINS:

Let me assure you that Central Management Services has no objection to this program, and also recognize that the existing program does not really -- haven't done very much to improve the situation of promoting minorities and -- and -- and filling the gap based on the number of employees at all levels of government at the executive level. And the program that -- and let me just tell you now how the program has been working since 1987. The number of participants in the existing program has been ten; the number of females - five; the number of males - five; the number of black Americans - zero -- the number of black Americans - zero.

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What this program would do -- and -- and the hue and cry has always been, "We don't have qualified people. We can't find qualified applicants." So what we're saying - just as the Federal Government has done for a long time - that if you start an executive training program at about middle-level management, which Central Management Services agree, then you can promote people to top management positions, because if you look at the record of this State, the affirmative action's report - it is a disgrace. It is an absolute disgrace that you do not have minorities -- and they are there; they are qualified in this State at -- at the top-level management positions, and middle-management positions. And also, women. Females in this State. Now you're making some progress there, but this bill would allow Central Management Services more flexibility. Each of the agencies has money in their budget already for affirmative action. Many of them cry they cannot meet their goals because they don't have qualified people. They can take the money that they have and use it in this program to expand the existing program, and this is what we're trying to do, and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall Senate Bill 471 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 29, the Nays are 27, none voting Present. Senator Collins -- requests Postponed Consideration. Postponed Consideration is granted. 472. Senator Collins. Senator Philip, for what purpose do you arise?

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I notice a man up here in the back gallery taking TV shots of the

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-- of the Floor here. I didn't remember anybody requesting leave or permission to do it. And I don't know who he is or what he's doing and what his motives are, quite frankly.

PRESIDING OFFICER: (SENATOR DEMUZIO)

I think we have a staff person on the way up to discover what the rationale and reason is. He's from Channel 20, I'm told; Senator Davidson is vouching for him. Senator Davidson.

SENATOR DAVIDSON:

If it's in order, I'll ask for permission for Channel 20 to take film of the Senate.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, first of all, if the gentleman is with WICS-TV, we -- we -- he made a request. It's in the record. We sought leave, and the gentleman was, in fact, granted the opportunity to -- to tape. Senator Philip. Senator -- all right. Senate Bills -- gentleman has leave. Senate Bills -- we're on 3rd Reading, Senate Bill 472, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 4-7-2.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Mr. President, Members of the Senate. Senate Bill 472 is another initiative that was recommended by the conference last year in April, and that was to again attempt to find ways to improve the affirmative action record in the State of Illinois, as it related to minority employment. We have worked this amendment out with Central Management Services. It is something that they will do by administrative rules, in order to meet affirmative action goals when it's necessary. I would be



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happy to answer any questions, and if not, I will ask for a favorable roll call. But let me just clarify one thing before I do that. I see in a -- in the staff analysis here that this program grant will grant automatic preference to minorities over veterans. That is absolutely wrong, and I don't know who and why that came to be, but this bill has nothing to do with veterans' preferences or taking away veteran preferences. I would never introduce a bill to do so. This bill has to do with allowing Central Management Services the right to promulgate rules. It's nothing new. Senator -- I mean, the -- Governor Ogilvie did it under his administration a long time, recognizing that blacks do not do as well as other groups on tests, and that for the most part, most tests are culture-biased and therefore, it has no correlations between the ability to perform the job and to score on the test. And so what this bill would do in cases where they're -- are not meeting affirmative action goals, would allow - by administrative rule - Department of Central Management Services to pull from the B list. I'd be happy to answer any questions; if not, would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Dudycz.

SENATOR DUDYCHZ:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield. Senator Dudycz.

SENATOR DUDYCHZ:

Senator Collins, how would the Collective Bargaining Agreements be affected with this legislation?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Given that this whole program will be developed by Central

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Management Services, by rules, collective bargaining people would most certainly be a part of whatever rules are established. And so they shouldn't be affected at all.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCZ:

Well, the information I received is from -- from Central Management Services -- this will bypass veterans by implementing the program. Under current practice, Senator, State agencies are required to implement a continual affirmative action plan - as you know - designed to promote equal opportunity employment for all residents. Now Senate Bill 472 instructs agencies to revise their appointment and promotion practices if they fail to meet affirmative action goals due to the underrepresentation of minorities in the higher-level job categories or higher salary levels. How do you, Senator, describe -- or how do you interpret what the higher job categories or higher salary levels is?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Senator, you are responding to the very first draft. I told you since that time we have worked out an amendment, and what we're dealing with the bill, as amended by Central Management Services. That is no longer a part of this bill -- what you're talking about. You're -- you're responding to the very first draft, before Central Management Services had any input.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCZ:

Well -- well then Committee Amendment No. 1 deletes the language that specifies the manner in which the promotion practices may be revised, and allows CMS to just promulgate the

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rules to -- govern it. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Mr. President and Members of the Senate, I rise in opposition to this. May be well-intentioned by the sponsor. Says she doesn't attempt to bypass the veterans' preference, but -- my information, it does. I do not have a copy of the amendment that was adopted. I see according to the Calendar it has been amended, but I have no such amendment in my book so I can tell whether it does or doesn't. Secondly, it does away with one of the problems under collective bargaining. It's based on seniority and et cetera. You're going to do away with that in this bill, as I understand it. And lastly, most of you don't have the number of State employees in your district as I do, but we've been working -- have been for merit selection, merit promotion. This, as I understand it, would bypass -- this would just put another wedge to drive the support that State employees have, that they're going to be treated fairly on a merit selection to be advanced or promoted. I think this is not a good concept, and I would urge everyone to vote No on this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, -- I'm sorry. Senator Raica.

SENATOR RAICA:

I'm sorry, Mr. President. Just on the merits of the bill. If we wanted to go with affirmative action and say that a minority has scored as well as anyone else on a test, and because he is a minority he's being discriminated against so we're going to

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promote him, I would think that that's fine, but to take -- to take someone who has scored lower than somebody who has achieved and has studied for the exam and everything and put someone else ahead of that gentleman or that female, I don't know if that's exactly that correct. So it's what the firefighters and police and all units have been fighting against - to have something like this - and I don't know if this is a step in the right direction or it's a step backwards, but I -- I would think a No vote or a Present vote would be the right vote here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR COLLINS:

The way this bill is now drafted -- in which we worked out with Central Management Services, the only way that this bill will impact on veterans' preferences would be if Central Management Services would develop some rules by which it would do so. I trust that they would not do that. The only way that this bill would interfere with a collective bargain agreement, Central Management Services would have to promulgate rules that would do so. I'm -- trust that they wouldn't do that, and I don't believe they -- they will do that. If you don't want to vote for the bill, don't vote for the bill. But Senator Davidson, don't say something that's in the bill that's not in it in order to get someone else not to vote for it. Vote for it on its merits. I think it's a good bill. It -- it -- the time has come for us to do that. It not -- it's not a mandate. It's flexible and it gives that flexibility to Department Central Management Services, and I would just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 472 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all

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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 26, the Nays are 27, 3 voting Present. Senate Bill 472, having failed to receive the required constitutional majority, is declared lost. Senator Collins requests Postponed Consideration. Postponed Consideration. Senate Bill -- Mr. President -- let's see. WAND-TV requests permission to videotape. Is leave granted? Leave is granted. On the Order of Senate Bills 3rd Reading, Senate Bill 478, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 4-7-8.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Thomas Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. The intent of this bill is to give economically depressed areas the rightful thing that we all intended when we talked about riverboat gambling, and this provides the criteria to do that, using current unemployment, and the unemployment over ten years, and housing starts and jobs lost. I've talked to most of you on the Floor about this bill. So I'm not going to give a long speech about it due to the time today. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? Senator Donahue.

SENATOR DONAHUE:

Well, thank you, Ladies and Gentlemen of the Senate. I can appreciate what the Senator is trying to do in regard to adding criteria for economically depressed areas, but when you look at the criteria that he's given, I think it's going to set up where

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there's only one area that can be chosen, and I understand he represents that area and I know where he's coming from. But when you look at the employment, current and -- and ten years ago, the jobs lost, the jobs created, the population increases and decreases, the prison population - how many areas of the State have prison population? He also has the population within the dock area within a mile and a half, and I think it gets a little -- a little specific here and specific to one area. And the other thing and a question that I would have of the sponsor is that on Amendment No. 2, why would you have changed from the licensee to have the legal standing to the community or municipality to have the ability to sue - what is the purpose of that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. The purpose, Senator, was to address exactly what you started with, and that was that this is to affect one area. I believe you're incorrect. This is a Statewide criteria to be applied throughout the State, and we changed it to give standing to municipalities and townships rather than individuals, so it would prevent the kind of thing that -- exactly what you're talking about - namely that two boats within a close proximity that there would be a war between the licensees or the applicants. That removes this so that it's placed in the rightful spot, and that's with the municipal governments and the townships. I accepted that amendment and I think it's a good amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

Well. Yes, it has Statewide implications and there's only two communities that it really has an impact, and that's Joliet and

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Chester, so -- when you -- when you add the prison population and that type of thing. So -- and I -- I would question on the licensee versus the municipality having the -- the legal standing, because the -- what if the municipality doesn't answer or respond to something? Why should the licensee be penalized for that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dunn.

SENATOR T. DUNN:

Well, Senator, I would presume that if a licensee or an applicant can't convince the township or the municipality to object, then -- then, you know, that's democracy. And to talk about that, that it only applies to two areas in the State, is -- is -- may be the case today, but what about tomorrow? What about tomorrow when an economically depressed river town, such as yours maybe, needs a license, and someone comes up just to the north and south of you and wants to put a license there in the middle of nowhere. Where are you going to ask for the license to be put - in the place where it helps the most people or the least? I think it should be -- go where -- where it helps the most people.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Donahue.

SENATOR DONAHUE:

Well, I think there are others that are going to speak out and bring out some other points, but I do rise in opposition to this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Before we go any further, Molly Hall has requested permission to videotape - WCIA. Is leave granted? Leave is granted. While -- while we're on it, the seventh grade class -- classes from Blessed Sacrament School, here in Springfield, are visiting with us in the -- in the gallery - their teachers and parents, Mrs. Smith, Mrs. Hallahan, Mrs. Link, and I think Mrs.

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Eck, and also one of the students is Megan Holland of -- daughter of our -- of our Chief of Staff on the Democrat side. Will our guests in the gallery please rise and be recognized. All right. Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I, too, have a number of questions about this bill. The previous speaker has raised the question about Amendment No. 2. That was -- going to be one of the -- and also about the -- the prison situation, but let's -- let me forgo those -- those questions, since they have already been addressed. I guess, basically, my -- my question that I would like to present to my colleague here is that this bill would add twenty-some odd new criteria that would be utilized in identifying a future of franchisees or licensees. And quite frankly, I'm not aware that there's a problem. The Gaming Board has successfully awarded licenses. I don't believe they -- the system is broken in any way. What is the problem that we're trying to fix here? It seems to me that -- and I would like to have Senator Jacobs, who has worked long and hard to establish the criteria that are currently in the law, and to be used in making the selection of licensees - I -- I would appreciate having his -- his comments on -- on this bill before us today. Quite frankly, I see absolutely no need for this legislation, and I think that the criteria now in law are perfectly adequate to make decisions on licensees in the future, just as they have been adequate to make decisions on licensees in the past. So I -- I rise in opposition to this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Senator Dunn, to close. Oh, I'm sorry. Senator Schuneman -- put your light on.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.



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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he'll yield.

SENATOR SCHUNEMAN:

Senator, I realize that you have a large prison in your community, but I'm just curious to know what the rationale would be for the rest of us in the State of Illinois to use prison population in a community as a reason to site a gambling operation there. Is there -- is there a rationale for that? If so, I'd like to -- I'm curious to hear it.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Before we get a response, Illinois Public Radio requests permission to record. Hearing no objections, permission is granted. Senator Dunn. Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. I'm trying to think of a good answer, and sometimes -- sometimes that takes a while.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Not for you.

SENATOR T. DUNN:

It is today. Senator, my -- my recollection is that -- that we attempted to get a whole picture, and I think you -- you've selected one out of the twenty criteria, and if you look at the other -- the other criteria, I think you'll see that -- that this gives a balance to the board in their ability to -- to select where a license ought to go, taking into consideration -- I'm not going to read the twenty things, but I'm sure you've read them, and those twenty things really point out that a -- a community who has not had it as particularly well as some other communities, might be more deserving. And that was our intent. Even though you didn't vote for the legislation, this was our intent of the Body -- to give it to the communities - the riverboat communities - who had gone downhill economically.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. I don't think I really got an answer to the question. I guess I would understand it if the Gentleman put in a bill or an amendment ordering the board to award a license to Joliet, but to set up this kind of criteria which seems to be unrelated to the issue, I -- I really don't understand that.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Senator Dunn, to close.

SENATOR T. DUNN:

Well, thank you, Mr. President. You know, Senator Etheredge said he -- he didn't see a need. Senator Etheredge didn't see a need for this legislation when it came up initially, and voted against it. Since January 1st of this year, we're now crying for money as we sit here in May, and we are crying for money, and that money would have been available had we had a boat on the water January 1st. We wouldn't be sitting today, six hundred and fifty million dollars in the hole. We would have had money coming in to the State of Illinois, had those boats been on the river today. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 478 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 25 Ayes, 26 Nays, 1 recorded as Present. This bill, having failed to receive the constitutional majority, is hereby declared lost. Senate Bill 4-8-4. Senator Severns. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 4-8-4.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Lady from Macon, Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. As we all know, Europe is alive with change and change that compels Illinois - and any state who wishes to be competitive - to more actively move toward those European Community '92 markets. That's the intent of this bill. It creates the Illinois European Community 1992 Trade Project within the Department of Commerce and Community Affairs, and encourages us to exhaust all available avenues to help enhance the Illinois competitive position as EC'92 rolls around. I know of no opposition to the bill, and would encourage a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 484 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all -- Joyce, would you please record me? Senator Holmberg. Have all voted who wish? Thank you. Please take the record. On this question, there are 58 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 485. Senator Schaffer. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 4-8-5.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and Members of the bill -- Body, this is a -- a

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proposal that comes from my part of the State, which is growing by leaps and bounds. Regrettably, while other parts of the State are trying to surplus schools, we're trying to figure out how to pay for them. This would allow, by referendum, an education service region or in the case of multicounty service regions, a -- individual counties in that region to enact a local-option income tax, which would be used to abate property taxes for capital construction approved by referendum, or in the case of a school district that had no need for a referendum, to abate existing bonds. And in the extremely unlikely event of a district that had no capital bonds, it would be used to abate the property taxes on the general operation part of the property tax levy. I would emphasize this is not a tax increase. It is a referendum-driven attempt to allow us to fund the construction of new schools from an -- something other than the property tax. I would also point out that we are in no way trying to replace developer contributions. This would be used to cover that portion of school construction that would normally be covered by property taxes. I happen to feel that the reasonable and adequate developer contributions should and -- and will be part of the mix for new school construction. Without this type of an option, certainly the fast-developing parts of the State are going to have incredibly high property tax bills, and I think if we can avoid that we ought to try. I'd be happy to answer any questions from Senator Berman or anyone else.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Gentleman from Cook, Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to Senate Bill 485. The thing that bothers me about the bill is the information that I am looking at on a report from our Illinois Department of Revenue. Let me just read

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the last paragraph, "It has been determined by the Department of Revenue that -- that the system development alone to implement Senate Bill 485 would be a one-time cost of ten million eight hundred and fifty-five thousand five hundred and forty-seven dollars. To maintain the new system and procedures, an ongoing administrative expense to the Department can be estimated at two million thirty-four thousand seven hundred and seventy-four dollars annually. Total FY'92 expenses associated with implementation of Senate Bill 485 exceed 12.9 million." This may be a good idea, but not this year. I urge a No vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Lady from DuPage, Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR FAWELL:

Senator, is -- is this a permissive bill?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schaffer.

SENATOR SCHAFFER:

Absolutely. It's by referendum. Frontdoor referendum.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Fawell.

SENATOR FAWELL:

Well, to the bill: you know, very frankly, I don't think most of the counties in this State are even going to be interested in this bill, 'cause as the good Senator pointed out, most of the counties in this State frankly don't have the problems that we do in the collar counties, but those of us in the collar counties are constantly faced with the problem of trying to tell our seniors

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how they can possibly afford to stay within their homes that they have built and they have lived in and that they've raised their families in. And when I get the phone calls from some of these seniors who are literally crying because they have to leave a community that -- that is so important to them because they just plain can't afford to stay there because of the real estate taxes, it seems to me that this is a good method that we could suggest to our people in -- in the collar counties, to -- in order to continue the education that is needed and at the same time give some relief to those who can least afford it. I don't think this is an unreasonable request. Frankly, most of you are not even going to be in the position that this is going to mean diddly to any of you. It is going to make a difference to those of us who represent the collar counties and some of the suburbs. I think it's a good idea. I think that we ought to pass it along. Maybe it does have a few flaws here and there, but if we don't start doing something -- and I was on the Education Committee for ten years and all I heard was, "One of these days, in the far future, we shall do something." Then -- then we are going to destroy a lot of good people's lives. I think this bill deserves an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schaffer, to close. I'm sorry. Gentleman from Cook, Senator DeAngelis.

SENATOR DeANGELIS:

Well, thank you, Mr. President. Rather quickly - what is so wrong in allowing people to make a choice to pay for education through an income tax? What is so wrong? That's all this bill does.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schaffer, to close.

SENATOR SCHAFFER:

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Mr. President, I, too, have the document alluded to from the Department of Revenue. I would respectfully point out that that is based on the assumption that the entire State would implement this bill. It would increase the Department head count by sixty-two people; adding twenty taxpayer service reps; twenty tax examiners; seven auditors and a partridge in a pear tree. Obviously, if the entire State, by referendum, chose to exercise this option, that cost estimate is probably accurate. If we -- if we accept that assumption. The bill provides for a two-percent fee off the top to cover the State cost. If the entire State adopted the tax as the Department of Revenue concludes, the two percent would generate fifteen million dollars a year. In other words, we'd be running at a profit at the State level. The simple fact is that this is a referendum procedure, and the only place I believe the people would be willing to seriously consider this referendum are the areas that are faced with rapid expansion and the need to build many new schools. That is a very limited part of the State, a very limited number of tax dollars generated in a Statewide prospective, and obviously we wouldn't need to hire this gaggle of new State employees if it only applied to two or three counties. I have in my hand probably the scariest document I've read in a long time. It's called the DuPage County Tax Burden -- a property tax study by the Illinois Taxpayers Federation. I would submit to you that Stephen King never wrote a scarier book. I don't want the whole collar counties to end up in the next version of this book. We don't need to. I think the leadership is there in the education community to talk to the people, to present these referendums, and to give people an alternative. That's all we're asking. I don't want to go the same way. I want my area to develop so that people that aren't filthy rich can live there. That senior citizens can spend their whole lives there, and yes, so my children might be able to buy a house there and

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afford to live there. And that's what this bill is all about. I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 485 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 39 Ayes, 10 Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. Senate Bill 497. Senator Luft. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 4-9-7.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Tazewell, Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Senate Bill 497 clarifies existing law relative to the applicability of a sales tax on mandatory service charge, and what the bill provides is that the proceeds of a mandatory service charge separately stated on a customer's bill for purpose and -- for the purchase and consumption of food and beverages, exempt -- is exempt from sales tax if any portion of the proceeds are turned over to the employee, who would normally have received a portion or all of that tip. Now the law says all of that portion has to be over -- turned over to the employee. The problem is, it's become an accounting nightmare - for example, when you have a situation where banquets are concerned and the service charge is distributed among everyone -- or all of the employees involved with the -- the banquet procedures. I would try to ask <sic> any questions, otherwise I'd ask for a favorable roll call on Senate Bill 497.



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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall Senate Bill 4-9-7 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 57 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. Senate Bill 500. Senator Severns. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 500.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Lady from Macon, Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. Senate Bill 500 is a bold initiative to save our hospitals. It is a solid common-sense approach to address the fact that our current Medicaid reimbursement system is broken. And our hospitals who, in good faith, have provided service to our Medicaid population, are now in critical condition. The Illinois Hospitals Association reform package is a genuine attempt to address this problem to assure the well-being of all Illinoisans who depend upon their community hospitals. Reform will provide much-needed financial assistance to all Illinois hospitals, not only because of its DRG-based methodology for making payments, but because of the improvements it will make in the way in which the State pays for the outpatient care, and in the way in which services are provided. Reform is ready and able to be implemented. It is, in fact, the only proposal that is presented to the Legislature with the identical bill, House Bill 5 -- 1000, being in the House. We cannot delay addressing this problem that confronts all of

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Illinois. It's a proposal that is the result of a lot of hours of hard work by all of the interested parties involved, who are, in good faith, providing health care delivery to this State. I think it's a genuine attempt to solve a crisis that exists, and one that we cannot wait for another legislative Session to address. I'll be happy to answer any questions, and would urge a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The Lady from Cook, Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President, if I may ask some questions of the sponsor.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Lady indicates she'll yield.

SENATOR TOPINKA:

All right. First of all, what would be the actual cost to the State if we begin implementation of Senate Bill 500 on January 1st, 1992? 'Cause my concern is -- is, if there is a cost to us, where would we find that funding?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Severns.

SENATOR SEVERNS:

I would like to break the cost down in two categories. The cost of reform - this package - is seven and a half million. When you add the Governor's directive to buy back the payment period down to sixty days, you add an additional forty-five million. So the -- down to thirty days. So the full cost is fifty-two and a half million, with forty-five of it being already suggested by the Governor and his budget.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Topinka.

SENATOR TOPINKA:

Well -- and clear this up for me if I'm incorrect, but if --

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if the State is going to try and get a federal match, we have to put some money up front. In other words, you know, we -- to get we have to spend. How much money would that be, and where do you think it will come from?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Severns.

SENATOR SEVERNS:

That -- you are correct, Senator Topinka. We, in fact, have to appropriate the three hundred million dollars. That is where the assessment, through the generous offer of the hospitals to self-assess the hospitals for a two-year period -- through their self-assessment, they will, in fact, pay for the State's portion for a two-year period.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Topinka.

SENATOR TOPINKA:

They -- the hospitals -- and I -- and I do certainly commend them for getting involved in this; it's really, you know, very, very good. They are going to pick up the up-front money? Entirely?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Severns.

SENATOR SEVERNS:

The -- the only up-front money the State has to provide is for that first month of delivery. So that's -- that's seven and a half million. The remaining amount will be picked up through the self-assessment that the hospitals -- the plan that the hospitals put forward and we've put on by way of amendment in the committee.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Topinka.

SENATOR TOPINKA:

Okay. My next question would be, why are we tying the State

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to the federal Medicare system in order to determine State specific Medicaid rates for hospitals, because it -- apparently -- well, not apparently, but Medicare and Medicaid populations are different in terms of their health care needs. So would there be any changes or differences or concerns on that part?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Severns.

SENATOR SEVERNS:

There is a Medicaid adjustment that recognizes the distinction between a Medicaid population versus a Medicare population. I'll be the first one to say that -- that I don't casually sign on to a federal program, but the simple reality is the Medicare Program, when compared to the Illinois Medicaid Program, starts looking pretty good. And the other simple fact is, it has a proven track record. We do not have time to reinvent the wheel. If we go with another program, it literally, I expect, would take years to develop. This proposal uses something that already has a proven track record, and it has taken into account the rules and regulations put forward by the Department of Public Aid.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Topinka.

SENATOR TOPINKA:

Well, how -- how much will -- you know we had a -- I had a few amendments last week where I tried to see if we could kind of get this program going on indefinitely and you could be a full working partner, kind of, forever. And I think that would have been very, very nice. Well, that didn't work out. So how much would the State be obligated to pick up on January 1st, 1994?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Severns.

SENATOR SEVERNS:

On January 1st, 1994, it would be fifty-two and a half million

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as a one-time deal. Your -- your amendment last week, or earlier this week, that -- that was defeated, that would have lifted that two-year period, I -- I can understand, given the State's fiscal uncertainty, but the reality is, I think the hospitals have been more than gracious in looking at the State's Medicaid prices and offering to assess themselves for a two-year period, these dollars to help the State in this critical time. I think it would be wrong of us to expect the hospitals to bail the State out for a crisis that they didn't create, that they didn't cause, but they are suffering from because of our failed program.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Topinka.

SENATOR TOPINKA:

Well, I -- I think the Illinois Hospital Association, even at one point suggested it might be two hundred million, but one final question. If we pass this, and now, you know, you will sunset and you will fall away from this, is there any -- is there any feeling that the IHA and our hospitals would consider dropping their lawsuit that they've got against the State so maybe we could make out on that front?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President and Senator Topinka, Members of the Senate. Obviously, when I -- when I meet with the Hospital Association and we discuss legislation, we're not discussing - as I would think it would probably be inappropriate to discuss - lawsuits, but the reality is, the premise of the lawsuit is the very crisis that we're trying to -- to address through this bill. It would seem to me that if we could relieve the pressure that SB500 attempts to do, that we also hopefully would relieve the need of a contending lawsuit. But is there any commitment of

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that? No. Was is discussed in that direction? No.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from Adams, Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in support of Senate Bill 500, and I do so because in downstate Illinois we have a different problem than they have in the more metropolitan areas. A third of the hospitals are the sole providers of a full-service health care, and the difference in their day rates for public aid patients is considerable. In fact, one of my hospitals in Rushville has a per-day rate of three hundred and fifteen dollars, and thirty miles away, in the City of Macomb, the hospital there has a per-day rate of about four hundred and eighty-four dollars a day. And that's only thirty miles apart, and I think that the hospitals, as other industries within this State, have been asked by this Body, and said, "Hey, we've got a problem. We don't have the money to pay you what we owe you," and they have gone about trying to help a situation that's very difficult. They got together and they put forth an idea, and I think this idea has merit. It may not be the best solution at the moment, but it's an idea, and we ought to keep it rolling. And I rise in support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from McLean, Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Senator, I applaud you and -- and the Illinois Hospital Association and others for moving in this direction. I think many of us have been agonizing for almost years now over our -- our problem in Medicaid. I've got a couple of questions I'd like to ask you. It is my understanding that -- that the industry has to be either all in or all out. Either we accept this as an industry

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or -- or not. Is that correct? Hospitals can't pick and choose.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Severns.

SENATOR SEVERNS:

I -- that's -- that's a new issue to me, Senator Maitland. I'm not -- do you want to elaborate a little, please?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Maitland. Maitland, please.

SENATOR MAITLAND:

My greater -- my greater concern is, and I'm concerned about the long-term health care industry, too, and -- and hoping to be able to address their concerns and needs down the road as well, and I -- I'm told by -- by some that if they move in this direction as well, the industry has to be all in or all out, and I -- if you don't know the answer, that's okay; we can find that out at -- at a later time. But I pose that as a -- as a concern. Secondly - and I think this is a concern shared by probably every person in this Chamber - as this -- as other states are doing this - we have some six or seven states involved now - the federal cost is obviously going to become greater and greater all the time. And -- and my fear is, of course, what happens to Illinois, and I think Senator Topinka briefly touched upon this, but we would be in a terrible fiscal dilemma if the feds back away from this. And I -- I just merely mention that as a -- as a concern that I have.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Cook, Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. As the co-sponsor of this bill, I obviously urge your support. But something to keep in mind that we often forget in Springfield: there's a mentality that pervades this General Assembly that feels that any underfunding is a savings. We have reached a point in Medicaid in Illinois today in

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which the underfunding is greater than the reimbursement, which means that the costs are being absorbed that are greater than the total costs that are being reimbursed. And we all know what happens. We are now turning people away from hospitals. We are not serving people. We are either absorbing those losses or shifting them to somebody else. That is why the Hospital Association agreed to share some of the additional reimbursement they would receive and ratchet it upward as an investment for a matching fund - hopefully to bring us closer to the reality of accepting the responsibility of paying what we're getting for, rather than shifting it over to somebody else. I urge your support for this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from Lake, Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate. As long as the hospitals are willing to contribute, and there is a dire crisis, let's not kid ourselves. I've got three hospitals right in my district. I think we should -- we should support this bill and get it out. Let's see what we can do. It's at least a step in the right direction, and I support it.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Severns, to close.

SENATOR SEVERNS:

I would just urge a favorable vote to what I believe is a rational plan toward a serious crisis. Thank you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 500 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 57 Ayes, no Nays, 1 recorded as Present. This bill, having received the constitutional majority, is hereby



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declared passed. Senate Bill 5-0-7. Senator Watson. Out of the record. 512. Senator O'Daniel. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 512.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Jefferson, Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President, Members of the Senate. Senate Bill 512, as amended -- the amendment really becomes the bill, and what it does, it exempts from the ICC jurisdiction motor vehicles transporting live -- livestock from farm to farm market, and from farm to farm, and from market to farm, as long as the vehicle doesn't have a gross weight of more than twenty-eight thousand pounds. This bill was on the Agreed Bill List and we pulled it off to put an amendment on it, then decided not to. I think everyone's in support of it. Department of Transportation, the Midwest Truckers, Farm Bureau and all of them, and I'd ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Senate Bill 512 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 56 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. The Lady from Cook, Senator Smith, what purpose you seek recognition? Senator Smith, your light's on. All right. Senate Bill 520. Senator Macdonald. Please read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 520.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from Cook, Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. Senate Bill 520 has been the object of widespread examination over the past few weeks, both in committee and on the Floor of the Senate during the 2nd Reading. First, it is necessary to explain exactly what the bill provides now that it has been amended. This bill basically provides that parents are allowed their inalienable rights to guide their children's best educational interests as they perceive them. This permits parents to request nonparticipation for their children regarding school materials that they feel are contrary to sincerely held religious or moral beliefs. Written request of at least one parent, who must state the reason for such a request, is required to exempt children from participation in these programs. Instructional materials used by a public school must be available for inspection, before and during their use, during the hours that a school is open. Instructional materials are all printed or unprinted instructional materials, teacher's manuals, films, tapes, other supplementary materials. This point is to clarify legislative -- at this point I want to clarify legislative intent that this Section does not require teachers' personal notes created for their own personal teaching purposes. The bill also provides that whenever a school board adopts instructional materials upon recommendation of an advisory committee, having members select -- which were not elected to school board members, or upon the recommendation of the school superintendent or other school administrators, who refers to an advisory committee to review and recommend instructional materials, no less than one-third of the committee -- of the advisory committee shall be

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parents of children attending a school of the district with no financial interest in the district. A person is defined as having a financial interest if they, their spouse, parent or child is employed by the school district. No person shall serve upon an advisory committee until approved by locally elected school board members. Fellow Senators, this bill is not an indictment against any school district or any school administration or group of administrators in this State. Instead, it is a bill that gives parents an expanded partnership in our educational system. I have deleted all of the civil action originally contained in the bill. I have removed the requirement that public libraries have available instrument -- instructional materials of the school districts, and most importantly, I have removed the parental permission requirements to view films having parental guidance, to avoid the labeling of censorship in this bill. Education at the end of the 20th century is under substantial scrutiny, and under substantial criticism in this nation and in this State. During the last Session of our own Illinois General Assembly, the Illinois Manufacturers Association crafted a bold and far-reaching bill that would have superimposed a layer of additional supervision over our existing school administrators that would have had far-reaching powers. I felt that the bill was unacceptable and exerted too much power over our school systems, and so I voted against it. The increasing demand for a voucher system for all schools is alive and well, and because I am receiving for the passage of such legislation, is growing in intensity at this particular Session progresses. The President of the United States is strongly advocating the version of a voucher system for the entire nation. In fact, the mayor of the City of Chicago just last week warned the Chicago school system that they either should have -- get their problems straightened out or that they, too, would have the voucher system imposed on them.

