

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

115th Legislative Day

November 19, 1996

PRESIDENT PHILIP:

The regular Session of the 89th General Assembly will please come to order. Will the Members please be at their desks, and will our guests in the gallery please rise. Our prayer today will be given by the Reverend Jeff Chitwood, Southside Christian Church, Springfield, Illinois. Reverend Chitwood.

THE REVEREND JEFF CHITWOOD:

(Prayer by the Reverend Jeff Chitwood)

PRESIDENT PHILIP:

Will you please rise for the Pledge of Allegiance? Senator Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

Reading of the Journal.

SECRETARY HARRY:

Senate Journal of Thursday, November 7th, 1996.

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

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

PRESIDENT PHILIP:

Senator Butler moves to approve the Journal just read. There being no objection, so ordered. The Chair will now recognize Senator Walsh.

SENATOR WALSH:

Thank you, Mr. President. If I could have everyone's attention just for a minute, I would like to introduce a young man who is down here from my neighborhood. Sean Stephenson is in the front of the Chamber and is going to address us. And Sean has had

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a very exciting year this past year. This spring, Sean, who is a senior at Lyons Township High School, was selected to represent Lyons Township High School at the American Legion's Boys State. Upon arriving at Boys State, Sean got around and met enough people to get himself elected Governor of Boys State. And as a former participant in Boys State, that is quite an accomplishment, I can tell you. From there he was selected to represent Illinois in Boys Nation, where he went out to Washington, D.C. He had the opportunity to meet President Clinton. Has, since then, met President Clinton twice. The -- the third time, upon seeing the President, was addressed by President Clinton, and he said, "Hello, Sean. How are you?" So we've got a celebrity here. And in the past couple of months, Sean has spent time visiting with various groups and addressing various groups, and is currently making a cable TV film for our area. So if you would all please welcome the Governor of Boys State, Sean Stephenson.

GOVERNOR OF BOYS STATE, SEAN STEPHENSON:

(Remarks by Sean Stephenson to the Illinois State Senate)

PRESIDENT PHILIP:

Thank you, Sean. Extremely well done. Messages. Resolutions.

SECRETARY HARRY:

Senate Resolution 249, offered by Senator Jones and all Members, as is Senate Resolution 250.

Senate Resolution 251, also by Senator Jones and all Members. They're all death resolutions, Mr. President.

PRESIDENT PHILIP:

Consent Calendar. Senator...

SECRETARY HARRY:

Senate Joint Resolution 112, offered by Senator O'Daniel.

Senate Resolution -- or, Senate Joint Resolution 113, by Senator Cronin.

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And Senate Joint Resolution 114, by Senator Cronin.

And Senate Resolution 252, by Senator Klemm.

They're all substantive.

PRESIDENT PHILIP:

Senator Palmer, for what purpose do you rise?

SENATOR PALMER:

Thank you, Mr. President. A point of personal privilege.

PRESIDENT PHILIP:

State your point.

SENATOR PALMER:

I'd like to introduce the members from the Randolph Magnet Elementary School, who are on this side of the aisle in the balcony. And especially today, there is a young woman here who is an honorary Page, Cyndi McLendon. Her mother is in the balcony, as well as her teacher. And I ask that we recognize and acknowledge them.

PRESIDENT PHILIP:

If they'll please rise and be recognized by the Senate.

PRESIDING OFFICER: (SENATOR DeANGELIS)

On page 3 of today's Calendar is the Order of Motions in Writing to Accept Specific Recommendations for Change. Senator Klemm. Senate Bill 1122. Mr. Secretary, do you have a motion on your desk regarding Senate Bill 1122?

SECRETARY HARRY:

Yes, Mr. President. I move to accept the specific recommendations of the Governor as to Senate Bill 1122, in manner and form as follows:

Amendment to Senate Bill 1122

in Acceptance of the Governor's Recommendations

Filed by Senator Klemm.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Klemm.

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SENATOR KLEMM:

Thank you, Mr. President. Senate Bill 1122, I move the -- the acceptance of the Governor's recommendation, and let me explain to the Body what those changes were. This was particularly about our State scholarships that the General Assembly Members award as a legislative scholarship. And what -- if you recall last year, we were trying to get some definitions and also trying to define some identity of who those individuals would be who receive the recommendations of scholarship awards. The Governor had -- staff had talked to me about trying to expand the definitions and the requirements, and I certainly agree, and most of us certainly felt that last year. So the Governor, I think wisely, and I support his efforts in trying to change it. And basically what we're doing is having not only the nominee's name, but we're also asking for their address, the university they attend, the program in which they're enrolled in, the amount of tuition waived by the legislator's scholarship, and also we ask that the statement by the nominee -- has a waiver document that also would contain this statement: that if, in fact, the nominee does not live in the area that they say they are, that the nominee would have to -- that scholarship would be revoked by the State Board of Education after a hearing, and if they found that the person did, in fact, mislead the legislator, that that nominee would reimburse the university for the full amount of the waiver that they were granted. Those changes, I think, are essential to restore some of the integrity that we all follow and have followed. Through the years, there's been some problems, perhaps. We think this change will certainly rectify that and bring, again, the measure of integrity that we want on these scholarships. So I do ask for your approval and support.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Geo-Karis.