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Property taxpayers are crying out against crippling taxes that go, for the most part, to our Illinois schools, that they claim seem to only express greater and greater needs for more and more money. I'd also like to read part of an article that appeared in a newspaper in the Chicago area last Friday, and is a new - entirely new - concept and educators -- and probably a threat to educators throughout the nation. This is the Whittle plan, and this plan was announced Thursday by Whittle Communications Incorporated to develop a chain of private for-profit schools that sparked controversy over the role of commercial interest in the classroom.

END OF TAPE

TAPE 3

SENATOR MACDONALD:

The media company hopes to have a hundred and a fifty thousand students enrolled in two hundred schools by the fall of 1996. Chairman Chris Whittle said his company will make the initial sixty-million investment to hire a hundred experts who will spend five years reaching and designing the new schools. Whittle also said that he will -- looks for corporate investors to put in another 2.5 billion and open the first two hundred Whittle Schools by the fall of 1996, with a hundred and fifty thousand of the youngest scholars ages one to six. In -- in being advised of this particular plan, American Federation Teacher President, Albert Shanker - for whom I have a great deal of respect - said that this plan held both promise and peril. It is because of the foregoing reasons that -- of threat to education that I sponsored Senate Bill 520. In this very Senate Body, the cornerstone of our own Chicago School Reform Package was greater involvement by parents

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in the Chicago School System. When I arrived in my office on Monday, I found the latest issue of the Illinois School Board Journal, whose very first article addresses the need for more parental input in our schools. The article is by Faith Behr, who is the community relations coordinator of Lyons Township High School, 204, and a member of the Board of Illinois Chapter of the National School Public Relations Association. I certainly will not take time to read this entire article, because all of you have it on your desks, I'm sure, but I will read a part of what Faith -- Faith Behr states in the beginning of her article. She says, quote, "At no other time has school suffered from a greater lack of public confidence and at no other time have there been fewer families associated with school. That is why it is paramount for public schools to strengthen community relations with their public's parents, nonparents, and the business community alike. Communicating regularly and frequently with the community and opening up the doors to the public demonstrates that the schools' business is the public's business. Perhaps more importantly, it shows that the school cares and is willing to listen and respond to the public." She goes on in her article to tell what is being done in her school district. Ladies and Gentlemen, Senate Bill 520 expands parents' partnership in our schools. One-third percent of the curriculum advisory committee is not a controlling number; it isn't fifty-one percent. And the parents would be chosen by the same local administrators who chose the other committee members, and those parents would further be approved by locally elected school board members. What could be more fair? What better message could we send to the restless taxpayers and others in a community throughout this State? I strongly support local control of our schools, and I will continue to fight for that premise. Senate Bill 520 is not censorship. It is not retribution. It is simply legislation that allows a greater

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latitude for parents to assume the important role of guidance and participation in their own children's education and destiny. I urge your support for this important bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The Lady from DuPage, Senator Fawell.

SENATOR FAWELL:

Thank you very much, Mr. President and Members of the Senate. I would like to set some legislative intent, if the sponsor would yield for a couple of questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates she will.

SENATOR FAWELL:

Senator Macdonald, does -- is there anything in this bill that mandates that an advisory committee must be set up in all school districts, such as was explained in the -- in the bill?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Macdonald.

SENATOR MACDONALD:

No, there are no such mandates contained in this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Fawell.

SENATOR FAWELL:

I'd also -- you said that the materials can be reviewed by the parents during school hours, but you took out libraries because not all school -- schools have libraries. Is it your legislative intent that the local administration and all the -- and/or the school boards will set up the rules and regs and where the materials may be reviewed in their schools, so that the classes will not be disrupted?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Macdonald.

SENATOR MACDONALD:

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Obviously that is the intent, Senator Fawell. Senator Etheredge, in committee, had a problem with our stating that the material should be available in school libraries, simply because many schools do not have school libraries, so it will be up to the local administrations - that is the district administrations - and the school boards to set up the guidelines for how the materials are to be viewed; they just simply are to be available during school hours, but it will, of course, have to have -- be regulated by the administrations.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Lady from Winnebago, Senator Holmberg. Holmberg, please. Want to try it, Joyce? Why don't you use Jacobs' mike, please. Senator Jacobs' mike. Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. I think many of you have been lobbied on Senate Bill 520 over the past several days - maybe over the past several weeks; I know I have. Many of you were not in Education Committee when we first heard the bill. I think a little bit of background might be helpful. It was interesting to note for all of us that the two proponents who spoke on the bill, were not from Senator Macdonald's district, where she has stated this problem emerged. When I questioned the two proponents, one said he was president of the Rutherford Institute in the small town of Washington, Illinois. The other woman who testified was from a small town near Peoria, Illinois. When I asked if they had children in the public schools, both of them replied that they did not. It seems to me - and I have been a parent coordinator for the Rockford public schools - that parents ought to be involved. But private school parents should be lobbying their private school boards. Public school parents should be lobbying their local public school boards. But private school parents should not be dictating public school curriculum, and certainly not two and

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three hundred miles away. If they do, then they should allow public school parents to come into their buildings and help them decide their private school curriculum. I think the very title of this bill - the Parent and Student Civil Rights Act - imposes on the teaching profession. Teachers need to be certified. They need to be educated to do their jobs. They are evaluated on a yearly basis and we put our confidence in them. By stating that parents and students are having their civil rights violated is a bad title for a bill. To the bill itself: our teachers are trained to do their job. Each district locally has its own elected board. Curriculum committees are already in place in each of these districts. Let's let our local districts do their job. What kind of hidden agenda is it, when people come from all over the State of Illinois to lobby on a perceived local issue? Let's keep that local issue where it belongs, back in that individual district, and let them work on it as they have been working on it, and are resolving it.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Lady from Lake, Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this is a local issue, and I've got a hundred letters from parents in my district who send their children to public schools and are very much interested in having -- to have a right to look into certain matters. We've had two youngsters in my district who sat in front of a train - age fourteen years old - and got themselves killed. They had been listening, perhaps, to some talk about suicide. There are some classes that have been taught telling all about suicide. That's ridiculous. I think we should respect the right of parents, and I think we should keep in mind that more parents should be involved. When we passed the big bill to reform the education of the State, particularly in Chicago - I think it was



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Senate Bill 730 - we allowed for parents councils -- members to be -- parents to be members of the councils -- advisory councils. If there is no advisory council, the school board will do what it has to do. I think it's a good bill. I think we should respect the right of parents to be involved in their children -- with their children. They should be involved with their children. Children cannot do it alone. And I think it's only fair to support a bill like this and let it get out of this House. Let's support it. We do believe in parental rights, do we not?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from Cook, Senator Alexander.

SENATOR ALEXANDER:

Thank you, Mr. President. I believe in total parental rights. And I also believe in order to make a well-rounded child that that child should be exposed to many things in our culture as they grow. They should hear about witches and hates. They should hear about the Holocaust. They should about my struggle for civil rights. And if this piece of legislation passes, those children are going to be denied of learning some of these things I just enumerated. I think the parents have a right to know what their children are being taught, but not dictate to the school system what it is. I think if they find something offensive, as it was in my childhood coming up, my parents told me the difference of what I was being taught in school. Are we not now trying to do two things - limit our -- saying that we are going to be real good parents, but at the same time not allowing our children to have the rounded education that they need to meet these challenges today? This is a bad piece of legislation. It should not pass out of here.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Cook, Senator Keats.

SENATOR KEATS:

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Thank you, Mr. President, Ladies and Gentlemen of the Senate. Really, this bill is a -- an interesting debate, because the debate has very little to do with the bill. The bill is a very simple bill, as amended. The original bill admittedly was more complex and was more controversial. If you actually look at this bill - not the debate - take a look at the legislation, it really says a couple of things. First of all, it says the parents do have the right to review what their -- what their kids - the students - are looking at. Remember those parents who pay for that school, have a right to look at it. In many places that's not a problem, but I will -- I will tell you, and you know, there are certain schools where it is very hard to get to see the curriculum materials that are used. This guarantees the parents see it. It doesn't say the parents can refuse to have this material used. It doesn't say that they have some right to dictate it. It's just says they're going to see it, and there should be a council where the parents have input. That's one phase of the bill; and when you say that the parents who pay for the place don't have a right to review the curriculum and see what it is, you're missing something. The second phase of the bill has to do with parents having a right to excuse their children from things that they feel violate their religious tenets. This is the most simplistic First Amendment Right Bill we have dealt with in the thirteen years I have been in the Senate. We had a superintendent - a decent man who runs a decent school system. I'm not insulting him or questioning his judgment in most issues. But he sat there and said to us, essentially, you have a right to education, except from eight in the morning till -- or a right to religious values, except from eight in the morning until four-thirty in the afternoon. That was the most unique interpretation of the First Amendment I have ever heard. He said, "You do not have a right to religious values when you are in

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school. I, as a superintendent, will tell you what your religious values are." While I tried not to be overly aggressive with the gentleman, that was one of the most offensive statements I have ever heard. The First Amendment of the American Constitution has been interrupted rather broadly - sometimes people would allege too broadly - in certain areas. But to say that parents and their children have no rights in terms of protecting their religious freedom in a public school system, is as offensive an argument as I have ever heard. And I would ask you to remember: don't worry about all this debate; don't worry about all the side stuff. Take a look at this fairly simple bill that says parents have a right to review this material and that their religious freedoms will be protected, even in a public environment in a school system that they are paying for. We need to say that those religious freedoms will be protected. I'm in strong support of the bill. If you actually look at the bill, you will see that it is a limited bill that deals with a very realistic problem and solves it in a fairly minimum -- minimal effort.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Lady from Cook, Senator Collins.

SENATOR COLLINS:

Why, thank you, Mr. President and Members of the Senate. If this is a very simple bill, then I've never seen a complicated one. Let me -- let me talk about it, because notwithstanding everything else that has been said, this bill will cause chaos in the schools, because it's just not workable. Senator Keats and Senator Macdonald, this bill cannot work, and let me tell you why. First of all, if you allow the school's boards the discretion to appoint this advisory committee to review curriculum - as you said - it slaps right in the face of those school districts like the Chicago school districts, which have created the local school councils through the electoral process, which would -- which has

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curriculum committees and have the authority to review curriculums and have input into curriculums and curriculum materials and designs. What you could do -- if the school principals or the school boards don't like - or can't work with this group, then all they can do is establish their own, because you give them the discretion to do this -- is to set up their own committee of their own task force and then they would be the people in conflict with this other group of people. That makes absolutely no sense at all. And Senator Keats indicated that all we're talking about is giving the parent the opportunity to review. Well, what's the purpose of reviewing if there's not going to be any action? But that's not true. The bill goes on and talks about written consent. If, in fact, that because it's going to be based on each individual's parents objective reasons or their own individual religious concept of what is good and what is bad, it's going to be subjective. So that each parent then can -- can, by written consent, dismiss and reject -- I mean dismiss their children from seeing something in the class every day. So that at some point, you could end up, almost, with no children in the class, because if I think something is objectable <sic> and another parent thinks it not objectable <sic> and then it goes on and on and on and on, and so there will be no children in the class and the teachers would be spending all of their time trying to find materials that's acceptable - and probably never will find materials that's acceptable - in order to carry on and educate -- and try and teach the children. I think this is a bad concept. I know what you're trying to do; you're trying to respond, as many of us have tried to do, to a problem in your school district. But Senator, you do not need to -- make this thing across the State of Illinois and causing hardship for all the school districts, simply because you got a problem at this point...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Lady bring her remarks to a close?

SENATOR COLLINS:

...and you're unable to work it out. I would just ask all of you to vote No on this bad, bad bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Champaign, Senator Weaver, please.

SENATOR WEAVER:

Thank you, Mr. President. I think at this point in time it's about time that you invoke the Donnewald Rule and we move on and get this Calendar cleaned up.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any objection? Hearing none, we'll invoke the Donnewald Rule. Senator Macdonald, to close.

SENATOR MACDONALD:

Thank you, Mr. President. In closing, I would like to address two points made by two of the previous speakers. First of all, I would like to respond to Senator Holmberg, who objected to the two witnesses that did testify. By rule of the committee, the chairman - and justifiably so, because the room was full of parents from all over the State of Illinois - recommended that there be two proponents and two opponents selected to speak to the bill. Because indeed there is a controversy that exists within several districts in my -- in my Senatorial district, I deliberately - because there were -- there were administrators and there were parents there who had been in conflict in my district - I deliberately chose because this issue is a Statewide issue. It is not a local issue in my schools. The issue of parental involvement is an issue that prevails in all of Illinois. So I selected people that I felt had a right to speak up. The lady who was the school board member, Gerri McIntyre, is elected by the people, regardless of whether her children are or are not in public school. She was elected to the school board by the

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electors of her area, and I don't think that any of us have any right to be telling them who they should or should not elect. The other gentleman is a very well-known constitutional lawyer that I thought could shed some very real light on this particular piece of legislation. So Senator Holmberg, that's why those two witnesses were chosen as they were. Now Senator Collins, what I would like to say to you is that sixty percent of the Chicago School Council are parents. What is good for Chicago may also be very good for the rest of Illinois. And I also want to say, Senator Collins, that this bill does not require - Senator Fawell asked the question - this bill does not require any new committees to be set up. It merely says that where such committees are set up by the administration or school boards of a district, that such committee shall contain one-third parents. This is not fifty-one percent. This is not fifty percent. This is not forty percent. This is only one-third. This means that parents, you have input into your schools. I don't think there's anything so radical about that idea. Now, in closing, I would also like to thank the parents from all over this State that have come out in hundreds to support Senate Bill 520. Their petitions, their phone calls, their personal trips to lobby in Springfield, have all been deeply appreciated. I know that the educational community has opposition to this bill, and what a great country is ours, that lets us speak freely to issues on which we have strong opinions. My strong opinion is that it is time to join public opinion and pass Senate Bill 520. Mr. David Swift and Mr. Richard Baker were on WLS Talk Radio Show very recently, and they were talking about the impression series. The callers were asked, and I quote - this is what they were asked - "Should parents be involved in curriculums selection?" Ninety-two percent of the callers who called between eleven a.m. and six p.m. said Yes. In the first hour -- Stacy Taylor -- Taylor asked...

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Excuse me, Senator Macdonald. Excuse me, ma'am. Excuse me. Your attention, please.

SENATOR MACDONALD:

...and there were thirty-to-one margin of callers who said Yes. I ask you to vote for this bill, on behalf of the parents of this State. This is a bill whose time has come, and I would ask for your Yes vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 520 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Yes, sir. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 25 Ayes, 29 Nays, 1 recorded as Present. This bill, having failed to receive the constitutional majority, is hereby declared lost. 524. Senator Macdonald.

SENATOR MACDONALD:

Postponed Consideration.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Lady asks leave to postpone consideration. Hearing no objection, 520 is postponed. 524. Senator Dunn. Ralph Dunn. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 524.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Cook, Senator Kelly. What purpose you seek recognition? Kelly.

SENATOR KELLY:

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

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

State your point.

SENATOR KELLY:

We've got a school from my district which is here, Prairie Hills School, and their teacher, up in the gallery on the Republican side of the aisle, and I would like to give them a warm welcome.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Will our guests please stand and be recognized. Welcome to Springfield. Welcome to the Illinois Senate. Enjoy your day. Senator Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. Senate Bill 524 is a simple bill that requires -- calls for the use of headlights whenever rain, snow or other atmospheric conditions require the use of windshield wipers. I checked with the State Police. I have a recommendation; they -- they are in fully support of it, and I asked them, just a few minutes ago, whether this would be a moving violation. They said no, it would be an equipment violation. It's under Section 12 of the -- of the Motor Vehicle Code, and it would not be a moving violation, but be an equipment violation. About three-fourths of the people you meet on the highway now on two-lane roads have their headlights on when it rains, but that other fourth just don't seem to get around to doing it. I would urge an Aye vote, and be glad to answer any questions you might have.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Raica.

SENATOR RAICA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'd like to thank Senator Dunn for allowing me to sign on the bill with him. This is a very simple bill. After driving throughout



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the states -- this bill is actually modeled off of Florida, who -- because of the blinding rainstorms and problems that they have. Every time that windshield wiper's on, you have to have the headlines on -- or the headlights on. Seems like a reasonable idea. Most -- at least most of the drivers in the State of Illinois do put their headlights on when the windshield wipers are on, but not all, and this would just say that everybody has to do it. It's a good, safe idea, and I just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schaffer.

SENATOR SCHAFFER:

Well, Mr. President, I obviously don't understand this bill, because based on the information I have, you can be driving down the road, kind of a lightly overcast day with plenty of daylight, and you get a light mist rain kind of going, and some squad car pulled alongside the way - who may not be having as good a day as you are - can nail you with a ticket. Yeah, you turn your windshield washers on, I guess, you know. I don't -- I mean, obviously, in a downpour - and it's dark and cloudy - yeah, you ought to have your lights on. But this says when it's raining, you should have -- automatically have your lights on. I don't think the average Illinois citizen is going to understand this law, until they see the lights flashing in the back window. I don't know how you -- obviously you ought to have your lights on when it's dark, but when it's not dark, it doesn't make sense to me to require people to have the lights on. If I interpret this bill correctly, in summation, I would have to say this is goofy.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Yeah, but they're too young to drive. Senator Raica.

SENATOR RAICA:

Yes. I like to thank Senator Schaffer's fan club from the gallery, but I would just like to remind the other side, Senator

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Schaffer is against this bill, and it's a perfect opportunity for everybody on that side to vote for the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Further discussion? Senator Dunn, to close.

SENATOR R. DUNN:

Thank you, Mr. President. I don't know about the goofy definition of "dark." I don't know what "dark" means. Is it light gray, overcast? But I want it to be understood that the bill says that atmospheric conditions would cause the snow to fall, or other atmospheric conditions. Not turning your windshield wipers on to wash your windshield and then having to turn your headlights on for that. You know, this is a bill that the State Police recommended. It's -- it's in survey of about thirty states. We found that Connecticut, Minnesota and New York have these laws, our staff says -- found in Florida, Georgia, Rhode Island and Tennessee, also have laws such as this. I think it will be a law in the nation someday. If you want to vote for it today, fine; if you don't, why we'll wait till another day. I'd urge an Aye vote on the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Senate Bill 524 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 16 Ayes, 36 Nays, none recorded as Present. This bill, having failed to receive the constitutional majority, is hereby declared lost. 542. Senator Maitland. Please read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 542.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Gentleman from McLean, Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. This does deal with the FOID card, and it adds one more category, with which the State Police can consider the possibility of granting a FOID card. And that's with a gubernatorial pardon -- with a gubernatorial pardon, and we have narrowed this language to not allow consideration for a convicted murderer or a Class X crime. I would be happy to respond to any questions, Mr. President.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion?

SENATOR ROCK:

Thank you, Mr. President. Is Senator Schaffer still in the hall?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

He's right in front of you.

SENATOR ROCK:

Senator Schaffer, I found another one that's just as goofy. This little gem says now we can give Firearm Owner Identification Cards to convicted felons. Isn't that nice? The IRA -- or the NRA or whoever they are -- they are in favor of this one, too. I tell you what - this one ought to get the same fate as the last one.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Maitland to -- I'm sorry. Senator Joyce.

SENATOR J.J. JOYCE:

Well, I rise in -- in support of this bill. I think it applies to one particular situation, as I recall in the committee hearing, and I think the language of the legislation, as I recall, requires a pardon of the individual prior to a consideration, which I believe was discretionary as to whether the card should

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issue. So, I -- I would not categorize it the way that Senator Schaffer chose to categorize the previous bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Senator Maitland, to close.

SENATOR MAITLAND:

Well, thank you very much, Mr. President, Members of the Senate. Senator Rock - and I see you've left the Floor - but quite frankly, I'm shocked at your comment. First of all, I -- I -- it is discretionary by the State Police, and -- and this -- to get a gubernatorial pardon - as you all know - it goes to the Prison Review Board and then it is either granted or not by the Governor. In the case that -- if -- in a particular case where the pardon is granted -- granted, then the State Police have the right to consider, based on the evidence, whether or not this person may or may not receive a FOID card. There are unusual circumstances, and Senator Rock, you and many others on this -- in this Chamber talk about compassion and concern for people. This particular case - and there are many more like it - affected a young man who was drawn into a situation - has paid his debt to society - an outstanding citizen, and I think we ought to give him the consideration of the opportunity to have a FOID card. And I would seek your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The question is, shall Senate Bill 542 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 22 Ayes, 30 Nays, 1 recorded as Present. This bill, having failed to receive the constitutional majority, is hereby declared lost. Would you please turn to Page 7. On Page 7 is 569. Senator Hudson or Philip. 570. Out of the record. 588 is coming back for an amendment. 598, I believe, is coming back for an amendment. 617.

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Senator Joyce. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 617.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Cook, Senator Joyce.

SENATOR J.E. JOYCE:

Thank you, Mr. President, Members of the Senate. I am trying to achieve with this legislation is to bring to the attention of the education community the Waldorf System. I have passed out information to each Member on this. The only objection which was raised in committee - as I recall - had to do with the cost involved here. There is a fiscal note filed indicating it would be fifty thousand dollars. I am proceeding via bill rather than resolution, because I think the impact of this would be stronger, and I am saying to this Body at this time, that I will not seek an appropriation during this Session. So with that, and with those representations, I would ask for your support on SB617.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Is there any discussion? Gentleman from Perry, Senator Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. With my record, I'm not sure I should speak against this bill. But this is a bill that was heard in our Higher Education Committee and it's -- it's -- I don't think it really should be mandated. It should be a requirement of the State to do this. I think it's probably a good program. It's one that has been in private schools, it's one that certainly should be looked at, but the cost of what it would cost, I know it would cost at least fifty thousand dollars at least to set up the program and then if they implement it, it would be a lot more than that. I just think it's a good idea, but it ought to be

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pursued in the private sector, and that's what it has been. We all got a handout - shows it has great success, but it also is a very costly program. I think right now is not a good time for it, and I'd urge a No vote. Thank you.

PRESIDENT ROCK:

Further discussion? Senator Joyce, to close.

SENATOR J.E. JOYCE:

I've -- I've just been handed a sheet on this, which would indicate that BHE said it would require no new dollars on this. So with that, again, I would ask for your support.

PRESIDENT ROCK:

Question is, shall Senate Bill 617 pass. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. 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 49 Ayes, 6 Nays, 1 voting Present. Senate Bill 617, having received the required constitutional majority, is declared passed. 634. Senator Joyce. 641. Senator Watson. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 641.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. Amendment No. 2 now becomes the bill, and Amendment No. 2 would allow a school board in a particular high school district to exempt, or excuse students who participate in marching bands for credit, from the physical education program, the idea of this being that marching band is a very strenuous activity. I am sure those of you who have been in

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marching band realize that. It's -- it's a endeavor which oftentimes the students are required be -- before school, after school, on weekends, and simply we'd like to give them an opportunity to -- or proceed with possibly other courses of interest and allow them to be exempted from physical education. The student has to also ask for that. So I'd be glad to answer any questions, otherwise appreciate your support.

PRESIDENT ROCK:

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor yield for a question?

PRESIDENT ROCK:

Indicates he will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator, then under your bill the students, by doing band practice, will get just as much exercise. So isn't that about it?

PRESIDENT ROCK:

Senator Watson.

SENATOR WATSON:

I didn't hear the question. I beg your pardon.

PRESIDENT ROCK:

Senator Geo-Karis:

SENATOR GEO-KARIS:

Under your bill, if they're in band practice, they'll probably get as much exercise as if they were in another physical education program. Isn't that right?

PRESIDENT ROCK:

Senator Watson.

SENATOR WATSON:

Yes.

PRESIDENT ROCK:

Further discussion? Senator Madigan.

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SENATOR MADIGAN:

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

PRESIDENT ROCK:

Indicates he'll yield.

SENATOR MADIGAN:

Do students that are in marching band, and I'm sorry, I should have asked this in committee, Senator, do they get any academic credit for being in marching band - are they enrolled like in band on their curriculum?

PRESIDENT ROCK:

Senator Watson.

SENATOR WATSON:

They will be under "band." Yes. And that's spelled out in this amendment; they have to be in the band program receiving credit. We tried to tighten it up, Senator, because there was some concern in the -- in the committee as to who would be eligible for this exemption. And what we tried to do is tighten it up, but those -- those individuals who are enrolled in band and receiving credit for band would be the only ones who'd be given the opportunity to be excused.

PRESIDENT ROCK:

Senator Madigan.

SENATOR MADIGAN:

So the follow-up question then, as I recall in the committee, we were trying to give them -- afford them the same privilege as we do athletes who get exemption from P.E. during the -- during the sports season. But now are we not then giving them sort of double credit? In other words, they're -- they're getting the credit for the band -- the -- the sports participants are doing -- are getting the P.E. exemption while they are out for sports. Now P.E. is required, so I'm kind of confused. Are we -- are we trying to give them double credit here?



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PRESIDENT ROCK:

Senator Watson.

SENATOR WATSON:

Certainly isn't the intent to give anybody double credit. What we are just simply saying is that those students - and we do allow this, not only for athletes, but also for those students enrolled in the -- in the Junior and Senior year who want to pursue college-bound courses - we allow them to be exempted from physical education also. So that's -- that's the intent here, is just to simply give those kids who are involved in marching band an opportunity to possibly take another course that might be available.

PRESIDENT ROCK:

Further discussion? Any further discussion? If not, the question is, shall Senate Bill 641 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 45 Ayes, 4 Nays, 1 voting Present. Senate Bill 641, having received the required constitutional majority, is declared passed. 645. Senator Dunn. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 645.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. This bill came from the Elementary and Secondary Education Committee. We had testimony from a school superintendent in my district and from a teacher. I've amended the bill so it only applies to Freeburg, Illinois. I would urge

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an Aye vote. I'll be glad to answer any questions about it.

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is, shall Senate Bill 645 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, 1 Nay, none voting Present. Senate Bill 645, having received the required constitutional majority, is declared passed. 656. Senator Marovitz. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 656.

(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 is a technical -- really clean-up bill. We passed the bill last year, having to do with attorney's liens and some clarifying language was needed. It doesn't change the substance of the law and just puts -- puts the attorneys in the same position as everybody else when they file a lien and there are creditors.

PRESIDENT ROCK:

Discussion? Senator Keats.

SENATOR KEATS:

I rise in support of the bill, but just to clarify that, a question had been raised that it appeared -- and Senator Marovitz said this is a technical bill, and when you read it you'll realize you haven't the faintest idea what it's saying. But what -- the point they were trying to make was that it had been misinterpreted that that attorney's lien would then be senior to every other

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lien in -- that was not the intent, and I was just going to raise it so Senator Marovitz could explain that again - that that was not the intent. This is simply a lien that an attorney would have a right to, to be paid for his or her services.

PRESIDENT ROCK:

Discussion? Further discussion? If not, the question is, shall Senate Bill 656 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 56 Ayes, no Nays, none voting Present. Senate Bill 656, having received the required constitutional majority, is declared passed. 671. Senator Joyce. 673. Senator Collins. Bottom of Page 7, Ladies and Gentlemen. On the Order of Senate Bills 3rd Reading is Senate Bill 673. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 673.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Mr. President and Members of the Senate. This bill, as I explained, is a shell bill. We are still in the process of trying to work out a few problems that we're having with it. I would just ask that this shell bill pass to the House. They're going to send one over here, and just to keep the process flowing. So...

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is, shall Senate Bill 673 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who

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wish? Have all voted who wish? Take the record. On that question, there are 49 Ayes, no Nays, none voting Present -- 1 voting Present. Senate Bill 673, having received the required constitutional majority, is declared passed. 688. Senator Jones. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 688.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President, Members of the Senate. Senate Bill 688 expands the investment authority of the downstate Police Board, and this bill is a pension bill that deals with the subject of the Department of Insurance and -- and many persons are involved in discussions. It is just a vehicle bill, even though it does have substantive matters in here, but it is a vehicle bill to deal with this subject matter, and I ask for a favorable vote.

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is, shall Senate Bill 688 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 56 Ayes, no Nays, none voting Present. Senate Bill 688, having received the required constitutional majority, is declared passed. 698. Senator Jones. 702. Read the bill. Bottom of Page 7. On the Order of Senate Bills 3rd reading is Senate Bill 702. Read it, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 702.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President. Senate Bill 702 deals with the sunset of the Insurance Code. It -- it extends it to the year December 31, 1992, in order to give the Insurance Committee time to look into the Act -- that it will be sunsetting, and I know no -- know of no opposition, especially from the other side of the aisle. I'd ask for a favorable vote.

PRESIDENT ROCK:

Discussion? Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. And I want to thank the chairman for his comments. However, I think we are opposed to the bill, just based upon the sunset period. We attempted, as you know, a couple days ago, to extend this beyond one year, and for that reason we -- we remain opposed to this, or at least I -- I remain opposed to this -- only extending this one year.

PRESIDENT ROCK:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. Yes. I -- I think that I also agree with Senator Madigan's position. The Insurance Code sunsets this year and the responsible thing to do is work on that issue this year and renew it this year, do whatever needs to be done this year, like we do with other agency codes when they sunset. Instead of that, I think what's going to take place is some kind of around-the-State dog and pony show. I expect that ultimately the responsible thing will be done, but I seriously question whether that is represented by this bill.

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Further discussion? Senator Jones, to close.

SENATOR JONES:

Yeah. Thank you, Mr. President. I know there is concern, but we dealt with this issue; now there are many, many other issues, such as reapportionment, taxes, the budget, and I don't think the Insurance Code should get involved in that, so therefore, we will just hold it off one year, and give this committee and give this Body time to look at the entire Insurance Code. So I ask for a favorable vote.

PRESIDENT ROCK:

Question is, shall Senate Bill 702 pass. Those in favor, vote Aye. Those 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? Have all voted who wish? Take the record. On that question, there are 31 Ayes, 26 Nays, none voting Present. Senate Bill 702, having received the required constitutional majority, is declared passed. Senator Madigan, for what purpose do you arise?

SENATOR MADIGAN:

I'm sorry to rise, Mr. President, but could I request a verification?

PRESIDENT ROCK:

That request is in order. The Gentleman has requested a verification. Will the Members please be in their seats. Mr. Secretary, please read the affirmative roll.

ACTING SECRETARY: (MR. HARRY)

The following voted in the affirmative: Alexander, Berman, Brookins, Butler, Carroll, Collins, Cullerton, Daley, D'Arco, del Valle, Demuzio, Thomas Dunn, Hall, Holmberg, Jacobs, Jones, J.E. Joyce, J.J. Joyce, Kelly, Lechowicz, Luft, Marovitz, Newhouse, O'Daniel, Rea, Savickas, Severns, Smith, Vadalabene, Welch and Mr. President.

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PRESIDENT ROCK:

Senator Madigan, you question the presence?

SENATOR MADIGAN:

Senator Luft.

PRESIDENT ROCK:

Senator Luft on the Floor? Senator Luft on the Floor? Strike him name.

SENATOR MADIGAN:

Senator Butler.

PRESIDENT ROCK:

Senator Butler on the Floor? Senator Butler on the Floor? Strike his name.

SENATOR MADIGAN:

Senator Vadalabene.

PRESIDENT ROCK:

Senator Vadalabene on the Floor? Senator O'Daniel, for what purpose do you seek recognition?

SENATOR O'DANIEL:

Senator Vadalabene is in the nurse's station and...

PRESIDENT ROCK:

Request has been withdrawn. Question the presence of any other Member?

SENATOR MADIGAN:

Mr. President.

PRESIDENT ROCK:

All right. The roll has been verified. On that question, there are 29 voting Aye, 26 voting Nay, and the bill fails. The sponsor requests that further consideration be postponed. Top of Page 8, Ladies and Gentlemen. Top of Page 8. We're moving rather slowly. Top of Page 8. On the Order of Senate Bills 3rd Reading. 714. Senator del Valle. Read the bill, Mr. Secretary, please.

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ACTING SECRETARY: (MR. HARRY)

Senate Bill 714.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. This bill was amended after negotiations with the different parties and it's an agreed amendment. It permits the debtor to keep forty-five times the federal minimum hourly wage before any wages can -- may be garnished, and it adds a return date to the wage deduction notice. I move that we support Senate Bill 714.

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is, shall Senate Bill 714 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 52 Ayes, 1 Nay, 1 voting Present. Senate Bill 714, having received the required constitutional majority, is declared passed. 718. Senator Marovitz. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 718.

(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. Senate Bill 718 exempts petitions concerning orders for child or spousal support and orders for withholding from fees. This bill



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would allow greater access to the courts for low-income individuals who might have enough -- not have enough money to petition the court for a modification of a court's order, when there has been a change in circumstances and this would be in the best interest of the children and the families involved. And I would ask for an Aye vote.

PRESIDENT ROCK:

Discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDENT ROCK:

Indicates he will yield, Senator Fawell.

SENATOR FAWELL:

This bill now is applicable to all counties. Is that right?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR FAWELL:

Well, to the bill: I got a phone call the other day from the Chicago Bar Association and -- and they wanted me to support this bill. And I told them, number one: every one of our clerks in the -- in the State, except perhaps the one from Cook, are against this and have asked me to stand up and oppose this bill. The problem with this bill is, you know, it sounds nice on the -- on the -- on the front; it says that if somebody comes in for a post-decree motion and -- and files for increase in child support, or for spousal support, they don't have to pay the court fee. The problem is, somebody's going to have to pay it, and if it isn't this group, then it's going to have to be somebody else's -- on somebody else's shoulders. Right now we have in this State a method that women who do not have the money to be able to go after their husbands for child support can go to their local State's

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Attorney, and through federal funding given to the local state's attorney, can get those orders of -- for child support. And it's a good program; it's been working well. I know our state's attorney in DuPage County last year collected four and a half million dollars under this - what they call 4D Program. What this is saying is, for instance, somebody like myself, if I want to go after my ex - which has occurred to me - then what I can do is just walk in and say, "I want to have an order filed." I have to pay the attorney's fees. I asked the Bar about that; I said, "Is this going to let the Bar Association, in effect, donate the time towards -- towards these orders?" And she said, "No, the attorneys are going to get paid; just the clerks aren't going to get paid." I don't think this is a good idea. I think, you know, if somebody has a problem paying for the support orders, we've got a solution to this. To allow anybody to come in on post-decree orders and not have to pay, I think is a bad idea. The clerks in the -- in the State of Illinois are against this, and I think we ought to join with the clerks and vote No.

PRESIDENT ROCK:

Further discussion? Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. While I respectfully disagree with Senator Fawell, this bill probably affects women a lot more than it does men and it probably affects middle-income people a lot more than it affects hardship people who can come in and file a petition under the pauper's rule. And I would ask -- also say that there probably isn't a clerk's office in the counties that doesn't declare a profit each year and takes in a lot more than what it pays its staff.

PRESIDENT ROCK:

Further discussion? Further discussion? Senator Marovitz, to close.

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SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. I just want to clarify this, because there has been some incorrect information that's disseminated on the Floor. This -- this bill only involves one particular type of petition - not all petitions. It doesn't involve attorney's fees at all. It doesn't involve fees that -- that clerks will be paid for themselves. It's not going to injure any clerks. Nobody contacted me from anywhere around the State. This has to do with a modification for child support order so that women - or men - who have to go in, because of a change in circumstances that is in the best interest of the child -- they -- they may be paying a lawyer, they may be paying court costs, but they don't have to pay this, maybe forty-dollar fee, just to file the modification. This is not going to interrupt any clerk's office. I've spoken to the Clerk of Cook County. I've spoken to other clerks around the State. It's just going to allow people access to the courts that's in the best interest of the child and the family. That's all this is. And I would solicit your Aye vote.

PRESIDENT ROCK:

Question is, shall Senate Bill 718 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 39 Ayes, 14 Nays, 2 voting Present. Senate Bill 718, having received the required constitutional majority, is declared passed. 720. Senator del Valle. On the Order of Senate Bills 3rd Reading, top of Page 8, is Senate Bill 720. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 720.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDENT ROCK:

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. Senate Bill 720 does two things. It reduces the current cap which currency exchanges may charge for the cashing of government benefit checks from ninety cents plus 1.2 percent of the check's amount to .9 percent of the check's amount. This is identical, by the way, to New York's fee. And number two, it adds two recipients of government benefit checks to the Board of Currency Exchange Advisers. There are now five vacancies on the seven-member panel, and currently three members must be from the currency exchange industry. This bill is the product of work done by advocacy groups, by groups interested in making sure that Public Aid recipients and other individuals receiving public benefits are able to stretch their very few dollars as far as possible. We did attempt to negotiate with the currency exchange industry. We did have a meeting. In that meeting it was agreed that certain provisions of the bill would come out. We have taken out most of the provisions that they objected to. The only thing that's left in the bill is the fee. We tried negotiating. We did start out with seventy-five cents. We went up to the .9 percent. I think it's a fair proposal, and I ask for a favorable roll call.

PRESIDENT ROCK:

Discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I -- I really don't know how to start this one, because very seldom do I get a little upset with things that happen. Senator del Valle -- I -- I had committed to Senator del Valle that I would probably vote for this bill, but in the interim, some things

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have happened which I just don't like. And one of them being is what I call politics by the press. And it appears that there's been a very good well-concentrated effort to send out one-sided issues to all the editorial staffs, which have then taken those issues - without talking to the legislator who they are -- are asking to vote one way or the other - with half-truths, and coming down and trying to put the pressure on us before a bill is passed. I don't approve of that; I don't like politics by -- by -- by the press, in this issue. And I -- I -- I just still do not know where I am going to go with the vote, Senator del Valle. But I just wanted to get that off my chest that I just don't feel comfortable with this type of politics.

PRESIDENT ROCK:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, I -- I think I detect a little bit of an anomaly in the explanation. I -- there was a reference to negotiations, and then we indicated that the percentage should come from what they do in New York. It's been my experience in Illinois that there's two things that we ought not to emulate - one of them is California and the other one is New York. I -- as I understand it, these fees are now set by the Department of Financial Institutions. They haven't been raised since '86 - and I don't quite understand where the problem is. If, in fact, -- and -- and when we -- when we set by law, set the fee, it's possible - and even conceivable to me - that with computer technology expanding, that this fee down the road might be too high. I think we have a mechanism in place that should allow for reasonable fees to be set. The fact that the fee has not been raised indicates to me that, you know, that obviously they haven't had any kind of increase. Now as I understand it, this is a forty-two percent reduction in what is currently paid. Now I

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don't know many businesses that can take a forty-two percent hit in their income. I do not begin to understand the finances of currency exchanges. We do have 'em in my area, but I frankly don't frequent them, as you would expect. But it occurs to me that if we artificially imply a rate -- or apply a rate that would deny those currency exchanges in the high public aid population -- and I would respectfully remind you that a large number of Illinois welfare checks are distributed through currency exchanges at no fee to the State or to the recipient -- that we endanger the viability -- the financial viability -- of these high-use welfare area currency exchanges. And I remember one time we did a study here long years ago, and eighty-two percent of welfare checks were at that time being cashed in places that sell alcohol. Now I'm not saying that that implies that people cash the check and spent money on alcohol, but I'm suggesting that that possibility certainly did exist. We asked several industries including the currency exchange industry, to get involved -- to provide a mechanism for these checks to be cashed. And I think for the Legislature to arbitrarily come in and set a rate, that's based on what New York is doing, does not make sense. If, in fact, there is a problem, there's a mechanism in the law now. Let the department that's supposed to set these rates hold the hearing, listen to both sides, and come up with a rate that's reasonable and fair. I don't want to see anybody gouged. I don't want to see anybody make an excess profit. But this, to me, I think is very arbitrary. It's the kind of legislation that will come back and kick us in the tail down the road, and I wouldn't want to see the welfare population in this State in those high-concentrated areas forced back into places where maybe they have to buy, you know, a couple of six-packs of beer to get a check cashed, when they really don't want to buy a couple of six-packs of beer to get a check cashed. Maybe they'd rather spend the money on the kids.

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I think this is marching against the very people that we are purporting to help.

PRESIDENT ROCK:

You'll have an opportunity to respond, Senator del Valle. Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senator del Valle, my legislative office sits right adjacent to a currency exchange and I see a lot of people going in and out. I have never -- and a lot of them know who I am. I have yet to have someone complain to me about the fee they're being charged. So my question is, when was the last time the fee was raised?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator del Valle.

SENATOR DEL VALLE:

The current fee was established in 1985, as Senator Schaffer indicated.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator DeAngelis.

SENATOR DeANGELIS:

If this -- if this were to go in effect, it would roll the rate back to what year, roughly? The equivalent of what year?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator del Valle. Is that a question, I assume?

SENATOR DEL VALLE:

My information is that the rate had been seventy-five cents plus 1.1 percent of the face value of the check in 1981, and then it was raised in 1985.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator DeAngelis.

SENATOR DeANGELIS:

So this would put the rate back to a least what it was ten

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years ago, even though in that period of time we've had substantial cost increases and the cost of doing business, including property taxes and other things?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator del Valle.

SENATOR DEL VALLE:

You're assuming that it was a fair rate to begin with, both of those times.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator DeAngelis.

SENATOR DeANGELIS:

I made absolutely no assumptions in my statements of fairness - too little, too much. I just pointed out a fact, Senator del Valle, that you're returning it back to a rate it was ten years ago, and in that period of time - which is not an assumption - the costs of doing business have increased substantially.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator del Valle.

SENATOR DEL VALLE:

Let me point out that we're talking about fifteen-percent - our estimates are that about fifteen percent of the checks would be government-issued benefit checks. This bill applies to only that fifteen percent. It does not apply to the rest of the checks. The fee would not change for the rest of the checks. We're talking fifteen percent and yes, the majority are in the City of Chicago.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, you know, we're playing with numbers. It could be fifteen, it could be twelve, but for a lot of currency exchanges, including the one that I office right next to, it's a heck of a



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lot more than fifteen percent of their business. That's the point. If this fell across the board and that ratio to everybody, it wouldn't be significant. But I can tell you right now: where I'm at, this could very well cause the closing of that particular facility. That's all. Because I am certain that more than fifteen percent of their mix is in the category you're talking about.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator del Valle.

SENATOR DEL VALLE:

Senator DeAngelis, let me remind you, that what we're talking about here is a percentage of the population receiving -- a great percentage receiving public benefit checks that is a captive market for the currency exchange industry. Not only do they go in and pick up their checks. And not only do they get food stamps, which the State pays eighty-one cents to those currency exchanges to handle, but they also pay bills, utility bills, they get money orders. All that is done in that currency exchange, because there're no others financial institutions around. So these currency exchanges make a whole lot of money from other services, other than cashing this public benefit check.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator del Valle, to close.

SENATOR DEL VALLE:

Yesterday, Mr. President, in this Chamber, we had to deal with a very difficult vote. Senator Smith presented a bill that asked us to make a decision about increasing grant levels for Public Aid recipients in the future. We indicated through the vote that that should not be done. So what we're saying in this Body is that we cannot -- we cannot increase Public Aid benefits, even though inflation, and even though the costing of living has gone up, even though it is difficult to get much with this Public Aid

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benefit, because here we're talking about a family of -- of a Public Aid check, for example, of three hundred and sixty-seven dollars costing five dollars and thirty cents to cash. How many of you would pay five dollars and thirty cents to cash a three hundred and sixty-seven dollar check? I don't think anyone here would pay that amount. That's what we're asking Public Aid and Social Security benefits, and Veterans' benefits, and other people receiving public benefits to pay at these currency exchanges. They are a captive market. And I think that the rate was too high to begin with, and I think as a matter of public policy, it's up to this Body to undo the injustices of the past. That's what we're here for. That's our responsibility. In this case, we're telling individuals receiving these benefits that we cannot give them more -- we cannot give them more, because we don't have the money - and certainly there are budgetary problems - but at the same time we're saying to them that we'll allow the currency exchange industry to take a big chunk of that check that should be going to buying milk, bread and food to put on the tables of these families. And so therefore, I say let's correct the injustice of the past. Let's not continue to tolerate this excessive fee, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

The question is, shall Senate Bill 720 pass. Those in favor, vote Aye. Opposed, No. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Have all voted who wished? Have all voted who wished? Have all voted who wished? Have all voted who wish? Take the record. On that question, there are 29 Ayes, 20 Nays, none voting Present. And the sponsor requests Postponed Consideration. Senate Bill 725. Senator Berman. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 725.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill creates the Urban Education Partnership Grant at the State level. It's designed to support innovative programs in activities at the local school level that will result in improved student outcomes for students at risk. The bill has been amended to expand the number of districts that will be eligible. I would be glad to respond to any questions. It has worked dramatically in the schools that it has been utilized on a pilot program.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Any discussion? If not, the question is, shall Senate Bill 725 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. And Senate Bill 725, having received the required constitutional majority, is declared hereby passed. Senate Bill 726. Senator -- Senator Holmberg, for what purpose do you arise?

SENATOR HOLMBERG:

I didn't have time to push my button. I am a co-sponsor of the bill and I'd like to be recorded as Yes.

PRESIDING OFFICER: (SENATOR D'ARCO)

The record will so reflect. Senator Berman. 726. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 726.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 726 addresses the question of how public pension funds will be addressed in the event of -- of divorce cases. We have explored, with the pension groups, the very difficult questions involved in this, including federal regulations and State regulations. We're moving along. We don't have it wrapped up totally, but we have a commitment from both the Bar Associations and the Pension Groups to continue to talk. I would ask for an Aye vote to keep the discussions going.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. My records indicate that we agreed to hold this one until we had agreement.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Berman.

SENATOR BERMAN:

We -- we discussed with President Mory, who's been leading the groups on -- on the pension. There was one area that he thought we -- dealing with a draft order, that he said he would not be able to resolve in this Session. We've put that aside. We're not looking at the draft orders. But Mike Mory has indicated to me that he has no objection to moving the bill along to allow them to continue their discussion, so we might be able to reach a conclusion. This bill will not pass in this form. It is not ready to. You will see it before it leaves the Legislature, if they work it out in the House.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Geo-Karis.

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SENATOR GEO-KARIS:

Sponsor yield for a question?

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he'll yield.

SENATOR GEO-KARIS:

Are you saying then, Senator, that you are willing to have the bill held, if they don't work it out in the House? I mean, are you willing to give us your word about that?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Berman.

SENATOR BERMAN:

Yes.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. The question is, shall Senate Bill 726 pass. Those in favor, vote Aye. Opposed; No. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 52 Ayes, no Nays, none voting Present. And Senate Bill 726, having received the required constitutional majority, is hereby declared passed. Senator Berman. 727. Read the bill -- are you ready, Art? Read the bill, Mr Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 727.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill authorizes the Department on Aging to develop and implement a demonstration program which would provide assisted living services to persons and families with Alzheimer's disease.

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The services may be provided in community-based residential facilities. The Department on Aging is a strong supporter of this bill. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Any discussion? If not, the question is, shall Senate Bill 727 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And Senate Bill 727, having received the required constitutional majority, -- did I say -- Senate Bill 727, having received the required constitution majority, is hereby declared passed. All right. Ladies and Gentlemen, if I could have your attention please. We have some special guests, and as far as I can ascertain, they're -- they're a very nice youthful -- here they are, look at 'em. Very nice youthful, beautiful kids from the State of Illinois, and Senator Butler is going to take over from here.

SENATOR BUTLER:

Thank you, Mr. President. I have the very great honor today to introduce you to a very, very special group of young people. And I appreciate your sparing a few moments for me to make this introduction. There is a contest held each year throughout the United States in which thousands of high schools compete. And it's sponsored by the Commission on the Bicentennial of the United States Constitution. And as I said, there are high schools from all over this nation. They must acquire a very deep knowledge of the Constitution itself, U.S. History, of the Federalist Papers, U.S. Supreme Court Decisions, plus a lot of current political and constitutional issues. And these young people, I'm very proud to say, are from Maine High School in Park Ridge, Illinois, my hometown. And so, Ladies and Gentlemen, may I introduce to you --

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and first their teacher, a Mr. Pat Feichter. And in the -- to the -- on the Republican side may I introduce Mr. Otto Kohler, Nancy Canova, Chris Deger, Robert Schultz and John Heuman. Now if you're wondering what these fine young people did - Ladies and Gentlemen, these were the number one winners in -- in the State of Illinois, and in the national competition, they brought home to Illinois the bronze medal. These are the number-three-team kids from all over the United States, and I ask you to join with me in congratulating them. Pat -- Pat Feichter.

PAT FEICHTER:

(Remarks by Pat Feichter)

END OF TAPE

TAPE 4

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Dudycz, for what purpose do you rise?

SENATOR DUDYCZ:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR D'ARCO)

State your purpose.

SENATOR DUDYCZ:

Mr. President, I'd like to introduce the real heads of the Butler family. Seated to my right is Senator Butler's beautiful bride, Gerry. I'd like to welcome her to Springfield.

PRESIDING OFFICER: (SENATOR D'ARCO)

Gerry, welcome to Springfield. Senate Bill 740. Senator Rea. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 740.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Rea.

SENATOR REA:

Thank you, Mr. President and Members of the Senate. Senate Bill 740 requires contractors' bidding on school work to carry the same liability insurance that school districts are required to carry for their employees. It does not increase the cost or insurance requirements on school districts. It does ensure that schools are protected from liability of contracted employers. I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, the question is, shall Senate Bill 740 pass. Those in favor, vote Aye. Opposed, No. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 42 Ayes, 5 Nays, 2 voting Present. And Senate Bill 740, having received the required constitutional majority, is hereby declared passed. 745. Senator Collins. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 7-4-5.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and Members of the Senate. Senate Bill 745 creates a Children's Bill of Rights. The necessity for such legislative action is to establish State policy, and for the State to provide the leadership on protecting



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the children of the State of Illinois. On a recent study that came out -- indicated that about -- approximately fifty percent of all African-American children in America lived in poverty. Now that figure for Illinois is even higher. And this is not a bill just for minority children; this is a bill for children of Illinois. If we look at DCFS statistics, we would see a substantial increase over the past ten years in child abuse cases. We can also look at homeless statistics and we will find that there's a tremendous increase, a rapid-growing increase of the number of children living on the streets, and the number of children who goes to bed hungry every night. Now, I don't know how you feel about that, but I know that if we are going to be judged by history as being compassionate and responsible, that the State of Illinois has to take more initiative in making sure that children are better protected in this State. And I am not saying that we have not done and have not made some progress, but no one of you can say that we -- we are doing enough or that we are even doing our best, even within the budget restraints that we have. But this bill does not call for any money. It does not call for any money. It's talking about public policy. I would be happy to answer any questions, but if not, I would ask a favorable roll call.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Topinka. Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, Senator Collins is very well-intentioned in what she's trying to seek here, and I do appreciate that. And although it does not ask for any specific dollar amount, it certainly does set the State up for -- for future funding and God knows for how many lawsuits, for the simple reason that it not only creates an entitlement, but it creates a very vague entitlement, because what she's proposing

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here, in terms of definitions, are so judgmental and so discretionary that basically it's a lawyer's dream. For instance, what is or is not a nurturing environment? What is quality day care for all children? And I would have to agree with her. This bill is not for just the very poor, whom I would like to see it help. It's for the very rich too, because since, indeed, this would almost guarantee day care for all the kids in the State of Illinois. If you had a few bucks and really wanted to kind of, you know, palm off your kid on day care, I guess this would be the trigger to do it, because someone else is going to pick up the cost. The potential on cost here is enormous. It is so large we honest to goodness cannot determine what it would be. But I think before we go with something like this, we're either going to have to define it down very, very specifically or we're going to start having to figure that we're going to be in court on many days.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Collins, to close. Senator Demuzio. I'm sorry. Senator Demuzio.

SENATOR DEMUZIO:

Well, I just have a question of the sponsor, if she will yield.

PRESIDING OFFICER: (SENATOR D'ARCO)

She'll yield.

SENATOR DEMUZIO:

According to the bill, it says that, "The General Assembly finds that the children of the State are entitled to certain rights, which shall include ... the right to adequate legal representation in legal proceedings involving the welfare of children over five and in ... cases where the welfare of the child must take precedence over the rights of a parent or legal guardian." Are you suggesting that a child, who under - the

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federal definition apparently is from zero to eighteen - can go and get legal representation in a legal proceeding involving the welfare of the child and that the State of Illinois is obligated to pay for the legal representation?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Collins.

SENATOR COLLINS:

In -- in the State of Illinois, the Department of Children and Family Services already provides legal representation for children. So --

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Demuzio, are you done? No.

SENATOR DEMUZIO:

No. Well, let me -- let me try this one. Are you suggesting that -- it says here that the -- it is the right of the child to have "quality day care up to the age of twelve." If that's the case, I assume he can get a lawyer to demand that the State of Illinois provide day care for the -- up to the age of twelve. Is -- is that right?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Collins.

SENATOR COLLINS:

Senator, no child in this State, whether or not we can afford it or whether or not the parent can afford it, should be left alone or should be left with substandard child care. Now see, money has nothing to do with that. And I'm saying that a child have a right to be protected, and we're not doing it. What we're doing in this State is that if the money isn't there -- we value dollars over human rights. And at some point, whether you talk about the children should be filing the suits under this law or not, they will do that. Now, I admit and I had assumed that staff had prepared the amendment to set forth the definitions in this

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bill that Senator Topinka raised a legitimate question in the committee about. And I would be willing to do that on 2nd Reading. And if it doesn't work out, we will not move this bill. But to say that we -- we will not -- this State, take a position on critical issues protecting our children because of money - that's absurd. That's absolutely absurd.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. The question is, shall Senate Bill 745 pass. Those in favor, vote Aye. Opposed, No. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 19 Ayes, 31 Nays, 2 voting Present. And Senate Bill 745, having failed to receive the required constitutional majority, is declared lost. Senate Bill 746. Senator Collins. -- Collins. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 746.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and Members of the Senate. Senate Bill 746 is an attempt to make taxes more fair in the State of Illinois. We did have an amendment here that took out the exemption Section out of the bill and left it the way it is. Now, those of you who may have the staff analysis on this side -- that is a mistake and that -- the only thing that we did -- Senator -- Senator Rigney and I put an amendment on that deleted everything in the bill and then we redid the property deduction part of the bill. And what it does now is -- we give a double exemption to those -- in property taxes, to those persons who make zero to

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twenty-nine thousand nine hundred and ninety-nine dollars; from thirty to one hundred thousand dollars we give one and a half exemption; and to those over one hundred thousand dollars we left it at the one thousand dollars, so that we are not taking anything from anyone, but we are making it fairer for those who make less money. That's all the bill is doing, and I would just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Rigney.

SENATOR RIGNEY:

I think there's just one basic question we're addressing here, and that is, do you believe that real estate deductions should be graduated. If you do, I think this is a somewhat reasonable schedule, as has been pointed out by the sponsor. We would continue the two-hundred-percent deduction up to thirty thousand of income; from thirty to a hundred it would be a hundred and fifty percent; over -- over a hundred thousand it would be a hundred-percent deduction. So, that's the basic question here, and vote it up or down.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. The question is, shall Senate Bill 746 -- Senator Collins.

SENATOR COLLINS:

Yes, thank you. What -- I did -- I assumed that I would close, but what I didn't say -- that this bill would have a net gain in State revenue of forty-five million dollars that we definitely can use.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. The question is, shall Senate Bill 746 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are

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25 Ayes, 25 Nays, 1 voting Present, and Senate Bill 746, having failed to receive the required constitutional majority, is hereby declared lost. Senate Bill 750. J.J. Joyce. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 750.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. This amends the Illinois State Historic Resources Preservation Act. And right now, the bill is just a vehicle. The homebuilders and the Historic Agency people are working on a compromise. They have it, in fact, nearly done. So I would ask that we keep the process alive and pass it over to the House so they can finish their negotiations.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. The question is, shall Senate Bill 750 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 52 Ayes, 1 Nay, none voting Present. And Senate Bill 750, having received the required constitutional majority, is hereby declared passed. Senate Bill 770. Senator Keats. Senator Keats. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 770.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Keats.

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SENATOR KEATS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill may still not be in it's quite-final form, but something was distributed. There should be information on everyone's desk. This is a problem with the Human Rights Commission where, for both the companies involved and the individuals who feel that they have been discriminated against, these cases drag on for years, and it doesn't treat either side fairly. So this has been an honest attempt to try and speed up the backlog so that both sides are treated more fairly. This is very similar to what we did at the Industrial Commission a couple years ago. And so far we've continued to work with all parties and will continue to do so. Just real quickly, what it does: it requires the training of investigators and attorneys involved in conciliation at the Illinois Department of Human Rights and the hearing officers at the Human Rights Commission. It clarifies how the fact-finding conferences are actually to be run. It requires that the investigation reports and complaints filed in front of the Illinois Department of Human Rights for charges have to be set forth in writing...(inaudible)...findings of facts, conclusions of law, et cetera. And it creates panels just like the Industrial Commission. I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. The question is, shall Senate Bill 770 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 56 Ayes, 1 Nay, none voting Present. And Senate Bill 770, having received the required constitutional majority, is hereby declared passed. 774. Senator Jones. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 7-7-4.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Jones.

SENATOR JONES:

Yes, thank you, Mr. President and Members of the Senate. Senate Bill 774 amends the Chicago Park District Pension Code, and it waives the six-month waiting period for participation in the Fund for those park employees or employees of the Retirement Board who would be exempt from mandatory participation. Now, this again is an issue that will be dealt with. It does merit substance, but it will be part of the package of the bill. It is the vehicle -- one of the vehicle bills, and I ask for favorable vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Any discussion? If not, the question is, shall Senate Bill 774 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 41 Ayes, 10 Nays, 1 voting Present. And Senate Bill 774, having received the required constitutional majority, is hereby declared passed. 776. Senator Jones. 781. Senator Daley. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 7-8-1.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Daley.

SENATOR DALEY:

Thank you, Mr. President and Members of the Senate. Senate Bill 781 would prohibit the Secretary of State from issuing a new license or permit for a period of two years, rather than one year,



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for violation of Cannabis Control Act. It would also -- that any person who while operating a motor vehicle is convicted of the Cannabis Control Act or Controlled Substance Act a second time within five years shall not have his or her driving privileges renewed for five years. It prohibits the Secretary of State from issuing any license or permit to any person convicted, within one year of an application for a license, of any violation of such Act. It authorizes suspension or revocation of driving privileges of any person without preliminary hearings for two year -- two years, rather than one, if the person has been convicted of illegal possession, while operating a motor vehicle, of any controlled substance. It authorizes suspension or revocation of driving privileges of any person, without preliminary hearing, if the person has been convicted of illegal possession of a controlled substance, regardless of whether or not that person was operating a motor vehicle. If convicted, the driving privileges shall be suspended for -- shall be suspended for one year. If convicted a second time within five years, the person's license will be suspended for five years. A defendant found guilty of this -- of this offense while operating a motor vehicle shall have entry made into court record by the judge that the offense did occur other than while a defendant was operating a motor vehicle. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR D'ARCO)

Nobody wants to talk on this bill? Brookins does. Senator Brookins. Come on, Howard.

SENATOR BROOKINS:

Thank you. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR D'ARCO)

Indicates he'll yield.

SENATOR BROOKINS:

Senator Daley, you say that no matter where you are -- or you

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could be in your home, anywhere, that if you're arrested and found guilty, your driver's license would be suspended. Is that correct?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Daley.

SENATOR DALEY:

That is correct, Senator.

SENATOR BROOKINS:

Senator Daley, what are we trying to accomplish here? Are we trying to prevent -- what are we trying to accomplish with this as related to driving an automobile and smoking a joint?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Daley.

SENATOR DALEY:

Simply - people who use drugs should not drive, whether or not they're driving the car or whether or not they're in their home smoking a joint, which is illegal.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Brookins.

SENATOR BROOKINS:

Well, I don't know. There are -- there are occasions and there are places that -- and there are -- where doctors prescribe it. But Senator, this is just a terrible bill. I spoke to it in committee, and I said it was bad then and it's bad now. It has no relationship to automobiles. It is -- you don't have to be in the proximity of an automobile to -- to -- to be convicted. And I don't see why the -- that would be a burden on your driver's license or et cetera. I just think it's a terrible bill. And I rise in opposition to it.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Jacobs.

SENATOR JACOBS:

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Thank you, Mr. President and Ladies and Gentlemen of the Senate. I voted against this last time it was up - last year. I guess my big problem is that whenever we -- we look at this whole situation, which we even went through -- excuse me - that we even went through with drunk driving - there's a year of summary suspension now on drunk driving, but that year may turn into ten or twelve, strictly at the discretion of the hearing officers. And so there is no true one year, and in this case, when we say five years. If you use the same rule of thumb that is currently used under the alcohol provision, a five-year suspension would probably turn into a fifty-year suspension. And I just think for -- you know, what you may do in the privacy of your own home is -- is something we should not take into the streets. I guess the next thing we'll be doing is that if you have sex with your wife at home, we'll take away your driver's license, too.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator -- Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he'll yield.

SENATOR HAWKINSON:

Senator, in your explanation, several times you indicated that these suspensions would take place without preliminary hearing. And so this doesn't go to the arguments that have been made before, but I'm wondering why you're not giving these people a hearing.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Daley.

SENATOR DALEY:

Simply to -- Senator, simply to follow similar to DUI. When

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you have a DUI violation, your license is automatically suspended.  
So -- I'm sorry, Senator - when you're convicted.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Hawkinson.

SENATOR HAWKINSON:

But usually in the DUI process, it's already in the flow from the refusal to take the test indirectly. You're talking here about convictions perhaps unrelated to driving the vehicle. Is there -- you've talked about the absence of a preliminary hearing. What happens if there's a mixup in the records, and you've got a suspension for the wrong person? What kind of hearing do you offer them?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Daley.

SENATOR DALEY:

Senator, it is after a conviction. It is --

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Hawkinson.

SENATOR HAWKINSON:

But what kind of a hearing do you give someone if they say, "Hey, it wasn't me that was convicted; it's a guy of the same name."

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Daley.

SENATOR DALEY:

The same hearing that a person would receive, Senator, for a DUI offense.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Hawkinson.

SENATOR HAWKINSON:

Please tell me what that hearing is, if it isn't the preliminary hearing.

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PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Daley.

SENATOR DALEY:

Senator, as you're aware, licenses are automatically suspended or revoked for -- with a conviction with a DUI. And that -- this would follow the same process.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Hawkinson.

SENATOR HAWKINSON:

My question is -- and the reason I'm trying to ask this question is, if you're convicted for DUI, they've got your driver's license number and so forth; they're not going to likely suspend the wrong person. You're talking now about suspensions of someone who -- who has not been necessarily arrested while in the motor vehicle and the criminal court may not have his driver's license number or her driver's license number. How do you know you're not making a mistake and you're suspending the wrong John Doe? And -- and if you are, what kind of a system do you allow them to have a hearing for?

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Daley, for the last time.

SENATOR DALEY:

That is a process that the Secretary of State would have to administer. And I have confidence that they would be able to administer that program.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senator Brookins has been very convincing. He certainly has convinced me to vote Aye. I want to commend Senator Daley. When people are convicted -- are convicted of using drugs, they ought

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to have a tough penalty and they ought to know about it. And I suggest we all vote Aye.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Barkhausen.