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SENATOR GEO-KARIS:

Mr. President, will the -- with the noise in here, I could hardly hear the explanation, but may I refer my question to the sponsor? Will he...

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor said he shall yield.

SENATOR GEO-KARIS:

Senator, this is the -- would you just give me, in one sentence, what's the major change of this bill?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Klemm.

SENATOR KLEMM:

Well, the major change is as I explained. It was the expansion of just providing the name of the individual being awarded the scholarship, but also where they live, what school they attend, as I mentioned. That would be the expansion of it.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR CULLERTON:

Senator, what is the effective date of this bill, and what's the impact of the legislation on current scholarship recipients?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Klemm.

SENATOR KLEMM:

I did hear the first part of your question. The effective...

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cullerton.

SENATOR CULLERTON:

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What is the effective date of this bill and what is the effect of this legislation, if passed, on current scholarships?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Klemm.

SENATOR KLEMM:

Well, I understand the effective date would be upon acceptance of the -- immediate - I guess I would have to say that - on acceptance of the Governor's recommendation. It does not have any effect, as yet, on those that are receiving scholarships in the term of the scholarship they've already received. On a new designation, or a new scholarship award, then it would apply.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Fawell.

SENATOR FAWELL:

Senator, will you yield for a question?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR FAWELL:

I notice that we also are supposed to tell how much money this will involve, as far as tuition. Is -- are the schools going to give us that -- that number, because I certainly don't have any idea?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Klemm.

SENATOR KLEMM:

Yes. The schools would provide that for us.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any further discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 1122, in the manner and form just stated by Senator Klemm. Those in favor will vote Aye. The opposed will vote Nay. The voting is now open. Have all voted who wish? Have all voted

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who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, none voting Nay, none voting Present. The specific recommendations of the Governor as to Senate Bill 1122, having received the required constitutional majority of Senators elected, is declared accepted. Senator Shadid, for what reason do you rise?

SENATOR SHADID:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DeANGELIS)

State your point.

SENATOR SHADID:

I would like to introduce in the gallery the County Recorder from Peoria County, Dirk McGinnis, who is present.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senate Bill 1425. Senator Madigan. Mr. Secretary, is there on the Calendar on the Order of Motions -- is there a -- read the motion, please.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 1425, in manner and form as follows:

Amendment to Senate Bill 1425

in Acceptance of Governor's Recommendations

Offered by Senator Madigan.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Senate Bill 1425 dealt with the issuance of insurance policies to people that may be subject to domestic abuse. When the bill was passed and sent to the Governor, it included accident and health insurance policies, which was inadvertent. The Governor, in his wisdom, has deleted accident and health insurance from the language of Senate Bill

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1425, and I would ask the Senate to accept this change by Governor Edgar.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR WELCH:

Senator Madigan, prior to the Governor's veto, did the bill say that if a person is subject to domestic abuse, an insurance company cannot discriminate them on life insurance or health insurance or other types of insurance? Is that what the bill said before the veto?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Madigan.

SENATOR MADIGAN:

That is correct, Senator Welch.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

Well, then, what is the rationale of eliminating the requirement that an insurance company insure an individual for health insurance who's the subject of domestic abuse? I'm not sure I understand why we don't want to make sure that those individuals have insurance.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Is that a question? Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Senator Welch, the purpose of the bill was to avoid a problem where a person who may be the abuser would benefit by -- from the insurance contract by abusing the --

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by abusing someone in the family. That is -- we intended to do this for the purpose of life insurance policies. Obviously, accident and health policies should not have been included, which the bill did. We're taking accident and health policies out of that, but leaving the life insurance policy language in.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

Well, I understand the theory behind the -- the life insurance, but it doesn't make sense to me to eliminate the other types of insurance. Why not eliminate discrimination on those too? It seems to me a -- a one-in-a-million chance here that an individual spouse will abuse the other one because they think they're going to collect the benefits. You know, that rationale could be used by an insurance company for any kind of policy and to negate any coverage for anybody.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Are you done, Senator Welch? Senator Welch.

SENATOR WELCH:

There is a question mark at the end of that statement.

PRESIDING OFFICER: (SENATOR DeANGELIS)

That's two times. Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Senator Welch, we're eliminating the discrimination as far as accident and health. In other words, this is not to the benefit of the insurance companies. This is of benefit to the -- by this amendatory veto, we're eliminating the discrimination for someone who may be abused and not being able to access an accident and health policy.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Berman.

SENATOR BERMAN:

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Thank you, Mr. President. Senator Madigan, on the same subject - and I'm -- I'm a little confused by the language of this - could you indicate -- as I understand your response to Senator Welch, it is not the intent of this bill to deny coverage to a person who has been the victim of abuse. Is that correct?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Madigan.

SENATOR MADIGAN:

That is correct, Senator Berman.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Berman.