SENATOR BARKHAUSEN:

Following my illustrious leader here, I, too, have felt for a long time that we need some penalties without sending people to prison; that we need some automatic penalties for those who are convicted of using drugs, not just those who are selling who deserve prison penalties; but for those who are using, we need some kind of a penalty that's going to send a message and that's going to have an impact, particularly on our young people. And I think, Senator Daley, you're onto something here.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator DeAngelis.

SENATOR DeANGELIS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he'll yield.

SENATOR DeANGELIS:

Is this penalty in lieu of another penalty that could be imposed?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Daley.

SENATOR DALEY:

I'm sorry, Senator, I could not hear the question.

SENATOR DeANGELIS:

Is this penalty in lieu of another penalty that can be imposed?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Daley.

SENATOR DALEY:

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This is a new -- as you're aware, Senator, there are a number of offenses now for DUI. This would be a new -- new program.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator DeAngelis.

SENATOR DeANGELIS:

I am not a criminal attorney or otherwise, but aren't there penalties for conviction of -- having a controlled substance?

PRESIDING OFFICER: (SENATOR D'ARCO)

We can't hear you, Senator.

SENATOR DeANGELIS:

Well, are there not penalties for having controlled substance right now?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Daley.

SENATOR DALEY:

I do not have a list of what the penalties are, Senator, but there are a number of them.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator DeAngelis.

SENATOR DeANGELIS:

Well, you know, I would like to vote for this bill, but if I find out now that I'm going to let somebody have a driver's license yanked instead of spending six years in prison, then we're not doing the right thing as everybody's cheering around here thinking we're doing. Now, I'd like to know what the penalty would be for this, and are we, in fact, substituting this in lieu of another penalty.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Daley.

SENATOR DALEY:

Senator, this is in addition -- in addition to the other penalties.

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PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator DeAngelis.

SENATOR DeANGELIS:

So you can't drive while you're in jail. Okay.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. Senator Daley, I understood you to say that if you used marijuana in your home that you -- and were convicted of that, you would lose your driving privileges for two years. My question is, what is the penalty if you use heroin in your home and you're convicted of that? How long do you lose your driver's license for?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Daley.

SENATOR DALEY:

Any -- Senator, it is any violation. For -- for the drug that you mentioned, it would be two years.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Ladies and Gentlemen, we're having a little problem hearing. Please keep the conversation down. Senator Dunn.

SENATOR T. DUNN:

Did I understand you to say that you would lose your driver's license for two years if you were convicted of using a controlled substance such as heroin? For two years? And how long would you lose your driver's license if you committed a rape?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Daley.

SENATOR DALEY:

Senator, I do not know what that -- this is -- this bill deals with drugs, not -- not rape.



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PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Alexander.

SENATOR ALEXANDER:

Mr. President, will the sponsor yield?

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he'll yield.

SENATOR ALEXANDER:

Senator Daley, is it possible, if I smoke one joint, that I could be convicted of a misdemeanor -- a Class C penalty?

PRESIDING OFFICER: (SENATOR D'ARCO)

I'm sorry. We can't hear the questions. Senator, would you repeat the question?

SENATOR ALEXANDER:

Thank you. I asked the Senator - if I smoked a joint, as it's called, and on conviction I received a conviction for a misdemeanor or Class C penalty, don't you think that's rather harsh for a misdemeanor, to lose my driving privileges and that may be my only means of going backwards and forth to work? And I get a misdemeanor conviction and I have to work or maybe go on welfare, which you all don't want to pay for anymore. What about that? Then I have another question I'd like to ask you on the same subject.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Daley.

SENATOR DALEY:

The answer, Senator - I do not believe it is harsh. If your question is, do I believe that's a harsh penalty - no, I do not believe it is at all.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Alexander.

SENATOR ALEXANDER:

I do not believe in smoking drugs or using drugs, so I want to

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go on the record first, but I do think that that's a rather harsh penalty for smoking one joint. Two, how do you intend to correlate with the court these convictions for smoking one joint when we're having problems now with staffing our court, funding our court? Who is going to correlate these convictions - which will be probably numerous if this law goes into effect - to get the information to the Secretary of State and who is going to absorb these additional court costs for this action?

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Daley.

SENATOR DALEY:

Senator, I have confidence that the -- the Secretary of State and all the parties involved can resolve this situation. Again, it goes back to whether or not you believe a person who uses drugs is a hazard on the road. And I personally believe they are.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. The -- the question is, shall Senate Bill 781 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 42 Ayes, 6 Nays, 3 voting Present. And Senate Bill 781, having received the required constitutional majority, is hereby declared passed. Senator Cullerton. 789. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 7-8-9.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President and Members of the Senate. This bill

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would require the Department of Children and Family Services to provide written notice to the court when they have been appointed to supervise visitation rights. This bill comes as a result of some problems that have occurred where the Department has not followed the court order. So what we have set up is an agreement with the Department where sixty days after the court order they shall report back to the court, let them know also with regard to the cost incurred by the Department in providing the supervision, if the parties are financially able to pay the cost. And if the Department does not report back, then the court could hold them in contempt of court. As I indicated, the Department agrees with the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. The question is, shall Senate Bill 789 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, 56 Ayes, no Nays, none voting Present. And Senate Bill 789, having received the required constitutional majority, is hereby declared passed. 790 is on the Recall List. 795. Senator Cullerton. Out of the record. 797. Senator Berman. Senator Berman here? 797. Senator Berman. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 7-9-7.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Senate Bill 797 is a response to a request by the Illinois Supreme Court to review the question of the Statute of Limitations in relation to the Contribution Act.

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What this bill would do is to provide that if a person has been held liable in a case, that the opportunity to add third-party defendants because of the liability of that third-party defendant, would be two years after the payment by the person who has been found liable. What this does is to track -- in order to allow persons who are in fact responsible for negligent acts to bear the ultimate responsibility for the costs and damages incurred by those negligent acts. Be glad to respond to any questions.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, at the time we heard this bill in committee - and the bill, I think, on its surface maybe does make some sense - but at the time we heard this bill in committee we had not heard from some of those who now seem to be very concerned about it, mainly the Medical Society and the IMA. In particular, the Medical Society's position is that when we passed the Statute of Limitations governing medical malpractice suits several years ago, we enacted, along with a, I believe, a two-year Statute of Limitations, we enacted what's called a Statute of Repose of four years, which basically means that -- that a suit, including a third-party complaint or a contribution action would have to be brought within four years. I think the concern is that there is potential -- under this legislation, that the time in which such a third party or contribution action would need to be brought could be very considerably extended beyond that four-year period - for example, especially in the County of Cook, where there is very often and typically is a great time lag between the time that a matter is filed and when a verdict is finally reached. That -- you know, that could be six or seven years. And to extend the possibility for a contribution action two years beyond that point would, in effect, be extending what was a four-year Statute of

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Repose to as long as nine or ten years. So that is the source of -- of our concern, and the reason that I think we ought to oppose this.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Keats.

SENATOR KEATS:

Not as much rising in opposition as just simply a humble garbage collector doesn't quite understand some of this fancy legal footing. What is this contribution action? Because if we're going to extend the Statute of Repose, as Senator Barkhausen is explaining, for an additional two years, what is it exactly, so we have some idea of whether we really want to do it? I know the Supreme Court ruled in this case, and there seems to be some question whether the Supreme Court really wants a chance to rewrite the law again on something new. And we just are not sure.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Berman.

SENATOR BERMAN:

Let me try to translate it so a garbage collector understands it. I own a house adjacent to your garbage dump and that happens to be in the County of Cook. Let's use Senator Barkhausen's example - in the County of Cook. And I develop a serious health condition. I'm not sure why that health condition has occurred, but I figured it's because of what you've got in your dump, and I file a lawsuit against you. In the County of Cook, it very well may take four, five, six years. In the proof of that case as discovery goes on, depositions are taken - there's investigation that goes on - you and I both find out that the person who has -- one of your customers that's been dumping things in there, you thought it was waste paper, but in fact, it was --

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Keats.

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SENATOR BERMAN:

But, in fact -- in fact, it was a material that was contagious and could cause my illness. You didn't know that. It might be hospital waste or something else. You didn't know that. But as the case moves along, you found out that your customer was, in fact, dumping this toxic material. Our case is finally resolved because of your -- the court determines that your negligence, in not checking what was dumping, you were liable. But you're saying to yourself, "Wait a minute. I may be liable, but my customer is the one that really ought to pay, because he's been dumping this toxic material." The contribution action allows you, after you pay my judgment - a hundred thousand dollars, hypothetically - to turn around and you have two years to sue your customer because he, in fact, was the one that was responsible for this condition. That's what this bill is all about. And I would suggest to you that those persons who are concerned about the costs of defense, the costs of lawyers, the costs of insurance, this is a bill you ought to support, because what it does is to allow the person that is, in fact, responsible for a -- for damages to be ultimately held responsible.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Keats.

SENATOR KEATS:

I appreciate the explanation, because that does give us a better feel for why it is. But my next question - why does it take the four years to find this out? What is it in the system that allows it to go on for years and years and years so that we didn't find out in less than four that we need an extension for?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Berman.

SENATOR BERMAN:

That's an excellent question, and if I had an answer, I'd

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probably run for the President of the County Board. But the fact is -- the fact is, that you have a backlog in Cook County and you have a backlog in Madison County and you have a backlog in a number of other counties. Sometimes -- you know, if we knew it early, we wouldn't worry about the bill. But there are cases where the facts are not brought out until the usual Statute of Limitations has passed. Forget about a four-year Statute of Repose. The case I gave you -- you only had two years from my illness, or from the time that your customer dumped, to sue him. Well, you didn't know about it. If I waited my Statute of Limitations - okay - and sued you a year and eleven months after I got ill, you'd be out of -- you would have to pay the judgment; you'd have no recourse to the person who was actually responsible if we don't pass this bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. The question is, shall Senate Bill 798 pass. Those in favor, vote Aye. Opposed -- 797 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 32 Ayes, 19 Nays, none voting Present. And Senate Bill 797, having received the required constitutional majority, is hereby declared passed. 798. Senator Berman. 800. Senator Rock. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 800.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the

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Senate. Senate Bill 800 is an amendment to the Ticket Scalping Act which we passed in a rather peremptory fashion here a year ago, and what it does is it provides an exception. We have outlawed the practice of ticket scalping, and everybody agrees that ought to be done. What we did, however, in our haste, was we literally went too far, and we have now currently outlawed the business of ticket brokering. And what this proposal says is that if you are a ticket broker, you are not subject to the Ticket Scalping Act and its penalties. Now the question is, who's a ticket broker? And that's what this says, "A ticket broker must engage in the sale of tickets on a regular and ongoing basis, operate from one or more fixed locations. He and his employees may not sell at any -- for any event while sitting or standing near the facility, and the broker must comply with all the requirements of the ROT tax and all other applicable federal, State and local laws." So what we are doing is literally carving out the business -- the profession of ticket brokers. The bill came out of -- out of Executive Committee virtually unanimously. One dissenting vote - the only known opposition - and he's not in his chair, so this is probably a good time to pass it.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator -- Senator Kelly.

SENATOR KELLY:

No, he's -- he's right. I mean, I was the dissenting vote on this issue as well, and I'm changing my position because my concern was - and Senator Rock straightened me out afterwards - is I wanted a seat -- I wanted to -- I'm concerned about these seats that we can never get in the front row middle section. And I found out it's not these individuals that are causing a problem - it's the promoters that are holding. So I'm changing my vote and be proud to support Senator Rock on Senate Bill 800.

PRESIDING OFFICER: (SENATOR D'ARCO)



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All right. The question is, shall Senate Bill 800 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 56 Ayes, no Nays, 1 voting Present. And Senate Bill 800, having received the required constitutional majority, is hereby declared passed. Senate Bill 812. Senator Macdonald. Senate Bill 821. Senator Raica. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 821.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate -- or Amendment No. 1 becomes the bill. And Senate Bill 821 is agreed between the interested parties -- between the ambulance providers and the Department of Public Aid. And it simply says that Public Aid shall attempt, if practical, to implement an ambulance reimbursement program that mirrors the Medicaid Ambulance Reimbursement Plan. I just spoke to the Department of Public Aid and they've been working really, really hard on this and still are working. I have agreed, if possible, to get this bill into the House. Once it goes to committee, it'll be gutted, become a vehicle bill, and they will work further to attempt to appease the ambulance community. I'd just ask for a favorable roll call to at least get this into the House.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. The question is, shall Senate Bill 812 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all

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voted who wished? I'm sorry. 821. Have all voted who wished? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And Senate Bill 821, having received the required constitutional majority, is hereby declared passed.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

-- Bill 823. Senator Daley. Read the bill, Madam Secretary. Senator Daley. I'm sorry.

SENATOR DALEY:

Mr. President, with leave of the Body, I would like to refer Senate Bill 823 back to the Consumer Affairs Committee.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Daley asks leave. Is leave granted? Leave is granted. Senate Bill 828. Senator Mahar. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 828.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. As the Calendar states, it correctly indicates that this Senate Bill 828 creates the Private Enterprise Review and Advisory Board to investigate the impact of State Government commercial activities on private enterprise. A Floor Amendment was added, which was drafted by AFSCME and removes -- takes care of their concerns. Removes their objections. In fact, they're in support of the bill. I know of no opposition. This has no fiscal impact on the State. The Board members will serve uncompensated, and I'd ask for your support.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

All right. Is there any discussion? Senator Severns.

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SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. This bill came before our committee. Senator Mahar worked with people who were concerned about the bill in its original form. I think it's an excellent compromise, and would urge a favorable vote.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Mahar, to close. The question is, shall Senate Bill 828 pass. Those in favor, vote Aye. Those opposed, 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 58, the Nays are none, none voting Present. Senate Bill 828, having received the required constitutional majority, is declared passed. Senate Bill 830. Senator Berman. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 830.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill comes to us because of an outcry from women's organizations and the American Cancer Society, in particular. Women who have a diagnosis of a fibrocystic condition have been denied insurance -- health insurance coverage. We had testimony in front of the Committee - Insurance, Pensions and Licensed Activities Committee - that pointed out from experts that women who have this fibrocystic breast condition -- in only five percent of those cases does cancer in fact arise. There is a concern on the part, admittedly, by the insurance industry and the response by the insurance industry to our discussions is that it's not

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their fault - the insurance industry's fault - it's the medical profession's fault in the failure to properly diagnose and explain the prognosis of these conditions. But Ladies and Gentlemen, it's not my job, and I don't think it's our job, to apply blame. What we are trying to do by Senate Bill 830 is to correct an injustice. We have -- we have put an amendment on that states that when a biopsy has been taken and that there is an indication of cancer, denial of coverage is appropriate. But when there isn't, then there -- then this condition, with ninety-five-percent normality, should not prejudice women as to obtaining health insurance. I'd be glad to respond to your questions.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Is there any question? Senator Madigan.

SENATOR MADIGAN:

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

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Indicates he'll yield.

SENATOR MADIGAN:

Senator Berman, as the bill now stands, is there any reference or application of cancer at all in this bill?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Berman.

SENATOR BERMAN:

Yes. What we tried to do in response to the inquiries that were raised in the committee -- we put an amendment on that says that once a fibrocystic condition has been diagnosed by a breast -- breast biopsy that demonstrates an increased disposition to the development of breast cancer, a denial can be made.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Madigan.

SENATOR MADIGAN:

Is that -- and I -- forgive me for this, but are we talking

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about a denial or a cancellation? According to our analysis, I get a little confused when we talk about a denial, meaning that a policy is not issued, and then of course a cancellation means that a policy is issued and then subsequently cancelled. Is there a differentiation there, or what are we doing here?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Berman.

SENATOR BERMAN:

I understand your confusion, and I was confused also and we have taken out the word "cancel", because it -- it really does not have an application. If a person applies, you know, they go through the application process. So that's not -- that's -- the word "cancelled" has been removed, by amendment, from this bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Indicates he'll yield.

SENATOR GEO-KARIS:

You're saying that the way this -- this bill reads now, if a condition is diagnosed in a biopsy that there is cancer, then there would be no coverage. Am I correct?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Berman.

SENATOR BERMAN:

I'm sorry. I didn't hear the question.

SENATOR GEO-KARIS:

You're saying that -- if I understand you correctly, did you say that if the condition is diagnosed as cancer from a biopsy, there is no coverage?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

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Senator Berman.

SENATOR BERMAN:

I think we're getting ourselves confused. Let me take you through what the bill does.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Let me tell you what our analysis says. "Would allow insurers to deny coverage for a fibrocystic condition if the condition is diagnosed by a breast biopsy that demonstrates an increased disposition to developing breast cancer." Is that correct?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Berman.

SENATOR BERMAN:

Yes, that is correct.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President, Ladies and Gentlemen of the Senate, what good is this bill for? If someone has been diagnosed as cancer, why shouldn't she be covered?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Berman.

SENATOR BERMAN:

Senator Geo-Karis, you're confusing the word "denial" with the word "cancel." Denial means that I come forth - you come forth - and apply for health insurance. The issue, when you're requesting to buy health insurance or to be covered is whether the insurance company can deny covering you - denial. Once you're covered, cancellation is not the issue. Once you're covered, you're covered. So, don't get confused between denial, which means they -- and that's been the problem. That's what the bill has

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addressed. Denial of coverage. Once you're covered, you're covered.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I think most of us were contacted by our chapters of the Cancer Society in strong support of this bill. But what you should know is that cancer is now out of this bill. Nothing to do with cancer anymore. The other thing that you should know is that if you were an insurance company or an insurance company underwriter, it would be your job to try to insure only so-called standard risks - that is people who already have a condition that is known to require treatment in the future, you're probably not going to insure those people, because they're not a standard-risk person. And you're either going to deny them coverage or you're going to charge them a higher premium. This bill says you can't do that if you've got a fibrocystic condition. Now, I submit to you that we wouldn't -- we're not doing that in Illinois in the case of people who have diabetes, who have heart attacks, who have all these other lists of diseases - we're not ordering insurance companies to always write those people. This bill says if you've got a fibrocystic condition, the company can't refuse you coverage. Is that really what we want to do? I see this as -- as a mandate on insurance companies who basically are writing small employers, same people that -- you know, you're pleading the case all the time for small employers and the fact that you want them to buy insurance for people, but by mandating these coverage, we keep driving up their costs. And so I think this bill is badly confused. But, number one, it has nothing to do with cancer now. And number two, it requires that if you have a fibrocystic condition, which may -- which may obviously require some medical treatment in the future, the insurance company can't

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refuse to write you.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

I rise in support of this bill, and I think that's exactly the point. The point that Senator Berman made is that in ninety-five percent of these cases where there's a fibrocystic condition there's never going to be any cancer. And yet we have women unfairly denied coverage because of the fibrocystic condition. That's the whole point of the bill, and that's why we want to do this. That's why our chapters of the American Cancer Society are so much in favor of this bill. But I did want to ask you a question about the cancellation issue, because I think it is confusing. It's confusing to the proponents of this bill as well. I've had calls this morning from Cancer Association people in my local office, wanting to know why we're going to allow cancellations now for a fibrocystic condition. And my answer is that's not the point of the bill. We're not going to be allowing that. But for purposes of legislative intent, Senator Berman, would you clarify the existing law for someone who already has coverage and a fibrocystic condition may be later discovered.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Berman.

SENATOR BERMAN:

The bill addressed the -- the purpose of the bill was to make available, to women with a fibrocystic breast condition, health insurance. The word "cancelled" was in the original draft of the bill and really had no application to it. The questions of cancellation are no more unique to the question of fibrocystic breast condition to anything else. If you lie in your application, you can be denied coverage or benefits. But that's not the purpose of the bill, and that's why the word "cancelled"



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was taken out of the bill because it really had no application here.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Any further discussion? Senator Berman, to close.

SENATOR BERMAN:

Senator Hawkinson gave my closing. Thank you.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

The question is, shall Senate Bill 830 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? Take the record. On that question, there are 52 Ayes, 4 Nays, none voting Present. Senate Bill 830, having received the required constitutional majority, is hereby declared passed. Senate Bill 833. Senator Jacobs. Senate Bill 839. Senator Friedland. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 839.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Friedland.

SENATOR FRIEDLAND:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. Senate -- Senate Bill 839 is permissive and would affect Kane County only. The Kane County Board is in the process of considering implementing a gas tax on motor fuel sold within the county. The question arose, could diesel fuel be exempted? No one seemed to have an answer. We, since the introduction of this bill, have received an Attorneys General -- an Attorney General's opinion that says diesel fuel could be exempted. And it's a permissive bill, and it passed committee on the Agreed Bill List. And I urge your support for the final leg of my senatorial

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legislative package this Session. Thank you.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Discussion? Senator Holmberg.

SENATOR HOLMBERG:

Senator Friedland, this one's not quite as clean as the previous part of your package. This -- this bill is opposed by the Department of Revenue. And I note that it increases the motor fuel tax for individuals while exempting trucks from the tax. I'd like to know why car owners would have to subsidize the construction of roads in Kane County, say, for the benefit of truck companies.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Friedland. I think they found you out, Senator.

SENATOR FRIEDLAND:

Thank you very much for that query. The reason -- the main reason for this legislation is it's requested by the Village of Hampshire in three service stations in the rural unincorporated areas of Kane County, which are located adjacent to the Northwest Tollway and Route 20. If -- eighty to ninety percent of the diesel fuel sold in Kane County is sold at these three locations and it's sold mainly to trucks using the Tollway. They're on and off the Tollway. And the Village and other residents of the area are fearful that the stations would close. And it's not just only service stations involved. They have adjacent repair shops and restaurants and it involves scores of employees. And I'd urge you to take another look at it. It's just permissive, and it would give the Kane County Board another avenue, if it so chose, to adopt it. Thank you.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Holmberg, further questions?

SENATOR HOLMBERG:

Yes. I know typically when we increase a tax, we try to go to

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referendum, and I think the Department has tried in recent years with sales tax reform, to maintain some kind of uniformity, and I think they, as well as I, become concerned that if Kane County does this - exempts diesel fuel - DuPage, McHenry, you know, Winnebago may -- may soon follow. And I think it spoils the uniformity of the sales tax agreement. And I would recommend opposition.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I think there is some misunderstanding here. This bill does not impose a gasoline tax at all. It does not impose a tax. What it does is to permit the Board of Kane County to exempt diesel fuel, if they choose to exercise their option, which they now have, to impose a tax on motor fuel. The whole purpose of this bill is to try to keep a couple of businesses up at the northern end of Kane County in the rural section of the district, along the Northwest Tollroad from -- who are heavily dependent upon the revenues which they receive from interstate truckers, from being forced out of business. I would strongly urge your support for this bill which does not impose any kind of a tax.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, I too rise in support of this proposal. Before the last legislative remap, this area was in my district. The truckstops along the Northwest Tollway that Kane County is proposing to exempt - and that's what -- what they're suggesting - would clearly be wiped out if the County of Kane decided to exercise the power they already have, as Senator Etheredge spelled out, to increase gasoline and diesel taxes four cents a gallon.

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It may well be that the County of Kane and the County Board members may conclude that they need to do this. And we have already given them that power. But as Senator Friedland points out, there is a rather major investment in terms of jobs and capital in these facilities that serve the Tollway. And these truckers with the four-hundred-gallon saddle tanks on either side of their trucks -- they learn to be very competitive in their shopping. Many of them are, frankly, not making that much money, and they have to be. And that four cents a gallon will clearly wipe these facilities out. I think it's a very reasonable proposal, one that has no impact on State revenues at all, and one we ought to pass.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, Mr. President. I just wanted to echo Senator Schaffer and Senator Friedland's speeches. Actually, this has nothing to do with the State. It's a local option by the local county board. They can do with it as they please. And I certainly wouldn't want Senator Friedland to work any harder than he has. He's got two bills this time, and he usually doesn't have that many. And I think we ought to pass both of them.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Friedland, to close.

SENATOR FRIEDLAND:

Well, thank you, Mr. President. It's really four proposals I have, not two. No, this -- it's merely a permissive bill and it's -- even the Attorney General says they could do this. So I mean -- they're just asking for support for it. Thank you.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Question is, shall Senate Bill 839 pass. Those in favor, vote Aye. Opposed, vote Nay. Voting is open. Have all voted who

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wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 42 Ayes, 6 Nays, 6 voting Present. Senate Bill 839, having received the required constitutional majority, is declared passed. Senate Bill 851. Senator Hudson. Senate Bill 852. Senator Hudson. Senate Bill 855. Senator Maitland. 857. Senator Savickas. 863. Senator Savickas. 865. Senator Philip. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 865.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 865 amends the Ambulatory Surgical Treatment Center Act and Health Facility Planning Act. What it would do would set up six pilot programs throughout the State of Illinois in regards to surgical recovery centers; would set up a five-member board appointed by the Governor. It would allow people to stay for no more than three days. I would -- it would set up two in the City of Chicago and four downstate. We already have this going on in the states of Arizona and California. It has done two things. It has shortened the stay in -- in these centers, and it's lowered the cost in round figures about twenty-five percent. Be happy to answer any questions and ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Discussion? Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, I stand in support of Senator Philip and this proposal, for the simple reason that everywhere that this has been proposed in the

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United States, it has been successful. It has cut costs. It certainly has not competed or hurt hospitals. It is used for patients who are recuperating from minor surgery performed. Anybody who needs acute care surgery continues to go to the hospital. We have taken great care this time to make sure that it -- you have to have a certificate of need, as well as being Medicaid accessible. I think the bill has been well packaged, and again, I stress, it is a pilot project. So as a result, if it does not work, we can always go back and revise what we've done. But it's an interesting proposal. It's worked elsewhere. I think Illinois is smart enough to try and seek this out as a potential alternative in health care.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I, too, stand in strong support of this legislation. I stood -- or sat in on a hearing that was held in my community by one of my hospitals, and one of the things they said at that time that they feel needs to be done is to do exactly what we're doing here. The only difference is, they're not ready to go yet. There are some that are ready to go. And I don't think we should stand in their way because they're ready to go and the other are not. You know, in that same hearing there was a -- a consultant from New York. He indicated that by the year 2020 - and I think this is important to listen to - by the year 2020 our entire gross national product will go for health care. Our entire gross national product will go for health care. Now if we don't do something now, and if we don't allow these ambulatory centers to be utilized, I think we're making a mistake. Again, it's only two years. It's a pilot program. We're probably talking - what - a hundred and eighty probably to two hundred beds. I don't think

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that's going to put anyone out of business. I know that the Hospital Association is really working this one, but I think in all candor, beings this is what they're looking at for the future, instead of being a little bit selfish on this case, I think they should share the wealth a little bit, and allow them to -- they should be joining this legislation.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Well, when previous speaker mentioned share the wealth a little bit, I think we all have heard from our hospitals and there isn't much wealth in our hospitals that can be shared. The patients that are going to be taken care of by this legislation are private-pay patients who are seeking elective surgery and want a different kind of setting. These facilities are going to have to, by definition, be located near the hospitals. They're going to be skimming private-pay patients from our hospitals who are already in very, very serious financial trouble. There's also, with any surgery, potential hazards to a patient. But these facilities don't have to maintain the equipment or staffing or the peer review or quality assurance that hospitals do. I think -- I think the hospitals are in enough trouble already, and to add this country club type setting near hospitals is going to create a lot of problems. And we're not sharing the wealth, because all of us have heard from our hospitals that there isn't any wealth in the hospitals of our State - if anything, they need our help. That's going to be part of the budgetary deals that'll go on in the last week. This is a bad idea.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I am in the unenviable position of

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servicing on the board of an ambulatory care center and a hospital, both of whom are competitors. So I almost feel like a guy sliding down a ten-foot razor blade. But let me just tell you what - if this bill passes - what's going to happen. The Surgicare Center, whose board I sit on, who is, by the way, in favor of this, will have higher costs. They will have higher costs because they will have to put in equipment, recovery rooms, intensive care units, they currently don't have. So the very things that they're performing at much lower costs are going to increase in cost. The hospital, whose board I sit on, will lose a substantial amount of its surgical and obstetrical business, and its cost will go up. Now, I am for lower cost in health care, but I want to tell you -- one consequence that could occur here, is that cost increase at both places. And frankly, I do not believe that that is good public policy. I think the intent of this bill is good. I have always been in favor of having medical services done at the area in which the costs are the least. I think it would be a good idea to take this so-called suggestion and work on it and massage it a little bit, because there are hospitals right now who, in fact, are in favor of this, because they have surgicare centers. Let me tell you the third consequence of this bill, however, which I find somewhat disastrous, is that if this bill passes, what I think's going to happen is the surgicare center that I am on the board of will merge with the hospital, and then our consumers won't get such a very good break.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a bad, bad bill. This bill will make it more difficult for our community and rural hospitals to serve the poor, because it will take the private-pay patients away from them and



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force our hospitals to absorb even greater losses. Furthermore, the Federal Government has not given us any commitment that it will approve these so-called Medicaid motels for Medicare or Medicaid. This proposal will create a two-tier system of medical care in the State of Illinois. We cannot afford that now. There are too many poor people that need the help of the hospital and not that of the elite. It is wrong at this time, and I ask you, please, to consider that.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, briefly, there's nothing to stop the hospitals from having these recovery centers. I think it's worth a try and I -- I think it's only a two-year -- isn't that right? Two-year period. I think we should try it, and I speak in favor of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Mr. President and Members of the Senate. As I have met with many of the hospitals in my district and in other areas who are having serious difficulty keeping their doors open, one of the things that they said that the -- the greatest contributing factor was that they had a disproportionate number of poor patients - nonprivate-paying patients - attending their hospitals, because what they do - they spread their cost across the board as it relates to their overall operation. And the absence of those private-pay patients not only just for the income, but the cash flow problem also -- it would help the cash flow problems. And what this bill is doing, whether or not it is experimental or not, we already know the end result, so I don't understand why we need to experiment with it. All of us

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understand that this bill will have a profound impact on the hospitals in this State, and that it would further establish a two-tier and a segregated health care system in this -- in this State - one for the wealthy and another one for the poor, which would completely isolate the poor people from those people who have money. That's unfair. This is something that we ought not to do in this Chamber, so I would just ask that we defeat, as Senator Smith said, this very bad, bad, bad, bad, bad bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I just want to make a couple of quick points. First of all, I think whether you're for this bill or against it depends upon what part of the State you come from, and what the condition of your hospitals may be. In my part of the State, we have hospitals who are in -- in grave danger of failing, and the thing that they're concerned about is that freestanding ambulatory surgical centers may be built as a way of skimming off some of the business that they presently are getting and the income that they're relying upon. And that's the concern that they're raising to me. And that's the reason I think that this is a bad idea for my part of the State.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Rea.

SENATOR REA:

Thank you, Mr. President, Members of the Senate. Being from a underserved, underserviced area of health care, and seeing the number of hospitals they have closed over the last couple of years, I'm very concerned about the effect that this will have, and I certainly rise in opposition to this bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Hall.

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SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in opposition to this bill. It's -- it's very strange that the Hospital Association is opposed to it and yet the Illinois Medical Society is for this. Am I reading that right? Is that -- Senator Topinka, is this your bill? Beg your pardon?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

It's Senator Philip's bill, Senator Hall.

SENATOR HALL:

Oh, it's over there now, huh? Okay. But -- but what I'm saying is that, you know, it's a great difference between Medicaid and Medicare. So we have hospitals down our way that are eighty-some percent Medicaid, and this would really run them...(inaudible)... So therefore, I'm opposed to it.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Keats.

SENATOR KEATS:

I'm going to be brief. I feel like -- I feel like the guy who made harnesses for horses when they've just invented the car. You know, technology's moving on and I'm sorry if in the medical care delivery field they don't want technology to move on, but if they think we can continue to deliver health care in 1990s the way we delivered it in the 1940s, we're never going to get the kind of health care at the cost and the quality we want. It's progress. Progress may not be easy, but at some point we have to accept the fact that the world's moving on. I would move in favor.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

A question of one of the sponsors. My leader doesn't look like he wants to -- to answer a question. Maybe Senator Topinka would be kind enough to...

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PRESIDING OFFICER: (SENATOR J.J. JOYCE)

She indicates she will yield.

SENATOR BARKHAUSEN:

The question has to do with the jurisdiction of the Health Facilities Planning Board. I think it's a step in the right direction that -- that -- that these facilities would have to make application of the Health Facilities Planning Board. My question is -- is basically whether the -- in making this application or in evaluating the application -- the Board could take into account the impact of -- of these facilities on local hospitals, and could evaluate the local capacity of hospitals in determining whether there's a need for one of these facilities.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Topinka.

SENATOR TOPINKA:

It is part of -- of the -- of that organization's operations in general to take that into account so that any particular area is not overbedded or overutilized. So I think that would come with the territory.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator -- Senator Jacobs, for the second time.

SENATOR JACOBS:

Thank you, Mr. President. And I apologize for -- for standing and speaking a second time, but there was a comment made earlier about sharing the wealth and that was picked apart a little bit. By that I meant just a little separation and a little continuation, and I think Senator Keats hit it on the head whenever he said that technology is moving on. But this is not a bad idea. I am a downstate legislator also, and I have downstate hospitals, and they're still closing the hospitals with or without this. Number two, they are planning on doing this themselves,

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and they will be doing this in two or three years. So what's wrong with helping it out - moving the technology along a little bit - and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Mr. President, sorry to speak again, but I think it is fair to note that where these have been opened in other states, that very often the ownership is by hospitals. So indeed, if this were such a tremendous problem for hospitals, I doubt that they would want to get into the business. And second of all, you know, I think we -- we -- maybe the Hospital Association ought to maybe concern itself with some of its primary objectives here, which is to try and get the flow of their funding and their reimbursement in order and all these major issues that they have to deal with and not be in opposition on every single thing that comes up that advances the cost of health care in this State.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I, too, rise in strong opposition to Senate Bill 865 for many of the reasons stated - and stated very aptly - by Senator Schuneman. And I think it's fair to say, Senator Schuneman, that whatever part of the State you're from, this is not a good idea for the existing medical providers in our State, because it is truly setting up what has been -- come to be known as kind of a boutique. And I think that's why Senator Keats was so strong in his -- in his approval of this. What we're affording the opportunity to do here is to literally take the paying patients and move them to kind of a country club-like setting to the absolute derogation of the hospital. Now the fact of the matter

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is, these centers have to have, by this proposal, a contractual, and I guess close physical standing to an acute care hospital. But the fact of the matter is, I would be surprised if an acute care hospital would want to enter into that kind of an agreement, for many of the reasons stated. I just think that this would -- this would literally further advance the impending death of the Illinois hospital system as we know it, and I think it's a bad idea and I urge a No vote.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Philip, to close.

SENATOR PHILIP:

You know, I knew it was finally going to happen. Thank you for all your help and criticism. Let me just say that this is a two-year pilot program. We have to come back here two years from now and extend it, if it would work. Number two, there isn't -- there isn't in Arizona or California any hospital that has closed up or gone bankrupt. Quite frankly, it might have an opportunity of helping some downstate areas that don't have any hospitals - period. Also, there are some hospitals that are operating these today in the State of Illinois. Some of them are already doing it. It's all right if the hospitals do it. If somebody else does it, it is wrong. You know, we ought to get in the 21st century. I think it's a gigantic step in the right direction, and let's give it a test for two years.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

All right. The question is, shall Senate Bill 865 pass. Those in favor will vote Aye. Opposed, vote No. 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 18 Ayes, 37 Nays, 1 voting Present. Senate Bill 865, having not received the required constitutional majority, is hereby declared failed.

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END OF TAPE

TAPE 5

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senate Bill 868. Senator Fawell. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 868.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is a fairly simple bill, and it only concerns DuPage County. It would prohibit any new construction along rivers from the center line to two hundred yards on either side. And the rivers we're talking about are Salt Creek, DuPage River East Branch and DuPage River West Branch. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Is there any discussion? If not, the question is, shall Senate Bill 868 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? Take the record. On that question, there are 55 Ayes, 1 Nay, none voting Present. Senate Bill 868, having received the required constitutional majority, is declared passed. 8-8-6. Senator Smith. Senate Bill 8-8-6. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

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Senate Bill 886.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 886 amends the Public Aid Code in the Section referencing Project Chance. This is a vehicle bill designed to counteract the administration's proposed changes to the Project Chance Program. Although the administration bills were defeated in committee, I would like this bill to be alive so that we can combat any surprise bills from the administration which may appear either in the Senate or in the House.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Any discussion? Senator Topinka.

SENATOR TOPINKA:

Yes. If I may ask a question of the sponsor.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

She indicates she will yield.

SENATOR TOPINKA:

I appreciate that it's a vehicle bill. Could you possibly enlighten us as to where you would like this vehicle to go?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Smith.

SENATOR SMITH:

I'd like to be ready for Project Chance, because we need it for the people who are on public aid.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Topinka.

SENATOR TOPINKA:

Could you be a little more specific - what with Project



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Chance?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Smith.

SENATOR SMITH:

This is a program that has long been instituted by the Department of Public Aid in order to try to help people get jobs and train them for jobs, and we have been a little skeptical.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Topinka.

SENATOR TOPINKA:

I appreciate that, Senator Smith. I know it is a program. I know it is out there. I know what it does. Where would you like this vehicle to take Project Chance as we know it?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Smith.

SENATOR SMITH:

I'd like very much for it to go to the House. Send it to the House.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Any further discussion? Senator Schaffer. Senator Schaffer.

SENATOR SCHAFFER:

All good Senate bills should go to the House. This is a novel concept. You say this bill was put in, and you have it here, to combat any of the evil administration bills that were designed to cut Public Aid and -- Project Chance. I -- I am intrigued by this concept. Is this kind of like if a bad bill passes, then we'll put another -- we'll make this bill into a repealer of the bad bill we just passed? I'm just kind of -- this is a great concept. This is reminiscent of the old spy-versus-spy days. I'd kind of like to have you enumerate us a little more on this concept of counter-legislative warfare or whatever this is.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

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Senator Smith.

SENATOR SMITH:

Thank you. Senator Schaffer, I'm very devoted to the Project Chance, ever since its inception. And I just don't want to be a -- take a chance. I just want to be one step ahead.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

All right. Any further discussion? Senator Smith, to close. The question is, shall Senate Bill 8-8-6 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 29 Ayes, 23 Nays, and 4 voting Present. Senate Bill 886, having not received the required constitutional majority, is declared failed. The Senator asks for permission to postpone. Bill's on Postponed Consideration. Senate Bill 8-8-7. Senator Smith. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 887.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Smith.

SENATOR SMITH:

Thank you, Senator -- Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 887 amends the Township Law with respect to general assistant programs. Like the former bill, this bill is meant to counteract any surprise administration bills to restructure the General Assistance Program. And I'd move for its adoption.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Any discussion? If not, the question is, shall Senate Bill -- 887 pass. Senator Topinka. Put your light on.

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SENATOR TOPINKA:

I'm sorry. I'm sorry, but this has the tendency to look like a vehicle bill, too. Could you possibly enlighten me on where you would like this vehicle to go in the House - when it goes to the House - if it goes to the House?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Smith.

SENATOR SMITH:

I'd like for - as I stated before - I'm afraid about the General Assistance Program, which I'm very devoted to. And I would just like to be one step ahead. Please, give me your vote.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

The question is, shall Senate Bill 887 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? Take the record. On that question, there are 31 Ayes, 21 Nays, 4 voting Present. Senate Bill 887, having received the required constitutional majority, is declared passed. Senate Bill 888. Senator Smith. Read the -- read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 888.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 888 is a vehicle bill. It amends the Public Aid Code in the Section referencing the Medical Assistance Program. Again, this bill is meant to counteract any proposed restrictions and changes to the Medicaid Program.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

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Any discussion? Hearing none, the question is, shall Senate Bill 888 pass. I'm sorry, Senator Watson. I missed you.

SENATOR WATSON:

Yes. Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Indicates she'll yield.

SENATOR WATSON:

I really would like to know what your intent is here. You're talking about choice of medical dispensers for medical assistance recipients. Are you -- you're actually talking about providers, obviously. I'd like to know what your intent is here, Senator. Surely -- obviously you've got some rational reason of what you're wanting to do with these particular bills. And I -- I'd just like to have an idea what -- where you're headed.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Smith.

SENATOR SMITH:

Senator Watson, the Governor had made plans to make a lot of changes in the Medical Assistance Programs. And I merely wanted to be prepared for the Medicaid Program.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Watson.

SENATOR WATSON:

What changes?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Smith.

SENATOR SMITH:

He -- the Governor wanted to limit the people's choices as far as medical conditions are concerned.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Watson.

SENATOR SMITH:

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Sir. Senator Watson, it's a vehicle, and I really want it to move just to be prepared, because the Governor has already made comments as to the changing of his program -- his bill. We're just merely trying to be prepared.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

All right. Any further discussion? If not, the question is, shall Senate Bill 888 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? Take the record. On that question, there are 31 Ayes, 22 Nays, 4 voting Present. Senate Bill 888, having received the required constitutional majority, is declared passed. Senator Watson, for what purpose do you arise?

SENATOR WATSON:

Verification, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson has requested verification. Will all the Senators be in their seat. Secretary will read the affirmative votes.

ACTING SECRETARY: (MR. HARRY)

The following voted in the affirmative: Alexander, Berman, Brookins, Carroll, Collins, Cullerton, Daley, D'Arco, del Valle, Demuzio, Thomas Dunn, Hall, Holmberg, Jacobs, Jones, J.E. Joyce, J.J. Joyce, Kelly, Lechowicz, Leverenz, Luft, Marovitz, Newhouse, O'Daniel, Rea, Savickas, Severns, Smith, Vadalabene, Welch, and Mr. President.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Watson, do you...

SENATOR WATSON:

Jeremiah Joyce.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Jeremiah Joyce. Senator Jeremiah Joyce. Strike his

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name, Mr. Secretary. Senator Watson.

SENATOR WATSON:

Senator Lechowicz.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Lechowicz is in the back of -- front of the Chamber.

SENATOR WATSON:

Emil Jones.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Jones is in the Chamber.

SENATOR WATSON:

Thank you.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Roll call has been verified. 30 voting Present -- 30 voting Yea, 22 voting Nay. The bill, having received a constitutional majority, is hereby declared passed. Senator -- 894. Senator Schaffer. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 894.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, the bill does two things. One, it requires the Department of Corrections to establish a program for recycling and refuse sorting with the employment of minimum- or medium-security inmates. And, with Senator Holmberg's amendment on, we address a problem that affects Senator Holmberg, Senator Rigney and my area, involving trying to get the Department of Corrections into a program to establish and operate a basically steel file cabinet program that we hope they will pursue as we thought they were going to pursue.

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PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Is there any question? Hearing none, the question is, shall Senate Bill 894 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? Take the record. On that question, there are 57 Ayes, none voting Nay, none voting Present. Senate Bill 894, having received the required constitutional majority, is declared passed. Senate Bill 905. Senator Marovitz. 905. Senator Marovitz. 933. Senator Marovitz. 933. Senator Marovitz. Senate Bill 942. Senator Holmberg. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 942.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. This Senate bill amends the Illinois Insurance Code to provide that no group policy of accident or health insurance which provides coverage for the treatment of alcoholism or other drug abuse or dependency may be issued if it restricts the insured selection of a treatment provider. It further provides that any person or organization licensed by the Department of Alcoholism and Substance Abuse to provide alcoholism and other drug abuse and dependency outpatient or residential rehab shall be eligible for reimbursement. It basically would allow individuals and families to choose between hospital and non-hospital alcohol and other drug treatment programs, giving them an opportunity to reduce their out-of-pocket expenses as well as helping insurance companies save money. It does not require insurance companies to provide any additional

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coverage, nor does it force people to use non-hospital programs. It does not apply to self-insured companies, and it has been amended to exclude PPOs. This legislation merely gives people a choice. DASA does not oppose the bill. The Department of Public Health supports this bill. And as an example, the kinds of savings that would ensue would include these: for instance, for detoxification - in a hospital, it costs anywhere from four hundred and seventeen to six hundred dollars a day; in a DASA-licensed facility - which has stricter restrictions than the hospital - it would be a hundred and thirty-eight dollars per day. Inpatient or residential care, if it takes place in a hospital, is anywhere from three hundred and eighty-four to five hundred dollars a day; in a DASA-licensed facility, it would be a hundred and five dollars per day. And as an outpatient, it would run thirty-five dollars an hour. Certainly a cost savings to your constituents, to your insurance companies, and I recommend that you support this freedom of choice for consumers in the area of alcoholism and drug abuse treatment.

PRESIDENT ROCK:

Question is the passage of Senate Bill 942. Discussion?  
Senator Madigan.

SENATOR MADIGAN:

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

PRESIDENT ROCK:

Indicates she'll yield, Senator Madigan.

SENATOR MADIGAN:

Senator Holmberg, is this the same bill as 1204 that was held in committee?

PRESIDENT ROCK:

Senator Holmberg.

SENATOR HOLMBERG:

It has much of the same language. It was amended onto 942



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with the amendment that we all believe should have been on it in committee, excluding the PPOs.

PRESIDENT ROCK:

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. With that amendment, as I understand, or as I recall in committee, DASA was in favor of the bill, or 1204, that you presented in committee. With this bill, as amended onto 942, their position is now neutral. Can you tell me what you changed in your bill to cause the -- DASA to go from in favor of it to neutral?

PRESIDENT ROCK:

Senator Holmberg.

SENATOR HOLMBERG:

DASA initially supported the bill, even suggesting expansion of this to Department of Public Health-licensed facilities. I believe it was the Governor's Office, in response to some lobbying, that got DASA to change their mind and -- and become neutral on the project. They are not opposed. I think, you know, it's an IADDA bill. Many of your constituents lobbied you on it, and the present director was formerly the president of IADDA, and my guess is -- philosophically would be with it -- perhaps has to pay attention to his Governor.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Well I -- I have to rise in opposition to the bill. What the -- what we're doing here is again passing on another mandate and removing any choice that an employer may have in trying to seek help and assistance in the most reasonable way possible for an employee who may have a need of rehabilitation or recovery, in allowing that employee to have

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-- basically have free and unlimited choice as to where he or she should go, with no input or thought put forth either by an -- by the insurance company or by the employer. And I can see nothing where we'll have any savings here other than a further substantial increase in costs. And I am opposed to this measure as it stands.

PRESIDENT ROCK:

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much, Mr. President. I serve on a non-for-profit board that deals with alcoholism in DuPage County, and I also was a -- one of the main backers to get Interventions, which deals with alcohol and substance abuse in DuPage County, for our adolescents. This bill makes a great deal of sense. The problem that we've got nowadays when we start dealing with -- with alcoholic problems is that when they go into the hospitals, the hospitals, in effect, eat up all the insurance, because they have to charge a tremendous amount of money. Once they are detoxed, there is really no reason why a lot of them cannot go out as an outpatient or go to a DASA facility, except that as soon as they do that, all of the sudden the insurance companies quit paying. This is not a more-cost bill. It is exactly the opposite. It's a cost-effective bill. The hospitals could -- could discharge these patients as soon as they get them detoxed, and then we could work with them on an outpatient's basis in some of these facilities that we've got throughout the State that have been approved by DASA. I think this is a good bill. I -- I think it is misunderstood by the employers, if that's what they think it is. And I think that a Yes vote is -- is in order.

PRESIDENT ROCK:

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President. I'd just -- I'd like to ask

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the sponsor a question, and then I was trying to get it straightened out here with the staff. Senator, if -- if I have a large business concern in my district, and they have indicated a local agency nearby - Springfield, Jacksonville, or what have you - that can provide this service with respect to alcohol and/or substance abuse, then they don't have to go there if they don't want to if it's the nearest. The -- under your bill, it says that if that person wants to go to Chicago or Cairo or wherever there's another licensed facility, that that person has the option to go there. Is that what we're doing?

PRESIDENT ROCK:

Senator Holmberg.

SENATOR HOLMBERG:

Senator Demuzio, if there's a previous contract - they're contracted with one group - that contract still stands. We don't want to interfere with any of those agreements. This is where there isn't an agreement. Then there's free choice.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

I guess that's my point. My point is that if -- let's assume for a moment that it's not in the contract, and I have a large business concern, and I have a half a dozen employees that require treatment of one kind or another under your bill, and they have the option to go anywhere that they choose, I assume that's in the confines of the State of Illinois, and it is to be paid for by the employer - is that -- is that what we're doing?

PRESIDENT ROCK:

Senator Holmberg.

SENATOR HOLMBERG:

It's paid for by the insurance company. Right now - not in all cases - but many insurance companies will only reimburse you

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if you actually are hospitalized. What we are saying that that company's insurance, if it covers for alcoholism and substance abuse, should also pay the lesser costs if someone chooses to be an outpatient or chooses to go to the clinic down the street, as long as it's licensed by DASA, which has even stricter requirements than hospitals, but is much less money.

PRESIDENT ROCK:

Further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. And I don't remember how you voted on my bill, Senator Holmberg, but do you realize what you're going to be doing? You're going to be taking these alcoholics away from hospital treatments. They're going to put them out there in these little treatment centers. You're going to be creating boutiques for the rich and the famous. Now, I don't understand how you can do that. We can do it for the alcoholic, but if you have light surgery, we can't do it, right? I don't understand that. This a double standard?

PRESIDENT ROCK:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Listening to the arguments of the sponsor and -- and some of the other supporters, I think the insurance industry must have really misunderstood this bill, because if this is a way for them to save costs, they ought to be in here supporting the bill. Instead of that, they're telling me that this is going to raise costs. And of course, the way that it would raise costs is it would open up the whole plateau of -- of -- or the whole cafeteria of services, when probably what is needed is for these services to be in a hospital setting where they can be somewhat controlled. And I think that the sponsors have missed the point of the whole thing. The -- the one thing I

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want to point out is if this bill passes, it will not apply to the State of Illinois plan. It will not apply to General Motors. It will not apply to AT&T. It will not apply to Caterpillar Tractor Company. They're all self-insured. The only people who are going to have to pay for this are the small employers and the individual insurers around the State. These are the very people that on other bills the Legislature says you want to help. Now you have a case where you're going to add costs to those same people. So we -- we ought to be a little bit consistent.

PRESIDENT ROCK:

Further discussion? Senator Jones.

SENATOR JONES:

Yes. Thank you, Mr. President and Members of the Senate. I rise in support of this legislation. And I listened to the other speakers as relate to the mandate as such. It is not a mandate. What it says simply that if you offer this, then you must give the person who'll receive the benefits the choice. And I can't understand why those who are in the industry do not support this. Senator Fawell is absolutely correct. It would be much cheaper to go to one of the licensed facility, because many of the alcoholic and substance abuse persons in this State -- their problems are psychological as well. So they can receive the proper treatment. It is much cheaper. The insurance industry would save money along those lines. So for them to -- to be in opposition, I really don't understand why they're saying they are opposing something that's going to save them some money. This bill had a good hearing. The vote was -- I believe was tied in committee. And this is the reason why it's on Senate Bill -- 942. And it should receive your favorable consideration.

PRESIDENT ROCK:

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

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Thank you. Mr. President, I rise in strong support of this bill. We are -- we're not mandating employers to cover alcoholism and drug abuse instances of employees. That's already the law. That's already been mandated. What we're saying is that these providers have an option to provide services for these people at a cheaper cost than it would cost if they have to be in a hospital to get this kind of treatment for their problem. When we talk about double standards in this Chamber, I'm really amazed. We sat here an hour ago and voted for a bill that said that if you are convicted of a controlled substance violation, your driver's license is suspended for two days -- two days -- two years. And yet, we stand here and say to the public, we are concerned about your drug abuse disease. We are concerned about your alcohol-related problem. We want to help you. We want to cure you so you can become a strong, effective member and contribute to our society in any capacity that you're capable of. What are we -- hypocrites here? Is that what we are? Come off it. What are we going to do tonight? Go out and get bombed? Who's BSing who? What's wrong with you people?

PRESIDENT ROCK:

All right. Further discussion? Senator Holmberg, to close.

SENATOR HOLMBERG:

Thank you, Mr. President. Let me point out a couple of things in closing. One of the things that IADDA brought to our -- our attention, as I agreed to sponsor this bill, is that in many downstate communities, there is not a rural hospital available -- that sometimes the kind of treatment available is through a counselor or some other licensed facility from DASA. This broadens the number of people that can receive, not only treatment, but inexpensive treatment. I would like to second what Senator Fawell has said, as I have had many calls just like this in my office telling me that their son or daughter has used up

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their policy requirements through a hospitalization, and now they need outpatient help, and the insurance has run out. The amount of insurance has run out, and they're not able to solve their addiction problem. This would, in some cases, enable an ongoing, lengthier time at a smaller cost per week to the patient and the patient's family. The insurance industry is opposed, because initially, it takes a little bit to put the mandate in. Down the line, the cost will amount to thousands of dollars per patient. And let me reiterate to you what the Department of Public Health has said. This legislation will enable persons needing substance abuse treatment to utilize their group insurance policy to pay for DASA-licensed providers of their choice. It will also increase the number of treatment options available. Certainly as we debate the number of bills on DUI and drug problems, we must also do something to be sure those people are helped, are cured, and put back as productive citizens. This bill will help to do that. I urge your support.

PRESIDENT ROCK:

Question is, shall Senate Bill 942 pass. Those in favor, 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? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 31 Ayes, 24 Nays, 2 voting Present. Senate Bill 942, having received the required constitutional majority, is declared passed. 946. Senator Welch. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 946.

(Secretary starts to read title of bill)

PRESIDENT ROCK:

I'm sorry. Wait a minute. Hold it. Hold it. Senator Schuneman, for what purpose do you arise?

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SENATOR SCHUNEMAN:

I wanted to ask for a verification on that.

PRESIDENT ROCK:

That request is in order. All you have to do is, again, put your light on, please. Gentleman has requested a verification. Will the Members please be in their seats. Madam Secretary, read the affirmative roll.

SECRETARY HAWKER:

The following Members voted in the affirmative: Alexander, Berman, Brookins, Carroll, Collins, Cullerton, Daley, D'Arco, del Valle, Demuzio, Thomas Dunn, Fawell, Hall, Holmberg, Jacobs, Jones, J.E. Joyce, J.J. Joyce, Keats, Kelly, Lechowicz, Leverenz, Marovitz, Newhouse, O'Daniel, Rea, Severns, Smith, Vadalabene, Welch and Mr. President.

PRESIDENT ROCK:

Senator Schuneman, you question the presence of any Member?

SENATOR SCHUNEMAN:

Senator Demuzio.

PRESIDENT ROCK:

Seated at my right, as always.

SENATOR SCHUNEMAN:

Oh, I'm sorry. Jeremiah Joyce.

PRESIDENT ROCK:

Senator Joyce on the Floor? Senator Joyce on the Floor? No. The other one. Senator Joyce on the Floor? Strike his name.

SENATOR SCHUNEMAN:

Senator Lechowicz.

PRESIDENT ROCK:

In his seat.

SENATOR SCHUNEMAN:

Senator Kelly. Oh, he's there. Okay.

PRESIDENT ROCK:



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In his seat.

SENATOR SCHUNEMAN:

Senator Keats.

PRESIDENT ROCK:

Senator Keats on the Floor? Senator Keats on the Floor?  
Strike his name.

SENATOR SCHUNEMAN:

That's all, Mr. President.

PRESIDENT ROCK:

All right. The roll has been verified. There are 29 Ayes, 24 Nays, 2 voting Present. The sponsor requests that further consideration be postponed. All right. Ladies and Gentlemen, let me just admonish you -- it's the hour of four o'clock. Everybody is concerned about the schedule, both remaining today and tomorrow. What I'd like to do is, if possible, have everybody take a deep breath and -- and remember how they're going to vote on these bills without the necessity of showing everybody how lucid they are. We're going to try to move through the next three or four pages with some dispatch. There are seven bills that Members have indicated they wish to place on the Recall to have the opportunity to amend. And then we have the appropriation bills and the Agreed Bill List. We will move to that order at approximately six o'clock. So we've got two hours to stay on this Calendar. And I would just ask you please to vote early and often. 946. Madam Secretary, read the bill, please.

SECRETARY HAWKER:

Senate Bill 946.

(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 amends the Asbestos Abatement Act, making it clearer when or if asbestos should be removed from our schools. A recent article in -- here in Illinois indicated that recent research indicates that the health hazards posed by asbestos fibers are not of the same nature and magnitude as earlier suspected. The purpose of this bill is to stop removing asbestos when it's unnecessary to do so. And the way we are trying to do that in this bill is to set certain standards that asbestos is to be removed under, in particular, when the Federal Government says it has to be removed; if the local school board votes to remove it; if the material is incidental to normal operations, maintenance or repair; required by Asbestos Hazard Emergency Response Act; it's necessary in order to perform Health, Life and Safety alterations; and if there's demolition. Many schools have complained that they're spending so much of their budget and having to raise taxes to move -- remove asbestos from the schools. We would like to try to do something to slow down that rush when it may be unnecessary. I'd be glad to try to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Raica.

SENATOR RAICA:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Raica.

SENATOR RAICA:

Senator Welch, I don't know if you can even answer this, but remember back in the paper they had all these schools and all the money that was needed to remove the asbestos from the schools. I guess my question -- the impact of your proposal on what the Chicago public school wants to remove from their schools. Will that make it lesser or greater or will that have no impact

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whatsoever on -- on -- on currently what needs to be removed from the schools now? If you can...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

There is a general feeling that I've noticed that if you have asbestos in your school, you feel that you should remove it. Under this bill, it says that not -- that is not necessarily the case. The worst kind of asbestos is friable asbestos - stuff that's free-floating. If you put your hand in it, it turns to dust, and it gets into the air. That's the worst part - friable asbestos. This bill may or may not affect that list, because it depends upon the reasons they were removing that asbestos. If it was being removed because it was falling out of the ceiling, then they would probably have to go ahead. If they were doing it as part of an overall plan, and they didn't really have a particular reason - they just thought they had to do it - yes. They wouldn't have to do it under this bill. This is a bill that has been introduced in Michigan. It's being debated this year in Michigan. I know it passed their Senate 37 to nothing. But the answer to your question is in some instances, it could result in asbestos not being removed, because it may not be necessary to remove it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Raica.

SENATOR RAICA:

Just one last question, Senator. Would there be like a regulatory agency that would -- that would -- would come out and say, yes, this is the asbestos that would have to be -- in other words, is there like a final word in determining or will -- will there be some schools that slip by and -- and some -- I'm just worried if I vote for this that something that's -- that's needed to be removed won't be removed because of this legislation. Are

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you saying that there's going to be some type -- at least safeguard that's put in place to allow that not to happen?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

The Public Health Department can come in if there's any problem, and determine whether it should be removed or not. Or the school board, on their own volition, can vote to remove it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. As I look at this bill, Senator Welch, I think that it's an idea that we should have had maybe even a few years ago. I can remember some very dramatic testimony in Education Committee of the Rockford School District architect who was absolutely appalled at the request of the Federal Government for all asbestos to be removed from school buildings. He said unless the asbestos is loose already, and the fibers are present in the air, what you are doing is increasing the risk to all the children that occupy that building, not only for that present time but in future years. You're better off to leave it if it's stable and not touch it. The health of the children of Illinois is very much dependent on -- that we treat this properly and not induce problems that were not there in the first place.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Welch may close.

SENATOR WELCH:

Thank you, Mr. President. I'd just like to say that if asbestos were as an important a carcinogen as -- as everybody seems to think it is, there would be a correspondingly high incidence of this disease among people working directly with asbestos. And it just doesn't hold to be true. I think that this

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is something that we need to move on to the House. I think it will save our schools a lot of money. And this may be something that keeps our taxes low for a change.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 946 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Marcia. Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 946, having received the required constitutional majority, is declared passed. Page 11. 948. Senator Welch. At the top of the page, Senate Bills 3rd Reading, is Senate Bill 948, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 948.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill creates the Environmental Labeling and Advertising Act, requiring any business promoting a product on a grocery shelf, basically, as environmentally superior, to maintain records documenting that claim. There was some controversy in committee as to whether there should be a Federal standard. While all of us would like to see it, we often find the Federal Government not in a rush to do so. So to meet those objections, an amendment was put on this bill yesterday changing the effective date to January 1 of 1993, and becoming effective only if there are no national standards to determine if advertising of products is correct. What we're talking about with this bill is when you go down the aisle of the grocery store, and you see some garbage bags that say "These will degrade," "These

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are good for the environment," These have a green stamp of approval," that's fine. All we're saying is you need to prove the case. The amendment also changes the recyclable definition to make it clearer, to insure that the product is realistically, not theoretically, recyclable. It also requires documentation of the amount of recycled material contained in the product that they say is recycled. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Donahue.

SENATOR DONAHUE:

Well, thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to this bill. And I realize that Senator Welch has addressed one of the committee's concerns in regard to -- this should be a Federal issue and not state-by-state. But if I -- if I remember correctly, this morning Senator Welch talked against an amendment on the Recall List because it's already in existing Statutes. And there is Statutes that address this very situation. And it deals with labeling - statement of any-sort regarding the merchandise -- that it -- it affects this, and it's a Class A misdemeanor. And I -- the other objection that I would raise with this legislation is that it -- it affects manufacturers or -- wait -- consumer goods which is manufactured or distributes is considered under this law. And that would, if you're in the distribution system, retailers, the grocery stores, people of this nature are going to have to address the stipulations that he has in this bill. And they have to keep reasons -- they have to meet all these types of obligations. And I think it's a bad situation - bad bill. It's already addressed under existing law, and I would hope we can vote No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

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Thank -- thank you, Mr. President, Members of the Senate. I -- I hope the Body was listening to what Senator Donahue said. Senator Welch, I think this bill goes much farther than you really want it to go. This would be an absolutely unbelievable burden upon the retailer or the people who are in the distribution system in -- in this State, as we read the bill. And I -- I -- I don't know whether this was -- I don't think this was addressed in any of your amendments, but they would have to keep records literally, I think, on every single product that they sell. And -- and if you read through this language, it makes it a burden that I don't think retailers in this State want to become involved with. So I think, Senator Welch, this goes much too far. And I think we ought to take another look at this and -- and vote No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. First of all, it's going -- going to create extra cost to that person producing the product. They'll probably have to throw all their labels out, buy new labels - larger labels. Now who's going to end up paying for that? I will tell you - the consumer. Secondly, 99.9 percent of the people don't even read the labels. And -- and quite frankly, it's a great inconvenience. It wasn't good in committee. It's not good on the Floor, and we ought to kill the thing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. This seems like an effort that ought to be done on a national level instead of at a -- at a Statewide level because of the problems it's going to give to the manufacturers. But I'm -- I'm just curious, Senator. I'd like to

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ask Senator Welch a question if he would yield, please. Would -- have you worked with the Illinois Retail Merchants Association, and if, in fact, you have, are they in support or opposed to this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

In the committee, Senator, they raised the same concern you did - that there should be a federal standard. We put in the amendment that was added to the bill the -- the statement that it doesn't -- the bill doesn't go into effect until January 1 of '93. If there's a federal standard, it doesn't go into effect at all. So -- so we took what IRMA said they objected to and put it into an amendment as best as we could.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Watson.