SENATOR BERMAN:

Then let me ask you, under section (b), why would we have the following language? Quote: Nothing in this Section shall be construed to prohibit a company from refusing to insure on the basis of that individual's physical or mental condition regardless of the underlying clause {sic} (cause) of such condition. That seems to be -- an -- a -- a doorway that any insurance company could walk through to say, "Mrs. Smith, because you were the victim of abuse, we don't want to write you." Could you explain that language in relation to your previous answer?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Madigan.

SENATOR MADIGAN:

Well, the intent of the bill, Senator Berman, is to prevent insurance companies with this language, or this bill -- the intent of this bill is to prohibit the insurance companies from asserting that provision on people that may be subject or -- to domestic abuse. They still reserve the right to -- for other physical or mental conditions, they still would reserve their right - the insurance company reserves their right - to refuse coverage for some other -- for some other reason, under a physical or a mental

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condition.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Berman.

SENATOR BERMAN:

Well, I -- I hear your answer, but the language doesn't seem to say that. As I read this, if -- if a woman is the -- is the victim of abuse, this language allows a insurance company to refuse to cover her. Now, I'm -- I -- I voted for this bill. The language was in it. But in the several months that we have been gone, this has come to my attention, and I've read it over and over. Let me -- let me just request, and I'm being very sincere: Could we take it out, look at the language and better understand it; maybe call it tomorrow? I -- I understand your sincerity, and I -- I just don't read it that way.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Take it out of the record, Madam Secretary. On page 3 of the Calendar in the Order of Motions in Writing to Accept Special Recommendations for Change -- Specific Recommendations for Change is Senate Bill 1467. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 1467, in manner and form as follows:

Amendment to Senate Bill 1467

in Acceptance of Governor's Recommendations

Offered by Senator Donahue.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Donahue.

SENATOR DONAHUE:

Well, thank you, Mr. President. I would move that we accept the Governor's specific recommendations for change in Senate Bill 1467. It is for the better. What we had done originally was restrict local entities, most particularly our home rule units, on

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some of their curfew regulations. Now we're just simply broadening that a little bit more. And it's a good bill, and I would ask for your support.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 1467, in the manner and form just stated by Senator Donahue. Those in favor will vote Aye. The opposed will vote Nay. And the voting is now 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. The specific recommendations of the Governor as to Senate Bill 1467, having received the required constitutional majority vote of Senators elected, are declared accepted. Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. On a point of personal privilege.

PRESIDING OFFICER: (SENATOR DeANGELIS)

State your point, Senator.

SENATOR PETERSON:

I'd like to introduce two ladies from my district who are very active in Meals on Wheels, and they're Dorothy Schar from Vernon Hills and June Peterson from Mundelein, up in the President's Gallery.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Will our guests please stand and be recognized? The Chair would remind all Members that motions on veto measures should be filed with the Secretary as soon as possible. It is the intent of the Chair to take up motions on veto measures again tomorrow, Wednesday, November 20th, so please file your motions before adjournment today. Committee Reports.

ACTING SECRETARY HAWKER:

Senator Weaver, Chairman of the Committee on Rules, reports

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that the following Legislative Measures have been assigned:
Referred to Agriculture and Conservation Committee - House Bill
2963; referred to Judiciary Committee - Senate Bills 1951, 1952,
1953 and 1954, and House Bill 1131; Be Approved for Consideration
- House Bill 2737, and Senate Amendment No. 4 to House Bill 2737.
Offered by Senator Stanley Weaver, Chairman.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Resolutions, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Resolutions 253 through 257.

They are all death resolutions and all filed by Senator Severns.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Consent Calendar. Introductions of Bills.

ACTING SECRETARY HAWKER:

Senate Bill 1955, offered by Senator Rea.

(Secretary reads title of bill)

Senate Bill 1956, offered by Senator Hendon.

(Secretary reads title of bill)

And House -- pardon me. And Senate Bill 1957, offered by
Senator Hendon.

(Secretary reads title of bill)

1st Reading of those bills.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate.
If I could have your attention, just for a minute. We're going to
have a ceremony tomorrow at 11 o'clock for Cardinal Bernardin. So
hope that everybody would be here and on time. We -- we have the
-- I think, the highest Catholic official in -- in Springfield
here coming to say some prayers and some words, and so everybody
would be here at 11, be on time. It'll probably take forty-five

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minutes.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Mr. Secretary, are there any motions been filed?

SECRETARY HARRY:

Yes, Mr. President. Senator Parker and Senator Carroll have both filed motions with respect to Senate Bill 1440, and Senator Berman has filed a motion with respect to Senate Bill 1853.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Mr. Secretary, please honor the request of having these motions printed on the Calendar. So ordered. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, on a point of personal privilege.

PRESIDING OFFICER: (SENATOR DeANGELIS)

State your point.

SENATOR GEO-KARIS:

I'm delighted to have one of my constituents here today in the President's Gallery: Tom Rogers, from Libertyville. I welcome you here, Mr. Rogers.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Mr. Rogers, please stand and be recognized. Is there any further business to come before the Senate? If -- if not, the Senate will reconvene tomorrow at 10:45. And we urge you to be present, because the service is going to start promptly at 11 and the doors will be locked. Tomorrow - till 10:45 on Wednesday, November 20th. Senate stands adjourned.

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