SENATOR WATSON:

Do they have a position on the bill then?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

They may have a position because of the issue that Senator Maitland raised. Let me -- let me point out that we didn't intend to go beyond the, basically, manufacturing. Many manufacturers manufacture it then distribute it. That's why we use that terminology. It's not meant to include the owner of the grocery store. It's meant to include the companies that make Oxydol and Tide and Glad Bags and Glad Wrap - who put on their products, "This is good for the environment." Well, all we're saying -- that if you are going to put that on there - and there aren't a lot of products that do that - but if you do, prove it. You know, show that it's true. It's basically a truth-in-advertising piece



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of legislation more than anything else.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 948 pass. Those -- all right. Sorry. Senator Butler.

SENATOR BUTLER:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Butler.

SENATOR BUTLER:

I have a question. Throughout the bill it references Statewide. Does this pertain only to products manufactured in Illinois? What about products that are manufactured in other states and brought in here? How are they going to conform to this law?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Well, we have standards on a lot of products that companies have to meet. It applies to everybody - if you manufacture in Illinois or if you bring it in Illinois. We're trying to protect Illinois consumers by saying, "If you sell in Illinois, meet our laws." The same thing we say with all of our other laws.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Butler.

SENATOR BUTLER:

What you're saying then, Senator, is that products brought in here from outside the State must conform to Illinois law in toto?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Absolutely. We don't legislate just for Illinoisans.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Butler.

SENATOR BUTLER:

Senator, can you possibly imagine the chaos we would create - that they'd have to have a package for Illinois or change their packaging to conform to Illinois?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Senator, all they have to do is tell the truth on their label. Don't put the label on if it's not true. That's all we're saying. I don't think it's a burden at all to tell the truth. I don't see that as a burden on anyone.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Butler.

SENATOR BUTLER:

Senator, with all due respect, I can tell you, as a former manufacturer, this would be a mess.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch, do you wish to close? Senator Welch.

SENATOR WELCH:

Well, you know, sometimes getting manufacturers to comply with the law may create what you call a mess. For whom? What about for the people who are going down the aisle with a grocery cart and can't decide what product to buy but want to do something that's not going to harm the environment? What choice do they have? Oh, this is going to create -- this is going to be trouble for the manufacturer to tell the truth. The Lord knows, they're trying to outsell the product next to it on the shelf. So they make even bigger claims about it being friendly to the environment, because that's what's selling products. You know, McDonald's just changed from their usual paper bag to a biodegradable bag. You think they did that for environmental

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purposes? They did it because all of these kids were suddenly interested in the environment. They were afraid they were going to lose them to Burger King or some other store. It's the competition that we're looking at, and all we're saying is, "Compete by telling the truth on each product, and let the consumer decide." This is a pro-consumer bill. It's a truth-in-advertising bill. It's not asking too much. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 948 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 25, the Nays are 32, none voting Present. Senate Bill 948, having failed to receive the required constitutional majority vote, is declared lost. 976. Senator del Valle. On the Order of Senate Bills 3rd Reading is Senate Bill 976, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 976.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. Senate Bill 976 amends the Illinois Wage Assignment Act. It changes some of the language used on forms to make that language clearer to the wage earner, and it complies with federal law. Currently -- federal law allows for wage assignments to be revoked. What we do is make it clear that the wage earner has that right, by changing the language. Now, this change in the language will take effect in July of 1992,

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which would allow sufficient time for individuals to change their forms.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 976 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 37, the Nays are 9, 1 voting Present. Senate Bill 976, having received the required constitutional majority vote, is declared passed. 998. Senator Daley. On the Order of Senate Bills 3rd Reading is Senate Bill 9-9-8, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 9-9-8.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Daley.

SENATOR DALEY:

Thank you, Mr. President, Members of the Senate. Senate Bill 998 would affect the City of Chicago only. And what it does is -- gives individuals within that city two courses of action in order to vote a tavern dry. To file the petition with the clerk -- city clerk, submit it to the voters to prohibit the sale of alcohol at a specific address or to file with the liquor commissioner to have the license of an establishment at a specific address suspended for one year. I know on -- at 2nd Reading, Senator Hawkinson came up with some concerns regarding the three separate arrests. There -- an amendment will be filed in the House correcting that, Senator - the concern that you had regarding that. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Discussion? If not, the question is shall Senate Bill 9-9-8 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 9-9-8, having received the required constitutional majority, is declared passed. Senate Bill 1002, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1002.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. As amended, Senate Bill 1002 would now provide a uniform and simple system to make the State truly like everybody else in this State, and that is to provide for the prompt payment of its bills. It would say that at the end of a sixty-day cycle, defining what are goods and services and defining when the starting point begins, that the -- a vendor who, in effect, is loaning money to the State, would then be eligible to receive the Statutory interest, and that would be automatic. It would be done by separate voucher. And I would be willing to answer any questions, ask for a favorable roll call. I think everyone is well aware of the problem, and I am glad that we have a very large and bipartisan support to the solution.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Fawell.

SENATOR FAWELL:

Will the sponsor yield for a question? Are we saying, in

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effect, that we're going to pay twenty-four percent interest on -- on any bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Senator Fawell, that is the current law. The current law has -- has been two percent a month as under the Prompt Payment Act. The problems with the Prompt Payment Act -- first of all, the reason we weren't as aware of the issue is because until now, the State wasn't quite as late in paying its bills that -- as it has been this year. So you didn't see a hue and cry. You did see hundreds, maybe thousands, of people applying, but not like you're going to see now. But the problem was that under the Prompt Payment Act as it existed, agencies tried to put as many roadblocks in front of people as possible. Even though the law said it was to be two percent a month, you had to wait until you got paid - which could be six, eight months after the fact - for example, pharmacies, nursing homes and hospitals now have not been paid since December. They're not eligible to even ask for interest until they get their voucher. Then they have to do it in writing. Each agency had its own way that you had to do it, and it just wasn't fair.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

What happens if, for instance, my -- my telephone voucher -- telephone bill voucher -- you know, I send it in, and the Comptroller doesn't pay it right away, but they don't ask for an additional charge? Are we going to turn around and give them two percent just because we've got so much money?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Carroll, for a brief reply.

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SENATOR CARROLL:

The phone company does charge.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

All right. Some -- you know -- some voucher that I put in where they don't charge. Are we just going to go ahead and give them that two percent? My stationery store doesn't charge until ninety days.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Not under twenty-five dollars. They'd have to ask for it if it's under twenty-five dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Watson. Senator Watson.

SENATOR WATSON:

Well, thank you, Mr. President. State ought to pay. State ought to pay twenty-four percent. Maybe we'd become a priority -- we being the Medicaid providers of this State -- we'd become a priority in paying bills. This would get the State off their duff and maybe paying the bills as they're responsible to do. And I -- I support this -- this effort, and would urge the rest of the Members to do it also.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I -- I concur with my colleague here, but now is not the time to get any such payments out. So I don't think we have the means as it is. We're one billion two hundred million in the hole, and I don't think this is the time for this bill, and I speak against it.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Carroll, you wish -- the -- Senator Carroll.

SENATOR CARROLL:

Roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is -- question is, shall Senate Bill 1002 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 50, the Nays are 4, none voting Present. Senate Bill 1002, having received the required constitutional majority, is declared passed. 1003, Mr. Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1003.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Several things brought this really to my attention, and I think the attention of several other Members. You know, we're supposed to be a government that -- that's open, that advises -- the people that advises the Members of the General Assembly and Executive Branch working in cooperation with the General Assembly. We've seen, however -- and I'm not casting any guilt upon the current or even the past administration. We just had a very bad procedure in place when it dealt with the business incentives that DCCA was supposedly granting to various companies. We, the Members of the General Assembly, to use the colloquialism, "catch the heat."



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People say to us constantly, "Why did you do this dumb thing and give this multimillion-dollar grant to some company that didn't mean it -- didn't need it?" And we knew nothing about it. Or, "Why did you give a loan to XYZ location that was supposed to create a hundred and eighty-seven jobs, did not create a single job, but got a two-percent loan or a three-percent loan?" And we knew nothing about it. The only choices we've ever had is to say, after the fact, that we will no longer fund the second year of the appropriation of the deal that was made, or -- or not fund the bond payments. Well, that's something we're always afraid to do, 'cause it might jeopardize our credit rating or our bond rating. Yet we were never informed - never enlightened of what the proposal was, and never given an opportunity to react. In addition, the Auditor General found, with quite explicit detail, that the Department wasn't monitoring any of the programs they were offering. The Department never looked to see. If a person came in and said to them, "Give me a no-interest loan - a low-interest loan - and I will create jobs," and they throw the money at them, and never found out did they even create a single job. Other states do not do it that way. Other nations do not do it that way. In fact, outside of the U.S., there are very severe penalties if you lied to government when you went in for some incentive. Here we are suggesting enlighten, advise the General Assembly before a deal is made, so that if we, the General Assembly, feel this is not an appropriate use of funds, we're not being accused of coming in after and destroying something that's already been built by not funding it. We're actually helping both business and government by saying, "If it's worthy of being approved, we will all sign on." I would ask for an adoption -- passage of Senate Bill 1003.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator DeAngelis.

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SENATOR DeANGELIS:

Thank you, Mr. President. You know, this bill would probably not be so shocking if it were submitted by anyone else. But there's no one who has more talent in the art of negotiations than the person who's sponsoring this bill. And frankly, I'm really surprised that he wants us to authorize an agency of government - which is entrusted with the responsibility of securing business - to flag in advance what they're going to do, so the whole world can know it, so we could lose the opportunity to bring that person here. Relocation, location, expansion are all negotiated items, Senator Carroll. And no one is a better negotiator than -- are. How would you, as the Chairman of Appropriations, have to walk into the committee and tell everybody else in the General Assembly, ahead of time, what you think -- what you want to do in terms of a cut on an agency or an increase, and then wait to get the approval from everybody before you could, in fact, do anything as chairman. Now you made reference to the Auditor General report. I have been a chair of that commission. And of the twelve years I've been on the commission and the ten years I've been chairman, only one report - only one report - was not accepted, and that's the report that you made reference to. The fact of the matter is that what they were cited for is following what they were Statutorily advised to do. And the fact was that they did not feel that the direction they went was as -- as targeted as -- as it should be. But they did what, in fact, the General Assembly wanted to do. And I'm going to tell you right now, I would love to be someone in competition with Illinois and have this Illinois law on the books, because essentially, you are taking away their most potential device. Now in terms of some of the other things you're talking about, they're already required to do. You want to make this prospective? I'll -- I'll go on and co-sponsor with you. But to have to have an agency go into

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negotiations in which they are competing with somebody else and having to publicly flag what they're going to do in advance not only is going to cost you more money, but could, in reality, lose the client as well.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Weaver.

SENATOR WEAVER:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Weaver.

SENATOR WEAVER:

Senator Carroll, is there not an advisory commission to the Director of DCCA who passes on all these requests and recommends to the agency whether or not to issue or -- or make loans?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

To the best of my knowledge, not in the large incentive category. There may be other advisory committees that he has; they are surely not Members of the General Assembly. Let me take a moment, Senator Weaver, if I might, even to refresh Senator DeAngelis as well. This says after the deal has been negotiated. We're not saying before. Go negotiate your deal, Senator DeAngelis. Go negotiate your deal. Bring us the final product. We're not saying negotiate with us. Negotiate the deal. Bring us the final product. I don't know that any of them have advisory committees, but I don't think, Senator Weaver, you are a Member, or Senator Philip or Senator Rock. We suggested, for example, to the Department yesterday - they came to see me and said they wanted to discuss it, then changed their mind for some reason - that there be some type of advisory to the four leaders if they want to keep it confidential. That's acceptable to me. And if

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the leadership sees no problem -- or then if they do, the leadership can advise the Membership. But to the best of my knowledge, there is no - in the large-loan category particularly - there is no advisory panel, and I am sure that there is no legislative input into any of that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

Well I -- I have dealt with the agency on small loans, expansion of plant, et cetera, and I've always been told that the advisory committee is going to meet and approve or disapprove or recommend this, that or -- or the next. And you say, well, where do we stand on the priority list of the advisory committee? So I know there is input from others other than just the Director of the agency in providing or granting these loans or recommending these loans.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Question of the sponsor. Senator, is the fifty-thousand-dollar threshold still in the bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Yes.

SENATOR SCHUNEMAN:

Well, then to the bill, Mr. President: I think we all want to be in the business of economic development, but to bring before this General Assembly, and thereby make public, every transaction in excess of fifty thousand dollars just doesn't make any sense at all to me. That's a very low threshold. I wouldn't be opposed, Senator Carroll, to something similar to what you suggested

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before, that on loans or involvement of the DCCA in very, very large projects that probably there ought to be some reporting to the General Assembly. But this isn't realistic. This would have -- this would have a multitude of DCCA transactions subject to the kind of political maneuvering that we see go on here all the time, and I really don't think we ought to do that, regardless of which party is controlling DCCA.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. Question of the -- of the sponsor, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Woodyard.

SENATOR WOODYARD:

Yes. Senator Carroll, do you have defined in -- in the legislation what incentives you're talking about? Are you talking about every program that are incentives, that could total fifty thousand dollars or more?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

It says yes - whenever the Department offers incentives that total fifty thousand or more. One of the audit findings included the fact that many of these were never written agreements. There was never anything in writing. And -- and, you know, you got to have something on paper. When you're spending fifty thousand of taxpayer dollars, there should be some kind of file, something in writing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Woodyard.

SENATOR WOODYARD:

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Well, it's my opinion that in the applications the agreements are -- or the amount of money is there. And -- and you're talking about CDAPs, HITS, ITPs, JTPAs - all of those various types of programs that I guess fall into the definition of incentive and -- okay. A report to the General Assembly, in other words, a -- an incentive program or package put together when we're not in Session - what -- what -- what do they do? Do they file a separate report to individual Members when we're not in Session, or what are you doing with that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

The law is the law, Senator Woodyard. You file it with the legislative leadership or the Secretary of the Senate. That's all that's required, whether we're in Session or we're not in Session.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Woodyard.

SENATOR WOODYARD:

Okay, and last question: How many of these incentive packages during the last year would this bill have applied to, had it been in effect at that time?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

The problem is that so many of them were not in writing that we have no idea.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. This morning I attended a breakfast at DCCA for new Legislators, and I was quite impressed with the menu of programs which they are offering, particularly to small

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businesses in all parts of the State. Now, if this is a case where the sins of the father are being visited on the son, I think we ought to back off from that a little bit, and give the new DCCA a chance to show what it can do under different conditions. I was impressed, and I think this would have a depressing effect if they had to go through all this paperwork every time they made a small move.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator DeAngelis, for a second time.

SENATOR DeANGELIS:

Yeah. Thank you, Mr. President. And -- and I really apologize, but there is a correction that has to be made. I will read you your bill, Senator Carroll. It says, "Whenever the Department offers incentives in an aggregate total of fifty thousand dollars or more ... the Department shall advise the General Assembly before consummation of any agreement with the firm." It is not prospective. Negotiations are not done till consummation is done.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Senator DeAngelis, you of all people know the difference between negotiations and discussions, and there's other words for it, and consummation. And what this says is before consummation, which means after the State has gone in and completed all of the prior discussions - the dance, the whole thing - and before consummation, they have to advise the General Assembly.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

I think you're using consummation in a marital sense. No.

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Wait. Wait.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

These negotiations are not really done -- pardon? There not done. If -- let me just give you an example, 'cause this has happened in my area. Suppose that there's somebody who wants to move into your area, and DCCA makes an offer, and it becomes public to me, and I want it in my area. Then I turn around and get some local ads, something else to it. You lose the client, even though it's the same amount for DCCA from both places, even though they may have agreed to go on your place. The fact is, consummation means consummation. And -- and -- and you have not completed the negotiations.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Carroll may close.

SENATOR CARROLL:

Thank you, Senator -- I mean, I'm really surprised. I really am surprised. Why are we afraid of sunset and sunrise and light being here? Why are we afraid of letting people know before someone else? Some bureaucrat commits us to millions and, yes, hundreds of millions of dollars, over which they then say, we have no say in this matter - we, the General Assembly. Pay the bill and shut up. That's an illogical position. It's an illogical position when, in fact, they have no written documents, no penalties if these people come in and steal your money and lie to us, with nothing we can do about it. Nothing now requires them, as this bill will now do, and say if they've lied to us, a penalty. If they did not create a job, grab the money back. Charge them a fine. Why should we be afraid of knowing, after they have made a deal - after they have negotiated, but before the signature goes on the line, that we are committing the next ten or



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twenty years to paying for some deal? We get the blame for it after the fact. This Governor, in fact, has said, no deals. There will be no incentives. All the more reason to say, let us know before it is consummated. Let us have that advisory. And you want to give it to the leadership? That's fine. But the General Assembly has to be informed. There should be no more backroom secret deals, especially those that have never had any criteria in them. This is open and honest government, and everybody should be voting for it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1003 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 30, the Nays are 25, none voting Present. Senate Bill 1003, having received the required constitutional majority, is declared passed. Senator DeAngelis, for what purpose do you arise? Senator DeAngelis, for what purpose do you arise? Senator DeAngelis has requested a verification of those that voted in the affirmative. Mr. Secretary, would you please read the names of those Members that voted in the affirmative, please.

ACTING SECRETARY: (MR. HARRY)

The following voted in the affirmative: Alexander, Berman, Brookins, Collins, Cullerton, Daley, D'Arco, del Valle, Demuzio, Thomas Dunn, Hall, Hawkinson, Holmberg, Jacobs, Jones, J.E. Joyce, J.J. Joyce, Kelly, Lechowicz, Leverenz, Luft, Marovitz, Newhouse, Rea, Savickas, Severns, Smith, Vadalabene, Welch and Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis, do you question the -- any Member who voted in the affirmative? I'm sorry. I beg your pardon. Senator Kelly, for what purpose do you arise?

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SENATOR KELLY:

Excuse me, Senator DeAngelis, but I want to point out something - that there was not only Senator Carroll's key, but Senator Marovitz's key and my key. All three of us were turned. And I don't know who did this, but please refrain from it in the future, because one key might be an accident. Three isn't.

PRESIDING OFFICER: (SENATOR DEMUZIO)

As a matter of fact, Senator Carroll is not even voting on this proposition. Senator DeAngelis.

SENATOR DeANGELIS:

Well, I -- I think that the hand of God would not let him push his own button. The bill was that bad. Yeah. Senator Alexander.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is Senator Alexander on the Floor? Senator Alexander on the Floor? Strike her name. On the verified roll call, there are 29 Ayes, 25 Nays. Postponed Consideration has been requested. Postponed Consideration. 1-0-1-5 is on the Recall List. Senator Brookins. 1-0-1-7. Senator Brookins. 1017. On the Order of Senate Bills 3rd Reading is Senate Bill 1017, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1017.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. This -- this bill would require the Department of Public Health to conduct an analysis of all the Federal Government methods and establish a tolerance for harmful and -- and food substances. This is an amendment that was prepared by the Department of Public Health. They approve of it, and I ask for a Do Pass.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there a discussion? If not, the question is shall Senate Bill -- Senator Davidson.

SENATOR DAVIDSON:

Well, in spite of the amendment that went on, my understanding is the Department of Public Health is still opposed to this, 'cause if they do a literature search, it's going to cost time and money, and what are you going to fund it with - for the employees to do the literature search?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brookins.

SENATOR BROOKINS:

Could I ask for Senator Schuneman, I think it is. Will he answer? I've had the Director down, we satisfied everything, and I think he can speak to that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, Senator, I think you got a different bill in mind. We talked about the bill on aging.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Davidson.

SENATOR DAVIDSON:

Well, my understanding is not only you haven't answered my question about the funding, but also I understand the Farm Bureau has opposition to this bill. Can you explain their opposition?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brookins.

SENATOR BROOKINS:

You say the Farm Bureau? I don't have -- they have not contacted me. I'm talking concerning the Department of Public Health, who helped prepare the amendment. It is their amendment.

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They have removed all opposition to it, and they're in favor of it. They did not know what it is. So I ask for a favorable vote. I don't know anything about the farm people.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Well, then let me speak in opposition to the bill. If this is going to be done - what you're asking - the most logical way to do it is on the federal level, where it will apply all across fifty states. As it is now, you're setting up a problem just as it was on a earlier bill that was discussed. The Illinois Retail Merchants Association, I know, are opposed to this bill, 'cause it's going to create a burden upon that retail merchant who has no control of where the product is manufactured or processed. I urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR BROOKINS:

Thank you, Mr. President, and to the Senate: Senator Jacobs say that he has the largest farm area in this State. If he -- if they were in opposition to it, they would have contacted him or someone. They would have contacted my office. They would have contacted our staff member. So we don't know anything about what the farm people are talking about. But I am saying to you that the Department of Public Health said to me that they can conduct this study with existing staff. It would not upset them too much, and they need to know what these tests are that the Federal Government are imposing on them. When they testified in committee, they did not know -- they did not know what these exams consisted of. And that is the substance of this bill and the amendment which we put on it. I ask for a...

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1017 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 26, the Nays are 26, none voting Present. Senate Bill 1017, having failed to receive the required constitutional majority, is declared lost. 1025. Senator Jones. On the Order of Senate Bills 3rd Reading is Senate Bill 1025, Mr. Secretary. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1025.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President, Members of the Senate. Senate Bill 1025, as amended, amends the Insurance Code to enable counties and -- and municipalities to recover delinquent real estate taxes for demolition expenses from proceeds of insurance. The bill was worked out in agreement with the insurance industry as it relate to the -- the claims made from -- from riots, war, incidents that cause loss as a result of a certificate being filed. So it satisfied their objection, but another intent of the bill is to allow local units of government to recoup taxes from insurance proceeds when those taxes have not been paid. And I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Would the sponsor yield for one question?

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

Is Amendment 2 still in the bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yes, it is.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Then I have no objections to the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. As introduced, the bill went too far, I think. And a lot of us felt that way. The sponsor has amended the bill to -- so that it only includes fire and explosion now. And I think the bill is in proper order, and I would urge support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is --

END OF TAPE

TAPE 6

PRESIDING OFFICER: (SENATOR DEMUZIO)

-- Senate Bill 1025 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

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record. On that question, the Ayes are 48, the Nays are 2, none voting Present. Senate Bill 1025, having received the required constitutional majority, is declared passed. Senate Bill 1038. On the Order of Senate Bills 3rd Reading is Senate Bill 1038, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1038.

(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. Senate Bill 1038 -- the impact of OBRA on nursing home quality care and licensure have not yet been properly addressed. This bill is intended to make the substantive changes in conjunction with any funding changes that may occur in the Public Aid budget. And I intend that this bill move as a vehicle to allow us to make these changes as necessary. I move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? If not, the question is, shall Senate Bill 1038 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 30, the Nays are 19, 5 voting Present. Senate Bill 1038, having received the required constitutional majority, is declared passed. Senate Bill 1046. Senator Carroll. Senator Davidson, for what purpose do you arise?

SENATOR DAVIDSON:

Verification of the Aye votes, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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All right. Senator Davidson has requested a verification of the Members who voted in the affirmative. Mr. Secretary, read the names of the Members who voted in the affirmative, please.

ACTING SECRETARY: (MR. HARRY)

The following voted in the affirmative: Alexander, Berman, Brookins, Carroll, Collins, Cullerton, Daley, D'Arco, del Valle, Demuzio, Thomas Dunn, Hall, Holmberg, Jacobs, Jones, J.E. Joyce, J.J. Joyce, Kelly, Lechowicz, Leverenz, Marovitz, Newhouse, O'Daniel, Rea, Savickas, Severns, Smith, Vadalabene, Welch and Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Davidson, do you question the presence of any Member?

SENATOR DAVIDSON:

Senator Alexander.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Alexander here? Senator Alexander on the Floor? Strike her name.

SENATOR DAVIDSON:

That's enough.

PRESIDING OFFICER: (SENATOR DEMUZIO)

On that question -- all right. On Postponed Consideration. Postponed Consideration is afforded Senator Smith. All right. 1046. Senator Carroll. On the Order of Senate Bills 3rd Reading, Senate Bill 1046, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1046.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:



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Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill, as now amended, at least has taken care of some of the opposition to the legislation in the fact that certain vendors to the State - those with supplemental life insurance - thought we were singling them out only. We have amended it now to say that any of these services have to be paid for, except for those types of insurances that are offered by the State and for charitable union dues, credit unions, things like that. For those there would be no fees. Basically, what it's saying is, unlike private industry, who's been charging the companies for some of these services one way or another, the Comptroller has been providing these services free of charge to companies who come in and say to the State, "I would like to offer State employees car insurance." Or, "I would like to offer State employees homeowners insurance." And, fine, we send it out to the State employees. The State has to then bear the burden, the expense, of the payroll deduction, of processing the paper, and of sending out the checks - something private industry would never do. It means to Illinois about eight hundred thousand dollars of monies --- costs of providing to private industry free services for really no State purpose. All this says is for those types of services, the Comptroller may charge no greater than twelve dollars a month per person, paid for not by the employee, but by the company coming into the State and asking for this service from the State. And I would suggest that it's particularly in these type times we should not be giving away service to these companies. If they want to come in and solicit our employees, that's fine. That's wonderful. If it's a good deal, that's great. But they should be compensating the State for the cost to the State of processing that paper, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Schuneman.

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SENATOR SCHUNEMAN:

Thank you, Mr. President. A couple questions of the sponsor. Senator, I notice that you have set up under this charge procedure, for various insurance products, a fee, but you exclude certain organizations, for example: professional organizations, union and trade associations, credit unions. Are banks excluded?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

No. What I said, Senator Schuneman, was - to that show we weren't zeroing in on any -- prior to allowing private enterprises to come in, we had previously allowed for the payment of insurance that was offered by the State for State employees - as opposed to a private company coming in and saying household or whatever - union dues, credit union payments. Those are the things that are -- charitable contributions, I'm sorry. Those are the things exempt. Anything else would be subject to -- the person who comes to the State and says, "I want to offer this to the State employees," would have to be willing to pay the service fee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

What are -- what are State-sponsored insurance products, and who are those companies that write those products?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

I don't recall the companies. That's where you get, Senator Schuneman, where they say to you, "Do you want the optional health coverage? Do you want family coverage on the health insurance plan? Do you want the extra life insurance on the State plan?" Those are the kinds that would be exempt from the payment.

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PRESIDENT ROCK:

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, I think it goes beyond that, Senator. I think there are certain insurance companies that are selected for IRA programs and for other coverages that are for-profit insurance companies. I guess the problem here is that -- that I think people see this as a way of collecting a charge from an insurance company, whereas, in fact, what's going to happen is that the costs are going to go up to the employees. And the other question that I had for you is -- this is apparently a movement by the Comptroller. What's -- what's going to -- where's this money going to go that would be collected for these charges?

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

To General Revenue, where it belongs.

PRESIDENT ROCK:

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Mr. President and Members of the Senate, I rise in opposition to this bill. What it's doing - those fifty-two thousand State employees who have supplemental insurance or annuity program, trying to be responsible and leave an estate to their families and survivors, are going to be penalized. Sure, you're going to charge the insurance company, but that's going to be passed right back on to the employee. It's a dollar a month. That's twelve dollars a year times the fifty-two thousand State employees is six hundred and forty thousand dollars a year that the Comptroller is going to put in the General Revenue Fund, according to Senator -- excuse me - Senator Carroll. Doesn't say in the bill it's going to go into General Revenue Fund. But what it really is, you're

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penalizing a responsible person who is a State employee who's trying to add to or take care of his spouse or surviving heirs in a responsible way. And I would urge all of you to vote against this. This is penalizing people who are trying to be a responsible citizen, and I think it should be defeated.

PRESIDENT ROCK:

Further discussion? Senator Savickas.

SENATOR SAVICKAS:

Yes. Question of the sponsor.

PRESIDENT ROCK:

Sponsor indicates he'll yield, Senator Savickas.

SENATOR SAVICKAS:

Are unions considered private enterprises, and why are they excluded from using this service for their payroll deductions?

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

No, the unions would still be allowed to use the service for the deductions. They were in existence before the State opened it up to private enterprises coming in offering car insurance, household insurance or direct deposit of checks, so that the union dues and the credit union payments, which predated all of these opening ups, would still -- the employee would still be allowed to ask that the union dues be taken out and there would be no charge for doing that.

PRESIDENT ROCK:

Senator Savickas.

SENATOR SAVICKAS:

Well, is the only requisite then that this was predated before what? Before your bill, or predated to what? What do you mean "predated"?

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Senator Carroll.

SENATOR CARROLL:

What had happened was -- maybe there's a better way to say it. At one point in time, the State said we would let profit-making organizations come in and solicit State employees for deductions. Profit-making organizations, as opposed to -- unions are a not-for-profit organization. The charitable organizations are not for profit. The credit unions are not-for-profit. So they said, "We will allow profit-making organizations" - on some basis that nobody knows, "to come in and send out mailings to State employees for a payroll deduction system." The point is only that if somebody is using the State to make a profit, it should not be a welfare system for them. If a company is coming in to offer goods and services at a profit-making prospective basis, then they should be reimbursing the State the cost of the State processing the payments that they receive. In private industry, it would work that way. If somebody came to a private person and said, "I want to solicit your employees. I want you to withhold money from their check if they ask you to." The employer would say, "All right. Here's my cost of withholding and transmitting. Are you willing to pay it, or I'm not going to offer it to my employees." And -- that just makes sense. Why should we be paying certain -- why should we be carrying the expense of certain profit-making organizations as opposed to others?

PRESIDENT ROCK:

Senator Savickas.

SENATOR SAVICKAS:

Do you know how much it costs - obviously, you've got some cost for each deduction - what it costs for the union deductions on the payroll? Well, I would think that that's probably a major cost that can be reimbursed. I don't know why any of it then should be excluded. If the State is doing these things at the

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State's cost for unions or for -- for anybody - credit unions or labor unions - that they should be reimbursed. And I would think the best -- best world for all of us is to exclude -- or include everybody into this bill. Then I think it would be a good bill.

PRESIDENT ROCK:

Further discussion? Senator Madigan.

SENATOR MADIGAN:

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

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Madigan.

SENATOR MADIGAN:

We mentioned credit unions and you said, Senator, that banks were included in the fee, or were they exempt from the fee? And my question is, how does that work with an employee's direct deposit? Now that...

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

Direct deposits are not affected at all, because the State is not processing a check.

PRESIDENT ROCK:

Senator Madigan.

SENATOR MADIGAN:

Just a further point on this. I think what we're doing here, not only with -- when we're charging the employees for the life insurance, but another matter is when an employee is seeking a private -- or a private pension nest egg through annuities, that we're charging -- the employee twelve dollars a year to do that. And I don't know that we want to be doing that when we're not doing it for the deferred compensation of anything like that. And I rise in opposition to this matter.

PRESIDENT ROCK:

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Further discussion? Further discussion? Senator Carroll, to close.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Let me just say, Senator Madigan, we are not charging the employees. We're charging the company. Right now, the company is charging these people themselves. The company is charging for processing. The company is trying to charge the employee, but they're asking the taxpayers of Illinois to foot part of the bill that private industry would never do. All this is saying is, where private people are coming to the State and want to hustle our employees, pay your fair share. If that should include unions, Senator Savickas, then I think we should amend it in the House to include them. I have no problem with that at all. I think it's only fair that if somebody is using our equipment, our processing equipment, our computer equipment, to make a profit, we ought to be charging them simply our costs. It will produce six or eight hundred thousand dollars of General Revenue that should not be coming out of the taxpayers. It should be coming out of those who profit from the system. I would ask for an Aye vote.

PRESIDENT ROCK:

Question is, shall Senate Bill 1046 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 19 Ayes and 34 Nays, none voting Present. Senate Bill 1046, having failed to receive the required constitutional majority, is declared lost. 1051. Senator Cullerton. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1051.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill reflects an agreement reached between the representatives of utility companies - Peoples Gas, specifically - and the -- the Realtors, as well as a lawyer for the Legal Assistance Foundation. Deals with the problem of landlord-provoked utility discontinuances, and it addresses the problem in the following fashion: It would establish that the termination of utility service is unlawful, whether by nonpayment by the landlord of the utility bill or by the landlord tampering with the equipment or the lines. It gives the tenants ten days, rather than just five days, to try to go to court and get a receiver. It gives the utility company the option of seeking a receiver of rents for payment, an option that they do not have right now. And if the prevention efforts fail, provides for certain penalties in favor of the tenants. One of the things it also does is to say that when this notice is put up on the building indicating that the utility bill has not been paid and it's going to be shut off, for the landlord to tear that notice down, it would be unlawful, and it would be a Class C misdemeanor. So I know of no opposition on it. We've worked out agreements on the bill, and I'd be happy to answer any questions. I would appreciate an Aye vote.

PRESIDENT ROCK:

Discussion on 1051? Senator Keats.

SENATOR KEATS:

Just briefly. The original bills were, frankly, kind of heavyhanded, but as amended, this is a pretty reasonable bill, and I would solicit support for it.

PRESIDENT ROCK:



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Question is, shall Senate Bill 1051 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 54 Ayes, no Nays, none voting Present. Senate Bill 1051, having received the required constitutional majority, is declared passed. 1053, I understand, is to be placed on the Recall. 1058. Senator Cullerton. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1058.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill is brought as a result of legislation that was, I think, inadvertently passed last year, and it deals with the problem of the rehabilitation facilities that are freestanding facilities. And what it says is that if a health insurance plan provides for rehabilitation and mental health benefits, the plan cannot deny payment for services if their services are provided in a freestanding facility. It does not mandate that they provide the service; but, if they do provide the service, the freestanding facilities cannot be excluded from the policy. There are about five major, freestanding rehabilitation facilities; the Rehabilitation Institute in Chicago, the Marianjoy Rehabilitation Center in Wheaton, Schwab Rehabilitation Center in Chicago, the Institute for Physical Medicine and Rehabilitation in Peoria. So that's what the purpose of the bill is, and I'd be happy to answer any questions.

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Discussion? Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. More of a statement than a question. I think that we debated this bill long and hard in committee over whether or not this bill is -- constitutes being a mandate or not upon the small employers. And I would ask Senator Cullerton, I guess, on Page 2, line 4, of the bill, if he disagrees that this is not a mandate or -- on that. What does the word "shall" mean? And I am -- because of that, I rise in opposition to this bill.

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Well, I'll make it as clear as I can. What the bill does is to say that if - it's conditional - if a policy offers rehabilitative services, therefore or then, you cannot -- you cannot exclude freestanding facilities as opposed to a hospital that has a surgical suite. And apparently this bill was originally passed in the early seventies because there were some insurance policies that were saying you had to have a surgical suite. It was -- it got to be so absurd that even a rehabilitation institute considered actually building a surgical suite so that they would be eligible for insurance policies, and that's the only intent here. It does not mandate that they provide the coverage, but if they provide the coverage, they can't discriminate between freestanding facilities and a hospital. I talked to the people at Blue Cross-Blue Shield. I asked them - and they're the ones that are offering this -- you know, this policy that's aimed at small businesses - they said, "We don't expect to discriminate against these freestanding facilities. If you pass the bill, fine. It doesn't make any difference to us." So that's why -- that's where the confusion is. You can't stand

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up and say it's a mandate, because it's not a mandate. It says if you provide the policy, then you can't distinguish between these types of facilities. And that's the purpose of the bill.

PRESIDENT ROCK:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Last year - just last year - the Legislature passed the so-called "Bare-bones Insurance Plan" that was designed to encourage those employers who have no insurance now to buy insurance on their employees. There have been two companies that have moved into that field in Illinois - Blue Cross and Travelers - and have begun to write some of those policies. I understand that Travelers premium is discounted forty percent below the policy that covers all the mandates. Now, you know, you can talk about there not being a mandate, but when the Legislature tells the insurance companies what has to be in the policy and what can't be in the policy, you know, to me that's a mandate. But there's no point in our arguing that point. I think the point to make here is that if we really want this bare-bones insurance plan to succeed, we shouldn't be doing things like this, because there are other companies out there trying to decide right now whether or not they're going to get into this business. And if they see that the Legislature is going to begin chipping away at that original coverage, then they're simply going to pull out and not go into the business. Let's give this a few years to see if it's even going to work. We don't know yet. And this bill passed out of here last year with some bipartisan support, and let's give this plan a little while to work and see if it is really going to do what we had hoped that it would accomplish.

PRESIDENT ROCK:

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

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Mr. President and Members, as one who generally viscerally votes against legislation that expands mandates, and as one who ended up sponsoring or co-sponsoring the so-called "no-frills" health insurance policy legislation of the last Session, I rise to support Senator Cullerton's bill. It's very minimal in impact. In fact, I really -- you know, it's arguable that this legislation is unnecessary if, in fact, Blue Cross and the others who are -- who are already in this business are not going to discriminate. But I -- but I do think that we ought to provide a safeguard to make sure that these rehab facilities that so happen not to have surgical facilities can, in fact, care for our patients. I think you could probably make a good argument, Senator Cullerton, that a rehab facility without a surgical suite would not have the same sort of an overhead that a full-scale hospital would, and therefore might not -- might not have to charge as much. So I think for the sake of the rehab facilities and the other outstanding rehab service centers that we have in this State, I think we ought to pass this legislation.

PRESIDENT ROCK:

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. My concern is based on the comments made by the sponsor. He feels that this is not going to do anything, because right now this is not a mandate. In addition to that, the people who are providing this said there's no problem in sending somebody there already. So my problem is this: We passed a bill last year, the Small Group Health Insurance Law, and now we are potentially opening the door to make changes and starting with one that isn't going to do anything. And I think that's just a bad thing to do and a bad precedent to start with.

PRESIDENT ROCK:

Further discussion? Senator Fawell.

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SENATOR FAWELL:

Thank you, Mr. President. I was just reading the bill, and it says, "To further promote the availability of affordable, quality health care, the General Assembly wishes to ensure that small businesses and their employees have equal access to all health care options. Section 367c and 367d do not mandate that employers provide rehabilitation or psychiatric coverage. Rather, they specify that if an employer chooses to provide these benefits, the insurer cannot arbitrarily limit the types of providers from which these services may be obtained." Senator Cullerton, by saying that -- what your legislative intent is, if indeed these services are chosen by the small employer, that he will be able to avail himself the services of something like Marianjoy in Wheaton, which is a rehabilitation hospital, similar to the Institution of Rehabilitation in Chicago, but is not -- does not have a surgical unit, to my knowledge.

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Yes. That is -- that is right - that if they -- if they decide to provide benefits, which they don't have to - we're not mandating they provide those benefits - but if they do, then they cannot say, "Well, if you go to Central DuPage for rehabilitative service, we'll pay you; but if you go to Marianjoy, we won't pay you." That's what the bill is about.

PRESIDENT ROCK:

Senator Fawell.

SENATOR FAWELL:

Well, if they chose rather to -- to take it to Central DuPage Hospital, that's not prohibitive either, right? I mean, if they chose one over the other? Well then, to the bill: It seems to me -- I happen to know in -- in my neck of the woods, Central DuPage

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Hospital and a number of our hospitals in DuPage County have a very close relationship with Marianjoy. A lot of them will send them to Marianjoy, because they have the facilities that are available in that particular institution which are not available in the rest of the hospitals. The work is done as well as - if not better than - in any other hospital. If that's what we're talking about, if there is indeed no mandate - that they still have their choice - I would say it's a good bill and I plan on voting for it.

PRESIDENT ROCK:

Any further discussion? Is there further discussion? If not, the question is, shall Senate Bill 1058 pass. Those in favor, vote Aye. Opposed, vote Nay. And the voting is open. Hello. 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, there are 35 Ayes, 22 Nays, none voting Present. Senate Bill 1058, having received the required constitutional majority, is declared passed. Top of Page 12. 1067. Senator Rea. 1077. Senator Jones. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1077.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Yes. Thank you, Mr. President. Senate Bill 1077, as amended, extends the termination date of the pilot project for the Nursing Home Care Act and the pilot program is a leisure <sic> survey. It extends it to 12/31/93 and extends the reporting date to the Governor and General Assembly to June 30th, 1992. And I ask for a

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favorable vote.

PRESIDENT ROCK:

Discussion? Any discussion? Senator Topinka.

SENATOR TOPINKA:

Yes. This is a very appealing vehicle bill. Maybe I'll have better success with you. Where would you like this vehicle bill to go, assuming that you are heading for the House with it?

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

This is the actual bill. It's not a vehicle bill, because a vehicle bill has very large wheels, and this has no wheels.

PRESIDENT ROCK:

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. I rise in strong support of this bill. It's not a vehicle. It does deem status, and it's a -- it's a good program and I support it. I would vote Aye.

PRESIDENT ROCK:

Question is, shall Senate Bill 1077 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no nays, none voting Present. Senate Bill 1077, having received the required constitutional majority, is declared passed. 1089. Senator Jacobs. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1089.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Jacobs.

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SENATOR JACOBS:

Thank you, Mr. President. We'll make this one quick. And I think we know that it was taken off the Agreed Bill List. We'll let Mr. Maitland -- Senator Maitland take his hit on it, and then maybe we can just vote it out or vote it down. Provides that educational support personnel, at any time after a ninety-day probationary period, shall be provided with a written notice showing just cause for dismissal. It simply does that. It allows for just cause for a -- a dismissed employee of the educational support personnel.

PRESIDENT ROCK:

Discussion on 1089? Senator Karpziel.

SENATOR KARPIEL:

Thank you. May I ask the sponsor a question, please?

PRESIDENT ROCK:

Indicates he will yield, Senator Karpziel.

SENATOR KARPIEL:

I don't seem to find the amendment here. You amended this bill in committee to ninety days. Is that correct?

PRESIDENT ROCK:

Senator Jacobs. Senator Jacobs.

SENATOR JACOBS:

Correct.

PRESIDENT ROCK:

Senator Karpziel.

SENATOR KARPIEL:

That's the probationary period, and -- but then after that period they have to be given written notice?

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

Yes, written notice showing just cause for dismissal.



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PRESIDENT ROCK:

Senator Karpziel.

SENATOR KARPIEL:

To the bill, Mr. President: This bill, when it first came into committee, was very -- very nearly - in fact I think it was - a tenure bill for custodial and support personnel in schools. The amendment makes it a little less onerous, but only a very little bit less onerous, and that's the direction I think that they're going with this bill. Yesterday -- I mean, whenever we argue the whole -- the whole thing about Chicago school reform, one of the problems that we are always trying to address is the whole problem of the operating engineers, the food service personnel, and all the other noneducational personnel in the school. In the rest of the State, as we talked about yesterday, the principal has control, and we're trying to keep costs down for our school districts. We're trying -- we passed a bill out of here that will cap their -- their ability to raise their levies. And with something like this, what we are going toward is to put all other personnel - support personnel - in a -- in a collective bargaining thing where they will not only -- not only collectively bargain, but they will have tenure. I think it's a bad idea. I think it's a bad way to go, and I'd urge a No vote on this.

PRESIDENT ROCK:

Further discussion? Further discussion? Senator Jacobs, to close.

SENATOR JACOBS:

No tenure. We passed this out twice before. Ask for an Aye vote.

PRESIDENT ROCK:

Question is, shall Senate Bill 1089 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Have

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all voted who wish? Take the record. On that question, there are 33 Ayes, 22 Nays, none voting Present. Senate Bill 1089, having received the required constitutional majority, is declared passed. 1092. Senator D'Arco. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

...(machine cutoff)...Bill 1092.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator D'Arco.

SENATOR D'ARCO:

Thank you -- thank you, Mr. President. Senate Bill 1092 creates the Health Care Surrogate Act. The purpose of this Act is to provide a mechanism for people who are in a nondecisional capacity to provide a mechanism for their health care needs in order to allow them and their family members to get through this very -- this dying process that people go through. This, I believe, is a model bill for the rest of the country to follow. I want to -- reiterate that it is endorsed by the Catholic Conference of Illinois. Cardinal Bernardin does endorse this concept. There is some question about a certain group; a lobbying group feels that somehow this -- this concept is alienated from people's rights in the sense of whether or not they live or die. That is totally abhorrent to the issue in question. This bill does not -- does not endorse the concept of euthanasia. It does not endorse the concept of assisted suicide or anything like that. I want to make that clear. All we're doing in this bill is giving the surrogate - the parent, the guardian, the child, the close friend, the relative - health care need options for the patient in this very, very critical period for all of the family who are involved. This is an excellent bill. The various parties involved worked long and hard to come up with appropriate

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language, and I want to say that we met with Senator Hawkinson this morning. He addressed certain concerns in the bill, and we agreed, in principle, to many of those concerns, and those concerns will be addressed in the House when the bill passes. I ask for your favorable support.

PRESIDENT ROCK:

Gentleman has moved the passage of Senate Bill 1092. Discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. Something doesn't strike me right about withholding food and water from anyone, be they terminal or not. It seems to me that it would be a very painful way to die. And I'd like to ask Senator D'Arco a couple of questions for clarification.

PRESIDENT ROCK:

The sponsor indicates he will yield, Senator Kelly.

SENATOR KELLY:

Okay. Senator D'Arco, what is the average time it takes for a person to expire if food and water is withheld from them?

PRESIDENT ROCK:

Senator D'Arco.

SENATOR D'ARCO:

I honestly can't answer that. I don't know.

PRESIDENT ROCK:

Senator Kelly.

SENATOR KELLY:

Well, I would say that obviously it would be in -- different instances for different people, but there would be, as I see it, a very painful destruction of that body and of that person if you hold back on it. What I'd like to know is your legislative intent. Will this bill have any impact - or is it intended to have any impact - upon persons who have a mental illness or a

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handicap, or is this bill -- your legislative intent to only apply to those individuals who will be, in short order, dying of natural causes?

PRESIDENT ROCK:

Senator D'Arco.

SENATOR D'ARCO:

I'm not sure -- I'm not sure how to answer that. You know, if you're -- if you're saying -- I assume, yes.

PRESIDENT ROCK:

Senator Kelly.

SENATOR KELLY:

Well, I hope your answer is that -- and maybe I should have you state it. You're not intending to harm anyone who is mentally ill or physically disabled who are -- who is incurable or has an irreversible condition. That's a concern I have. I want to allow you to go forward with legislation if, in fact, you're trying to address someone who is in a deathbed condition. But if it's someone who's been sustained and who is mentally incapacitated or physically incapacitated, or, let's say, any other person who has a -- whether it be, you know, a thyroid condition or diabetes. You know, these are conditions that are not reversible either. Maybe even arthritis, in some cases. These are not all the time reversible. You are -- are you just applying this to a person who's on his deathbed and is in his, usually, twilight years?

PRESIDENT ROCK:

Senator D'Arco.

SENATOR D'ARCO:

Thank you. Senator Kelly, number one, the people that this applies to are in a coma, they're in a persistent vegetative state, they are unable to make a decision concerning their health care needs. In essence, they are not feeling pain, as such, as we experience pain. The -- the second issue you addressed about

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someone who is mentally retarded or physically disabled -- this bill absolutely does not apply to those people in that situation. It only applies to a situation where you have an irreversible condition and continuing life support will only provide the minimum medical benefit. It is absolutely, clearly my intention for this bill - and it states it specifically in the bill - not to apply in situations for any of the categories you specify.

PRESIDENT ROCK:

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President, Ladies and Gentlemen of the Senate. I think we've even seen in the Bible in Ecclesiastes where it is said that "To all things there are a season." And I think we have to address this issue in much the same way; that there is a time to live and there is a time to die. In some cases, we are allowing people to persist in either a vegetative, irreversible-type state or in imminent threat of death - and we define "imminent" in the bill. So, I mean, it is -- it is something that is occurring very quickly, to address Senator Kelly's concern. It is a bill that has taken a great deal of time on the part of a lot of people, some great minds - not including some of the legislators who were involved - but people who were involved in terms of the law, and in terms of religion, and in terms of philosophy, and in terms of medicine, and those who understand that this problem is not only pervasive throughout the United States and in Illinois, but is more and more becoming a problem for individual families who can no longer cope and really have no place to go with this but the courts, where their ability to deal with this situation, which is already upsetting and tumultuous, is made even worse. I think everybody has made probably the best faith attempt that anyone can make to address this issue in the most sensitive of ways. It's something I think

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we -- we will see more and more of as we go forward into the 20th century and medical technology outdistances our ability to be able to cope with what is changing and how we are able to keep physical bodies going through the motions of life when indeed life has passed. I have to commend Senator D'Arco and all those who worked on this, and would reiterate that all parties who are involved in both the law and in health care here in Illinois have pretty well signed off on this bill. I would encourage your positive vote.

PRESIDENT ROCK:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, this bill provides that a guardian may act as a surrogate under this Act without a court order. I can see ambitious, selfish children who want to get rid of their mothers or fathers who are very ill, in order to acquire the estate. And without -- with a provision like that - where you don't have to get a court order - I think it's dangerous. I still cannot feel comfortable denying food and water to someone in a terminal illness. I don't feel we should play God, and I do commend the sponsor of the bill for working so hard on it with his associates. But I still do not feel we're ready for a bill like this, and I speak against it.

PRESIDENT ROCK:

Further discussion? Senator Dudycz.

SENATOR DUDY CZ:

Well, thank you, Mr. President. Looking at the bill, one must commend Senators D'Arco and Topinka for their efforts in dealing and trying to address this very, very difficult issue. But there are certain questions that, at least in my mind, have not been answered. First of all, the Catholic Conference of Illinois did endorse the concept, but the Archdiocese of New York, the Office of the Vicar General, has opposed it. So there is no -- let there

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be no misunderstanding of this. There is not a unanimous support of it within the Catholic circles -- among the authorities within the Catholic Church. Senator D'Arco or Senator Topinka, let me ask one of you, if either of you can answer -- on Page 5 when -- where it mentions "permanent unconsciousness," does it mention -- I don't see any mention anywhere in "brain death." Does permanent unconsciousness include a cessation of brain activity, or can there still be brain activity, according to the brain waves, with this definition?

PRESIDENT ROCK:

Senator D'Arco.

SENATOR D'ARCO:

No, "permanent unconsciousness" means you're in a coma; you're still alive - technically you're alive. If you are brain dead, the definition of "death" includes the definition of "brain dead," which means that the stem of your brain is dead. There is no activity in the stem of your brain. That is a definition that the Illinois Courts have accepted as a legal definition of "death."

PRESIDENT ROCK:

Good. Senator Dudycz.

SENATOR DUDYCZ:

So, at least in my mind, it's conceivable that a patient can be -- in a coma -- can be unconscious as we know it and still comprehend the fact that others around him are going to be deciding whether he will continue to exist or they will be removing life-supporting methods, thereby having some sort of comprehension that he is going to be losing consciousness, or losing his life at the hands of others. So I guess I -- it's a rhetorical question, Mr. President. I must stand in opposition.

PRESIDENT ROCK:

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

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Mr. President, I'm sorry to somewhat prolong debate on this matter, but I think it is one of -- I think -- sure you and others would agree, one of the more weighty matters that we've considered this Session, as we did last Session, of course. I'd like to address my few remarks mostly to Members on my side of the aisle who are often concerned about two things; one is too much business for lawyers. One of the things that this measure is primarily designed to do is to obviate the need to go to court where family members are in basic agreement as to the decisions -- health care decisions that ought to be made for their loved ones who have lost the capacity to make those decisions for themselves. These decisions are being made by family members and by doctors, but under court decisions as they stand right now, within the last couple of years it's basically illegal to be making these decisions without going to court. And we're not trying to take business away from lawyers, but we are trying to save families the -- the legal expense on top of the obvious agony that they're facing under these very difficult circumstances. Secondly, I think this is maybe in bad taste to bring up in the context of this debate, but I think it ought to be at least a subsidiary consideration, and that is, we ought to ask ourselves the amount of money that we're spending on health care for those who quite clearly, could they make the decision for themselves, wouldn't want it. We are now up to twelve percent of GNP on health care, and we see statistics quite often on how much of that is spent in the waning moments of a person's life. And when we're talking about people who don't want the health care, wouldn't want it if they could make the decisions for themselves, I think we ought to spare them and their families the agony that they're otherwise experiencing, and rather than aggravate it, let's make it a little easier on our constituents. A year ago, when we considered this measure, I think it's fair to say that it was primarily of



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interest to health care providers - the doctors and the hospitals who were well represented in our councils here. But I think in the last years, largely as a result of court decisions at both the national and the State level, the well-publicized Nancy Cruzan case, and at the State level, the almost equally well-publicized - at least in the Chicago press - Longway case of a year and a half ago, and then the Sidney Greenspan case of last summer, have really brought this matter to the attention of our constituents. I think the most popular thing that I've done in my years down here was to put an item in my legislative newsletter at the end of this year - which some of you might want to think about - offering free living wills and health care powers of attorney to any constituent interested in them. And I've had over three hundred responses to that request and a number of favorable comments about my own involvement with this issue. So I think the time has come for this matter. I think we can do a favor to our sister states by setting a trend in this area, and I urge your support.

PRESIDENT ROCK:

Further discussion? Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDENT ROCK:

Sponsor indicates he'll yield, Senator Schuneman.

SENATOR SCHUNEMAN:

On the issue of the surrogate: a guardian, a spouse, an adult son or daughter, a parent, an adult brother or sister, adult grandchild -- these are all definable people. Is there some -- is there some order of priority in which these people would be designated, Senator?

PRESIDENT ROCK:

Senator D'Arco.

SENATOR D'ARCO:

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Yes, the priority is listed in the bill from one through seven. The patient's guardian would be first. And I want to point out to Senator Geo-Karis - that's a guardian who was appointed by the court to have health care powers concerning the patient. So it's not -- in fact, that was one of the recommendations that was made earlier today. And it goes on to the patient's spouse, adult son and so forth.

PRESIDENT ROCK:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, it's my understanding then that the close friend is at the lowest ranking on that -- on that pecking order that -- that appears in the law, and probably would not exercise any powers if those other relatives were available and -- and involved in it. You know, this is -- this is a problem that cries out for a solution, and I suppose some of my recent experiences caused me to have a little different viewpoint of this, but I'm going to support this bill, and hopefully, at least is a beginning of finding a solution to, I think, a problem that more and more families are having and want us to provide some kind of blueprint and solution for them.

PRESIDENT ROCK:

Further discussion? Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

I apologize for speaking a second time, but to respond to Senator D'Arco - if there is a guardian appointed by the court to look after the health care needs of that individual, there is -- there's nothing in that guardianship that says that that guardian has the right to terminate the life of the individual. And that's why I say the present bill should provide, if anything, that a court order should be granted, and be granted within twenty-four hours. And I still feel very uncomfortable about the bill.

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PRESIDENT ROCK:

All right. Any further discussion? Senator D'Arco, you wish to close?

SENATOR D'ARCO:

Thank you, Mr. President. Let me just point out, Senator Dudycz, that when a person is in a state of permanent unconsciousness, he has no awareness. He is not aware of anything. If you read the definition of the bill, it's a state where there is no thought, sensation, action, social interaction or awareness of self and the environment are totally absent. Let me also indicate that the surrogate does not necessarily have to decide that it's in the best interest of the patient to terminate the life-support system. That is one of his options. The other option is to continue the life-support system. This is a -- this is a bill that simply sets a mechanism into place for people and their families to make health care decisions about their loved ones. It will be a model bill for the rest of the country to follow. And I ask for your favorable support.

PRESIDENT ROCK:

Question is, shall Senate Bill 1092 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? Have all voted who wish? Take the record. On that question, there are 39 Ayes, 18 Nays, none voting Present. Senate Bill 1092, having received the required constitutional majority, is declared passed. 1101. Senator Karpziel. 1104. 1133. Senator Raica. Read the bill, Madam Secretary, please. Middle of Page 12 is Senate Bill 1133. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 1133.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDENT ROCK:

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I have attempted, on a few occasions, to referee between the mobile park owners, mobile home owners and agencies alike, in attempting to accomplish some kind of happy medium between them. The best that we can do is this vehicle bill, and it is a vehicle bill. It's for the mobile home owners. I've talked to Jerry Shea and a few other representatives. I've talked to the mobile home owners, and all we'd like to do is get it over to the House. There is no vehicle there now. We'd just like to get this over to the House and let the negotiations continue throughout the summer and see what we can do about it. I ask for your support.

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is, shall Senate Bill 1133 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is 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 1133, having received the required constitutional majority, is declared passed. 1143. Senator Marovitz. 1150. Senator Cullerton. Read the bill, please.

SECRETARY HAWKER:

Senate Bill 1150.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President and Members of the Senate. This bill addresses the issue of the problem of competition between private

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bookstores and the university bookstores. At the request of the committee, the Illinois Retail Merchants and the Board of Higher Education, certain representatives met and reached an agreement in part. I understand that Northern Illinois University is still not in favor of the bill, but the others are, as a result of the agreement. Under the bill, the -- would prohibit public universities from leasing space for retail unless -- that it was competitively bid and would prohibit credit card sales by an institution; however, it would allow debit card programs such as the one that Southern Illinois University is about to implement. And I'd be happy to answer any questions. Appreciate your support.

PRESIDENT ROCK:

Discussion? Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Question of Senator Cullerton.

PRESIDENT ROCK:

Indicates he will yield, Senator Weaver.

SENATOR WEAVER:

Senator Cullerton, this Act currently does not prohibit the sale by universities or -- on university property of items commonly sold before 1980 -- January the 1st, 1980. Is that correct?

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Yes.

PRESIDENT ROCK:

Senator Weaver.

SENATOR WEAVER:

And if this bill is enacted into law, will a university be prohibited from selling food and beverage in the universities that

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they've sold before 1980?

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

No, if the university sold food and beverages before 1980, it could continue to do so now.

PRESIDENT ROCK:

Senator Weaver.

SENATOR WEAVER:

Would the answer be the same for books and items connected with the operation of the institution, that is the items connected with the operation of the university if they were sold before 1980? Can these universities continue to sell them after the enactment of this bill?

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Yes. If books and items connected with the operation of the university were sold by the university or on university property before 1980, then books and such items can still be sold by the university on university property after ...(machine cutoff)...

PRESIDENT ROCK:

...(machine cutoff)...Oh, you've concluded, Senator Weaver. I beg your pardon. Senator DeAngelis.

SENATOR DeANGELIS:

Yeah. Thank you, Mr. President. Senator Cullerton, several years ago I had a bill very similar to this which passed, and I thought we cured the problem of competition on campus. Let me ask you: Does this prohibit universities from selling computers to those students that are enrolled in programs in which, through a cooperative effort of the computer manufacturer and the -- the professor, allows a significant discount on that product. I mean,

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are we really hurting the kids on this one here?

PRESIDENT ROCK:

Senator -- Senator Cullerton.

SENATOR CULLERTON:

I'm glad you asked me that, because the amendment we adopted has new language which specifically covers that situation. "This Act does not prohibit the sale of goods" - I'm quoting from the bill - "This Act does not prohibit the sale of goods which are the result of technological advances since 1980 and are required for assignments or classroom activity." So that specifically addresses that issue.

PRESIDENT ROCK:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, that might partially resolve the problem, but it's not required that they own a computer in those classes. But if they do have one, it sure makes it a lot easier. So are you saying it's only in those situations in which the professor requires the piece of equipment?

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Well, it looks like it does say "and are required for assignments." So that -- I guess that would mean if it's not required, then they have to go buy them at -- at the bookstore down the street that pays property taxes.

PRESIDENT ROCK:

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

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

PRESIDENT ROCK:

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Sponsor indicates he will yield, Senator Lechowicz.

SENATOR LECHOWICZ:

Based upon your response to Senator Weaver, I guess the threshold is the year of 1980, and that it doesn't affect universities if they sold food and beverages and books before 1980. My question to you, Senator Cullerton, is what universities would be affected then by this bill?

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Northern Illinois.

PRESIDENT ROCK:

Senator Lechowicz.

SENATOR LECHOWICZ:

So you're saying then that Northern Illinois University would not be able to sell food and beverages to their students as well as books, Senator Cullerton?

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

No, only with respect to their credit card program. They have -- they had a -- they instituted a credit card program as opposed to a debit program. A debit program is where the student has the money in the account and they just can go and draw down from that account. What happened at Northern was that they opened up the -- a regular credit card account, and as a result, the retail merchants in the area -- their business went -- they lost like sixty-percent of their business. So what this says is that - and as I indicated, Northern has not agreed to this - but as I indicated, this says that for items that they are selling since January 1st, 1980 - new items - they cannot use their credit cards.



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PRESIDENT ROCK:

Senator Lechowicz.

SENATOR LECHOWICZ:

Well, I really think that everybody should really take a look at this. What we're doing is affecting one university and a fairly major university in this State, and having the students at a disadvantage. And I know when I send my kids to school, I give them a credit card and I ask them to use it wisely. And whether it's the purchase of food and beverages and books, I think it's a wise investment. And I try to help them out at the end of the month by paying those bills. And here we are going to -- making the students at Northern Illinois University the only University in this State not have that same advantage. And I think it's wrong. And I'm going to vote No.

PRESIDENT ROCK:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, I was going to ask a couple of questions, but I think I understand where we're headed right now. It's my understanding - and somebody can correct me if I'm wrong - that the University created this program at the request of parents who kind of wanted to have a little control over what their kids were doing with the money. And, you know, frankly, those of us who have had or will have the honor of putting kids through college I think understand that you do like to have a little control over what your kids are doing. I think it's a pretty sound program. I think it's something that I, as a parent, like, and I, you know, frankly, don't know the competition aspect. I do know that there are -- I'm quite familiar with that campus. I do know that there are private stores right in the middle of campus - bookstores and other stores - and I'm not sure what the competitive disadvantage is. In fact, I think there's a bookstore that is actually more

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convenient to the students' dorms than the actual University-owned bookstore. I thought we negotiated this deal a couple of years ago and we had reached a final accommodation. Is this something that's going to get revisited on us every time we turn around? I don't think this thing is broken. I think the program at Northern was put together at the behest of -- not the people that run the stores, but the parents on behalf of their children. I think it was a responsible thing to do, and I don't know why we'd want to punish them for it. I think this is a bill that's time has not yet come. And if we're going to renegotiate this every year, why don't we form a permanent committee?

PRESIDENT ROCK:

There's one volunteer. Further discussion? Senator Fawell.

SENATOR FAWELL:

Will the sponsor yield for a question?

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Fawell.

SENATOR FAWELL:

Is this -- is this just --- is this just for the public universities or are we talking about all the colleges? I've been told it was all the colleges. That's the reason I'm confused.

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

State institutions only.

PRESIDENT ROCK:

All right. Any further discussion? Further discussion? Senator Cullerton may close.

SENATOR CULLERTON:

Well, Mr. President, I think this is a reasonable compromise. It had been worked out between the University of Illinois and Southern, and unfortunately, Northern couldn't join in the

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agreement with the retail merchants. I think you have to understand that these people that they're in competition with are people that have burdens of paying the property taxes and contributing to the community around them. And for that reason, I think it's a reasonable compromise, and would ask for an Aye vote.

PRESIDENT ROCK:

Question is, shall Senate Bill 1150 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? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 34 Ayes, 17 Nays, 3 voting Present. Senate Bill 1150, having received the required constitutional majority, is declared passed. 1158 will be held. 1164. Senator Keats. I beg your pardon. Senator Holmberg, for what purpose do you arise?

SENATOR HOLMBERG:

Yes, I was late getting to my switch, and I would like to be recorded as No on the previous bill.

PRESIDENT ROCK:

The record will so reflect. 1164. Senator Keats. I'm sorry. Senator Lechowicz.

SENATOR LECHOWICZ:

I'd like a verification of the last roll call.

PRESIDENT ROCK:

That request is in order. Will the Members please be in their seats. Gentleman has requested a verification. Please be in your seats. Madam Secretary, read the affirmative roll.

SECRETARY HAWKER:

The following Members voted in the affirmative: Alexander, Barkhausen, Berman, Brookins, Carroll, Collins, Cullerton, Daley, D'Arco, Davidson, DeAngelis, del Valle, Demuzio, Dudycz, Ralph

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Dunn, Thomas Dunn, Geo-Karis, Hall, Holmberg, J.E. Joyce, J.J. Joyce, Leverenz, Luft, Macdonald, Marovitz, O'Daniel, Philip, Raica, Rea, Savickas, Severns, Smith, Weaver and Mr. President.

PRESIDENT ROCK:

Senator Lechowicz, do you question the presence of any Member?

SENATOR LECHOWICZ:

Yes, Mr. President. Senator Joyce.

PRESIDENT ROCK:

Senator Joyce. Which Senator Joyce?

SENATOR LECHOWICZ:

J.E. and J.J. -- I'm sorry. Jerome.

PRESIDENT ROCK:

Jerome is --

SENATOR LECHOWICZ:

Jeremiah Joyce. J.E.

PRESIDENT ROCK:

Jeremiah Joyce. Senator Jeremiah Joyce on the Floor? Strike his name, Madam Secretary.

SENATOR LECHOWICZ:

Senator Holmberg.

PRESIDENT ROCK:

Senator Holmberg. I thought she just sought leave to be recorded. Senator Holmberg on the Floor? Strike her name.

SENATOR LECHOWICZ:

Senator Leverenz.

PRESIDENT ROCK:

Senator Leverenz is in the back of the Chamber.

SENATOR LECHOWICZ:

Senator Pate Philip.

PRESIDENT ROCK:

That request will not be honored.

SENATOR LECHOWICZ:

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Pardon me? Senator Geo-Karis.

PRESIDENT ROCK:

Senator Geo-Karis. Well, strike her name.

SENATOR LECHOWICZ:

Senator Demuzio.

PRESIDENT ROCK:

Senator Demuzio. Senator Demuzio on the Floor? Strike his name.

SENATOR LECHOWICZ:

Who's that? I think that's it. I'm sorry. Senator D'Arco.

PRESIDENT ROCK:

Senator D'Arco on the Floor? Senator D'Arco on the Floor? Strike his name.

SENATOR LECHOWICZ:

That's it, Mr. President.

PRESIDENT ROCK:

All right. The roll has been verified. 29 Ayes, 17 Nays, 3 voting Present. Sponsor requests further consideration be postponed. So ordered. 1164. Senator Keats. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1164.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Keats.

SENATOR KEATS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Yesterday we called this back because there had been an incorrect word. It had been on the Agreed List. We corrected the word that had been put in incorrectly. This creates a Compound Interest Act. The bill is a request of the Illinois Mortgage Bankers'

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Association and has been worked out with some members of the Chicago Bar Association. CBA doesn't take a position, but the Illinois Bar does support the bill. Basically, it deals with the common practice for borrowers and lenders to agree on compounding interest in a commercial loan transaction. You and I would call those things carrying charges - they're paid off at the end. If anyone has any questions, I would be glad to answer them. If not, I would appreciate a favorable roll call.

PRESIDENT ROCK:

Discussion? Senator Jacobs.

SENATOR JACOBS:

Just for the record, Senator. The Farm Bureau's problems will be worked out in the House, correct?

PRESIDENT ROCK:

Senator Keats.

SENATOR KEATS:

Correct. We had been unaware the Farm Bureau had any problems until this instant. We'll be more than happy to work with them, as soon as we find out what they are. Thanks.

PRESIDENT ROCK:

Further discussion? Senator Leverenz.

SENATOR LEVERENZ:

Could you just kind of explain -- the amendment is on the bill, is that correct?

PRESIDENT ROCK:

Senator Keats.

SENATOR KEATS:

Correct. What -- what the amendment -- what happened in the bill, they had used the term "an authorization" -- or excuse me -- "a prohibition." They meant "authorization." It was an incorrect word, and that's all it was, was a one-word change, shifting from prohibition to an authorization.

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PRESIDENT ROCK:

Senator Leverenz.

SENATOR LEVERENZ:

And if I were standing at the base of a landfill, would I be able to see out so that I could know whether to vote Yes or No?

PRESIDENT ROCK:

Senator Keats.

SENATOR KEATS:

If you were at the base of mine right now, you would be able to see out easily. Hopefully by next year you won't be able to.

PRESIDENT ROCK:

Senator Leverenz.

SENATOR LEVERENZ:

So you won't mind if I vote No on this, because I -- I don't understand who this helps or who this hurts, and so therefore it probably should not fly out of here, right?

PRESIDENT ROCK:

Further discussion? Further discussion? If not, the question is, shall Senate Bill 1164 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 37 Ayes, 8 Nays, 2 voting Present. Senate Bill 1164, having received the required constitutional majority, is declared passed. Senator Fawell, on 1167? That's a hold. Senator Severns, on 1220. That's a hold. Senator Marovitz. 1231. Read the bill -- I'm sorry. Senator Berman. Senator Fawell. I've been playing baseball all my life and I've been getting signals all my life, and you gave me the wrong one. Do you wish the bill called, Senator Fawell? 1-1-6-7.

SENATOR FAWELL:

Yes, I had my -- my button on. I guess --

PRESIDENT ROCK:

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I'm afraid you did not. I've been sitting up here too long.

SENATOR FAWELL:

I thought I -- all right, all right, okay.

PRESIDENT ROCK:

On the Order of Senate Bills 3rd Reading is Senate Bill 1167.  
Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

Senate Bill 1167.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is a bill that has been worked out between the bankers and IRMA. Basically what it does is it allows the bank - the IRMA people - to raise the fee what can be charged against a bad check author's account from ten dollars to twenty-five dollars, and it also represents that the bank can charge a seven-dollar-and-fifty-cent fee if they have received the bad check there -- the depositor's check.

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is, shall Senate Bill 1167 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? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 1167, having received the required constitutional majority, is declared passed. 1220, I understand, is a hold. 1231. Senator Marovitz. Yes, no or maybe? Read the bill.

SECRETARY HAWKER:

Senate Bill 1231.

(Secretary reads title of bill)



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3rd Reading of the bill.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. This is a vehicle for the -- a bill designed to establish an emissions program for diesel powered trucks. I was asked to introduce it by the Pollution Control Board. The industry is trying to work out an agreement. I have checked with Senator Macdonald and the Chairman of the Committee, Senator Welch, and the bill will be held in -- in the House, pending the agreement of all Members to the -- to the problem.

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is, shall Senate Bill 1231 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 47 Ayes, 1 Nay, none voting Present -- 2 voting Present. Senate Bill 1231, having received the required constitutional majority, is declared passed. All right. Pursuant to our earlier agreement, the hour of six has arrived. We will go to the Order of Recalls. We will begin tomorrow at nine o'clock in the morning at Senate Bill 1233 with Senator Butler's and the ones to follow. If indeed, any Member has a bill on 2nd Reading they wish to move, this is the appropriate time. In the meantime, we'll go to the Order of Recalls. The Recall Sheet has been distributed. Once we've finished recalls, I'm going to ask the Secretary to read the appropriation bills and the Agreed Bill List so we can get those out of here tonight. And then we can come in tomorrow at nine o'clock in the morning and at ten we'll go through 3rd Reading one time and it's over. On the Order of -- On the Order of Senate Bills 3rd Reading. Page 7 on the Calendar.

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Top of Page 7, on the Order of Senate Bills 3rd Reading, is Senate Bill 588. Senator Raica seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 588. Senator Raica.

SENATOR RAICA:

Thank you, Mr. President. I would like to Table Floor Amendment No. 1.

PRESIDENT ROCK:

All right. Senator Raica, having voted on the prevailing side, is moving to reconsider the vote by which Amendment No. 1 to Senate Bill 588 was adopted. Discussion on the Motion to Reconsider? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The vote is reconsidered. Senator Raica is now moving to Table Committee -- or Floor Amendment No. 1 to Senate Bill 588. Discussion? If not, all in favor of the Motion to Table, indicate by saying Aye. All opposed. The Ayes have it. The amendment is Tabled. Are there further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Your light? No. Sure it does. What do you need? For what? Top of Page 9, on the Order of Senate Bills 3rd Reading, is Senate Bill 790. Senator Cullerton seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House -- Senate Bills 2nd Reading is Senate Bill 790. Senator Cullerton.

SENATOR CULLERTON:

Yes, Mr. President, I wish to Table Amendment No. 1. So, having voted on the prevailing side, I move to reconsider the vote by which Senate Amendment No. 1 was adopted.

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PRESIDENT ROCK:

All right. Senator Cullerton, having voted on the prevailing side, is moving to reconsider the vote by which Senate Amendment No. 1 -- Committee Amendment No. 1 to Senate Bill 790 was adopted. All in favor of the Motion to Reconsider, indicate by saying Aye. All opposed. The Ayes have it. The vote's reconsidered. Senator Cullerton now moves to Table Amendment No. 1 to Senate Bill 790. Discussion? If not, all in favor of the Motion, indicate by saying Aye. All opposed. The Ayes have it. The Motion carries. Amendment's Tabled. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 955. Senator Carroll seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 955, Ladies and Gentlemen. Any amendments, Madam Secretary?

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Carroll.

PRESIDENT ROCK:

Senator Carroll, on Amendment No. 1.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This would become an emergency supplemental appropriation bill. There are two agencies, Department of Rehabilitation Services and the Department of Mental Health and Developmental Disabilities, that are in need of having funding by June 4th, 1991, for Rehab Services. The basic component, though there are others, is for the people who actually do the work for those who are clients of the agency and some funds and transfers for Mental Health. I'd be willing to answer any questions. I would move its adoption.

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PRESIDENT ROCK:

All right. Senator Carroll has moved the adoption of Amendment No. 1 to Senate Bill 955. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 1015. Senator Brookins seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1015, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Carroll and President Rock.

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. On behalf of President Rock and myself, we offer Amendment No. 2. As we discussed yesterday, the issue of the guaranteed funding for the Half Fare Reduction Program for students, elderly and handicapped in the six-county area -- the Governor did not see fit to put it in his budget as general revenue. We suggested that that was part of the gas tax package, and everybody agrees that that's what it was. This, therefore, would reduce from that six-county area that amount of the gas tax, which is one and a half of those six cents of that part of the gas tax that was the dollar equivalent of the mass transit grants. It would reduce for the six-county area that gas tax. I would move its adoption.

PRESIDENT ROCK:

Senator Carroll has moved the adoption of Amendment No. 2 to

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Senate Bill 1015. Discussion? Senator Watson.

SENATOR WATSON:

Well, thank you, Mr. President. This is an issue from yesterday revisited - a different approach certainly - probably a similar impact. Senator, you just mentioned that -- that this would only impact the RTA six-county area. That's forty-two million dollars, Senator, that we understand is going to be taken now out of the Road Fund. So you're telling me that that forty-two million dollars now can be taken from the mass transit districts of Chicago, the CTA, the other highway projects. It's only going to affect the Cook County area and the collar county area - this impact. Is that correct? Did I understand you right?

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

It would be a tax reduction in the six-county area. How people -- you know, we allocate by road -- by district, by DOT district. That would be how the State would allocate it. That's up to the administration on how they allocate it by district.

PRESIDENT ROCK:

Senator Watson.

SENATOR WATSON:

Well, that's the correct answer. I don't think that was your initial remark. I don't think that that was what you actually said, but that's -- you're right in your answer. Let me just -- let me just explain a little bit about what we're trying to do here. We're having an impact on the Road Fund of some forty-two million dollars. That's a penny and a half and that - as it spells out from the information we have from the Department of Transportation - forty-two million dollars taken out of the Road Fund. Now, that impacts everybody. That just doesn't impact the northeastern part of this State. That impacts the State as a

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whole and the programs that are available to these states <sic>. Now, we talked about yesterday the agreement that would have been reached between all of us who supported the mass -- the tax increase and the distribution of that money. We talked about that yesterday and that the Governor, unfortunately, had to take money out of GRF that affected the Elderly, Handicapped and Student Assistance Program for mass transit. But what we're doing here, Senator, by what you're saying is we're actually negatively affecting the agreement that was made with the rest of us. And those of us who have our road program or our mass transit districts in our particular area, this is going to have an impact on that. So that's breaking the agreement with us. We need to find some other mechanism to -- by which to replace, possibly, that money for the mass transit, but this is not the direction to hit. And another thing, Senator, I -- in the mass transit appropriations and the dollars that's made available through mass transit, the Cook County and the six-collar-county area gets ninety to ninety-five percent of the money right now that's available for mass transit. They also get forty-five percent of the total dollars' highway side of the -- of the appropriation. And they only have eighteen percent of the miles. You know, there's no equity in this at all. You're getting right now probably more than you deserve, and now you're trying to take money away that's going to impact the rest of us throughout this State. So, Senator, I think that what you are doing here and the intent that you have to try to reduce taxes to the six-county area is breaking the agreement we made two years ago, and it's going to have a negative -- negative impact on the rest of us throughout this State. I urge a No vote and would ask for a roll call.

END OF TAPE

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TAPE 7

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Equity is an issue here, and I have grave doubts that you can constitutionally impose a Statewide tax at a higher level in one part of the State than you do in another. And although this is denominated as a tax reduction, the net effect will be to impose a higher Statewide tax on the counties outside the six-collar level, than you -- county area than you do in the six-county area. It would be akin to having a -- a three-percent income tax in Chicago or downstate and a 2.5 level the other way. I don't think you can do that constitutionally.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rigney.

SENATOR RIGNEY:

Well, I was just wondering, Mr. President, if the sponsor would be willing to alter the distribution of the Road Fund moneys, inasmuch as now, this area does get forty-five percent of the money for eighteen percent of the roads in this State. Would you be willing in any way to alter the distribution so that there's - you know - an equal impact?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Absolutely, as long as it's done on population. Because about seventy-percent of the population - and therefore the people paying the tax - come from the six-county area. And if we would garnish seventy percent of the funds, I don't think there would be a problem. So if you want to do it by population, absolutely we'd do that kind of allocation.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rigney.

SENATOR RIGNEY:

We're not talking about people. We're talking about building highways. You only have eighteen-percent of the roadways in -- in that area.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

No, you're talking about how many people use them, and how many use mass transit, and the volume on the roads and the people paying the taxes. If you want to give the money back to the people paying the taxes, that would be wonderful. I'd be all for it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, I think we find ourselves on the horns of a dilemma. Clearly there was an agreement with the last administration involving a General Revenue support for mass transit. I don't think anybody's denying that. And the last time I checked, that money is not in the budget this year. Many of us here have very strong feelings. I think it's a bipartisan thing about letting General Fund money -- pardon me -- Road Fund money being spent for mass transit operations, simply because we fully understand that that monster could quickly eat all the money and leave us in real serious trouble in most of the State. I would respectfully suggest, Senator Carroll and Senator Rock, that this is a little bit of an overreaction at this stage of the game, and there undoubtedly are going to be some negotiations, and I think there's a few of us, on both sides of the aisle, that are prepared to respectfully tell the Governor, "Hey, a deal's a deal; let's



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sit down and work something out." And I understand that that is the purpose of this amendment, to get that process going. My concern is that -- that many of us, you know, in my younger and rasher days, as Senator Rock and Carroll remember, I would have probably been less responsible on this issue, and there are probably a number of people around here who might decide that a tax reduction that you're proposing might be a very good idea. And I don't think you really seriously want to get us into that kind of a debate. I would respectfully suggest to you that maybe we could hold this up. There are things called conference committees that come down the road a little later in the process. If, in fact, there have been no good faith negotiations. But at this stage of the game I -- I -- I think this amendment is a little bit of an overreaction.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock.

SENATOR ROCK:

Well, as I indicated, yesterday, I will admit, this is a little radical. And I'm not looking for anybody to pay less tax. What I was going to suggest is that the RTA impose this additional three cents and pay us direct, then we don't have to fool around here. But a deal is a deal is a deal. I've still got my file, for goodness sake. And I had a pretty good idea as to who was going to vote, and the deal was, Senator Watson, not the sacrosanctness of the Road Fund; the deal was, are we going to get an increase in the gas tax, and if we are, who is going to vote for it? I got a roll call that shows who voted for it. And we voted for it, I suggest - as I said strongly to the Governor himself - because there was going to be some help for mass transportation for the people in our area. I didn't vote to keep the Road Funds sacred. But the fact of the matter is a deal is a deal is a deal. And I agree, Senator Schaffer - let's -- let's

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keep it up. I'd like to put the amendment on and move the bill to 3rd. We don't need -- we don't need a roll call. Just let it sit on the Calendar. Maybe the -- the anchors from DOT who are scurrying around will start scurrying around on this side and say, "What are we going to do now?"

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Carroll may close.

SENATOR CARROLL:

Would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Carroll has moved the adoption of Amendment No. 2 to Senate Bill 1015. Those in favor will indicate by saying Aye. Opposed, Nay. Senator Watson has his finger on the button. Senator Carroll has moved the adoption of Amendment No. 2 to Senate Bill 1015. 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 26, the Nays are 25, none voting Present. Amendment No. 2 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Watson.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Well, thank you. This is right off the presses. So let me read exactly what the amendment does. "In addition, all units of local government within the metropolitan regions of the Regional Transportation Authority will <sic> (which) receive a distribution of motor fuel tax, shall have the distribution reduced in direct proportion to the amount of Motor Fuel Tax paid in the metropolitan region of the Regional Transportation Authority. The Illinois Department of Transportation shall reduce the highway

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construction program in a metropolitan area of the Regional Transportation Authority by an amount in direct proportion to the amount of Motor Fuel Tax paid in the metropolitan region of the Regional Transportation Authority." The intent of this legislation is to say that, "Okay, fine, if you want to take this money out of the Road Fund, then fine, then it affects and impacts your area and your ability to supply the mass transit needs and the transportation needs." I'm just doing as you do Senator Rock. This is the way you talk. That's all we're trying to do is say, "Okay, fine, take the money out. If you don't want to pay it in, then let's let it impact your area, but not all the rest of us as a whole."

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Watson has moved the adoption of Amendment No. 3. Discussion? Senator Schaffer.

SENATOR SCHAFFER:

For the record, Senator Watson, this is an overreaction to Senator Rock's overreaction.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Carroll.

SENATOR CARROLL:

Ask if it's technically in order. I believe it's technically deficient.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Does this apply to Oak Park only, or is this Kane and Lake and Will and DuPage and the rest of them?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Well, we couldn't get it specific to Oak Park, so what we did

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was we made it for Cook County and the six other counties -- collar-county areas. We tried though, Senator.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Mr. President, I question the germaneness of the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson, my parliamentarian indicates that your amendment, Amendment No. 3, refers to Senate Amendment No. 1, which was defeated. Therefore, Amendment No. 3 is not in order. Senator Watson.

SENATOR WATSON:

Well, I would like to have leave to change the amendment on its face.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is leave granted? All right. Leave is granted to correct the amendment on its face to make it... Senator Watson, can you inform the Chair I -- what language you would like to have inserted to make this technically correct?

SENATOR WATSON:

The technically correct language...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Could you stipulate that for the record, sir?

SENATOR WATSON:

Well, I guess it would have to be -- regard to Senate Amendment No. 2, instead of No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, we'll check and see whether or not we can do it. ... (machine cutoff)... Parliamentarian indicates that we can -- we can -- it's proper to amend it on its face in order for it to track. Senator Watson has moved the adoption of Amendment No. 3. Further discussion? If not, those in favor will indicate by

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saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 3 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. All right. 1053. Senator Cullerton seeks leave of the Body to return Senate Bill 1053 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. Senator Cullerton.

SENATOR CULLERTON:

Mr. President, I need to Table Amendments No. 3 and 4, and adopt Amendment No. 5.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Cullerton, having voted on the prevailing side, moves to Table Amendments 3 -- Senator Cullerton, was it 3 and 4 -- 3 and 4. Having voted on the prevailing side, moves to Table Amendments 3 and 4. All right. Moves to reconsider the vote by which Amendments No. 3 and 4 were adopted. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. The vote is reconsidered. Senator Cullerton now moves to Table Amendments 3 and 4. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendments 3 and 4 are Tabled. Further amendments?

SECRETARY HAWKER:

Amendment No. 5 offered by Senator Cullerton.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Yes. This is just a technical amendment that corrects Amendment No. 4 that we adopted yesterday.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton has moved the adoption of Amendment No. 5.

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Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 5 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. All right. We have one request to go to the Order of Senate Bills 2nd Reading, on Page 2. Is leave granted? Leave is granted. If anybody has a bill on -- on 2nd Reading that they wish to have moved, now is the time to do it. Senator Severns has requested Senate Bill 1-9-5, Madam Secretary. Senate Bills 2nd Reading. Top of Page 2. Senate Bill 1-9-5, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 1-9-5.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Severns offers Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President and Members of the Senate. This amendment stems from the hearings that the State Government Organization and Administration Committee held, both in Chicago and Springfield, earlier this month and last month. It -- it spells out parameters for DCCA to concentrate on small- and medium-sized businesses and the upgrading of the existing workforce. I spoke at length with Director Grayson only yesterday in an hour-long meeting. It spells out some timetables for DCCA

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to report by October 1st to the General Assembly the programs in DCCA that does not meet those parameters, and then in March to spell out how they plan to reach the goals that we've spelled out. He said he has -- Director Grayson has no problem with this and also he said, based on his conversation with Governor Edgar, he believes that we're all of like minds. I know of no opposition, would urge a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Severns has moved the adoption of Amendment No. 1. Discussion? Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

She indicates she will yield. Senator Davidson.

SENATOR DAVIDSON:

Senator Severns, under the present legislation, two Democrats and two Republicans are appointed by the legislative leaders. Can you explain why now you are going to have six Democrats and four Republicans appointed?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Severns.

SENATOR SEVERNS:

Well, under this, Senator Davidson, actually, I'm concerned about the imbalance, because out of nineteen members, probably thirteen members will be Republicans and perhaps six Democrats.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

That may be well and good, but as President Rock says, a deal is a deal is a deal, and when this originally was passed, the agreement was there would be equal representation by both parties, regardless who had the majority or the minority in the

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Legislature. And I would suggest that -- go ahead and put this on, and tomorrow call it back and correct so it's even. Otherwise, I'm going to object to the -- to the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Severns may close.

SENATOR SEVERNS:

Senator Davidson, quite honestly, I'm a little puzzled by your remarks. This list, in part, came from Director Grayson. I -- I don't know what deal you are talking about. I made no such deal. This -- this is legislation that is stemming from the hearings of the State Government Organization and Administration Committee has held. I've been in direct contact with Director Grayson. He -- he has indicated that he thinks we are right on target. I would urge a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson, the Lady had closed. Senator Davidson.

SENATOR DAVIDSON:

I'm sorry. She brought up Director Grayson. Director Grayson doesn't speak for me as a legislator, and if you want to go forward with this amendment as it is, with no agreement to correct it, then I ask for a roll call vote and urge everyone to vote No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- Senator -- Senator Severns. Further discussion? If not, Senator Severns may close.

SENATOR SEVERNS:

I'm just going to say, I'm not certain what Doc -- Senator Davidson is talking about. I'm not certain Senator Davidson quite honestly knows what he is talking about on this particular issue. But the fact of the matter is this has been worked with in a bipartisan effort. We have been working from -- from stage one with Director Grayson, and this is the first instance, Senator Davidson, that I've heard anyone having any difficulty. I -- I



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would urge a favorable vote; it's been negotiated in good -- good faith and it will continue to be.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson, for what purpose do you arise?

SENATOR DAVIDSON:

Well, she took my name...

PRESIDING OFFICER: (SENATOR DEMUZIO)

I assume you rise for the point of personal privilege.

SENATOR DAVIDSON:

I'll rise to the point of personal privilege. I know very well what I am speaking about, Senator Severns. You are welcome to your opinion and I'm welcome to mine. Director Grayson didn't speak to me as you had negotiations going on. The prior bill has always been equal representation from the Legislature, and to change it, whether it was your -- have the majority or we have the majority, is wrong.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Davidson, that is not a point of personal privilege, if you might concede. Senator Severns has moved the adoption of Amendment No. 1 to Senate Bill 195. Those in favor will indicate -- 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 30, the Nays are 26, none voting Present. Amendment No. 1 to Senate Bill 195 is -- is adopted. Senator Davidson, for what purpose do you arise?

SENATOR DAVIDSON:

Verify the affirmative votes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The Secretary will read the names of those who voted in the affirmative.

SECRETARY HAWKER:

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The following Members voted in the affirmative: Alexander, Berman, Brookins, Carroll, Collins, Cullerton, Daley, D'Arco, del Valle, Demuzio, Thomas Dunn, Hall, Holmberg, Jacobs, Jones, J.E. Joyce, J.J. Joyce, Kelly, Lechowicz, Leverenz, Luft, Marovitz, O'Daniel, Rea, Savickas, Severns, Smith, Vadalabene, Welch and Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson, do you question the presence of any Member?

SENATOR DAVIDSON:

Senator D'Arco.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco on the Floor? Senator D'Arco on the Floor? Strike his name.

SENATOR DAVIDSON:

Senator Newhouse.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Newhouse did not vote.

SENATOR DAVIDSON:

Senator Savickas.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas on the Floor? D'Arco's on the Floor, add him back. Senator Savickas on the Floor? Strike his name.

SENATOR DAVIDSON:

Mr. President, I've been corrected in the attitude and errors of my way. I'll withdraw my request.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, I think it's too late to withdraw your request, because we're here. But on a verified roll call, the Ayes are 29, the Nays are 26, none voting Present. Amendment No. 1 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Does anyone else have a bill on 2nd Reading? If not, we will now -- the announcement will be, as I'm told, that the Agreed Bill List will be voted on in the morning, somewhere around nine o'clock, I guess. Senator Barkhausen, for what purpose do you arise?

SENATOR BARKHAUSEN:

Mr. President, I would move to have Senate Bill 1270 recommitted to, I believe, the Committee on State Government Organization. It's on 3rd Reading.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. 1270. Senator Barkhausen has moved to recommit 1-2-7-0 to the Committee on State Government Reorganization <sic>. Is recommitted. And now -- Senator Marovitz, for what purpose do you arise?

SENATOR MAROVITZ:

Well -- well, if Senator Barkhausen is going to do that, then -- then I move to recommit Senate Bill 905 to the committee which it came from.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Why don't you put all your bills back there? One roll call. All right. Senator Marovitz moves -- Senate Bill 905 is recommitted. And now we will -- we will read in the -- the appropriation bills that are on the Agreed Bill List, and at the close of that, then we will then proceed to vote. Mr. Secretary read the bills.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 133.

(Secretary reads title of bill)

Senate Bill 258.

(Secretary reads title of bill)

Senate Bill 301.

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(Secretary reads title of bill)

Senate Bill 302.

(Secretary reads title of bill)

Senate Bill 303.

(Secretary reads title of bill)

Senate Bill 304.

(Secretary reads title of bill)

Senate Bill 305.

(Secretary reads title of bill)

Senate Bill 306.

(Secretary reads title of bill)

Senate Bill 308.

(Secretary reads title of bill)

Senate Bill 310.

(Secretary reads title of bill)

Senate Bill 311.

(Secretary reads title of bill)

Senate Bill 334.

(Secretary reads title of bill)

Senate Bill 335.

(Secretary reads title of bill)

Senate Bill 336.

(Secretary reads title of bill)

Senate Bill 337.

(Secretary reads title of bill)

Senate Bill 338.

(Secretary reads title of bill)

Senate Bill 339.

(Secretary reads title of bill)

Senate Bill 340.

(Secretary reads title of bill)

Senate Bill 341.

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(Secretary reads title of bill)

Senate Bill 342.

(Secretary reads title of bill)

Senate Bill 343.

(Secretary reads title of bill)

Senate Bill 344.

(Secretary reads title of bill)

Senate Bill 345.

(Secretary reads title of bill)

Senate Bill 346.

(Secretary reads title of bill)

Senate Bill 347.

(Secretary reads title of bill)

Senate Bill 348.

(Secretary reads title of bill)

Senate Bill 349.

(Secretary reads title of bill)

Senate Bill 350.

(Secretary reads title of bill)

Senate Bill 351.

(Secretary reads title of bill)

Senate Bill 352.

(Secretary reads title of bill)

Senate Bill 353.

(Secretary reads title of bill)

Senate Bill 354.

(Secretary reads title of bill)

Senate Bill 355.

(Secretary reads title of bill)

Senate Bill 356.

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Senate Bill 357.

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(Secretary reads title of bill)

Senate Bill 358.

(Secretary reads title of bill)

Senate Bill 359.

(Secretary reads title of bill)

Senate Bill 360.

(Secretary reads title of bill)

Senate Bill 361.

(Secretary reads title of bill)

Senate Bill 363.

(Secretary reads title of bill)

Senate Bill 364.

(Secretary reads title of bill)

Senate Bill 365.

(Secretary reads title of bill)

Senate Bill 366.

(Secretary reads title of bill)

Senate Bill 367.

(Secretary reads title of bill)

Senate Bill 368.

(Secretary reads title of bill)

Senate Bill 369.

(Secretary reads title of bill)

Senate Bill 370.

(Secretary reads title of bill)

Senate Bill 371.

(Secretary reads title of bill)

Senate Bill 372.

(Secretary reads title of bill)

Senate Bill 373.

(Secretary reads title of bill)

Senate Bill 374.

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(Secretary reads title of bill)

Senate Bill 409.

(Secretary reads title of bill)

Senate Bill 440.

(Secretary reads title of bill)

Senate Bill 953.

(Secretary reads title of bill)

Senate Bill 954.

(Secretary reads title of bill)

Senate Bill 956.

(Secretary reads title of bill)

Senate Bill 958.

(Secretary reads title of bill)

Senate Bill 959.

(Secretary reads title of bill)

And Senate Bill 1341.

(Secretary reads title of bill)

3rd Reading of the bills.

PRESIDENT ROCK:

All right. The next roll call will be on the final passage of the bills just read by the Secretary. The question is, shall this series of bills pass. Those in favor will vote Aye. Opposed will vote Nay, and 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 57 Ayes, no Nays, none voting Present. The Nay and Present votes are recorded in the Office of the Secretary of the Senate, and this series of bills, having received the Constitutional majority, by record vote, are declared passed. And the record vote for each bill passed, shall be entered in the Journal. Further business to come before the Senate? Senator Keats.

SENATOR KEATS:

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Very briefly. Just because of the unusual way we are doing the budget, you will notice one bill in particular - 440 - has a significant 20-plus votes against it. That is the Judicial Inquiry Board. Just so it's in the record. There is substantial frustration among many of the Members for the fact that they don't seem to do much. Not that their staff is unwilling to work, but that frankly, judges who are caught doing things that we'd be sent to jail for, are often not disciplined or given reprimands. This is simply sending them a message that if they continue to be a do-nothing agency, perhaps we'd be better off not paying for a do-nothing agency.

PRESIDENT ROCK:

All right. Senator Demuzio.

SENATOR DEMUZIO:

I think that we ought to adopt a new rule around here that says you can say anything you want to, for a minute, after we adjourn.

PRESIDENT ROCK:

Okay. We'll bring that before the Rules Committee. All right. Further business? If not, Senator Demuzio moves that the Senate stand adjourned till Friday, May 24. Tomorrow morning at nine o'clock in the morning, Ladies and Gentlemen, we will begin with the Agreed Bill List, after we do some paperwork. So I'd urge everybody to be prompt. Nine o'clock tomorrow morning. Senate stands adjourned.



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