

83RD GENERAL ASSEMBLY

REGULAR SESSION

MAY 24, 1984

PRESIDENT:

The Senate will please come to order. Will the members be at their desks and will our guests in the gallery please rise. Prayer this morning by the Reverend Anthony Tzortzis, St. Anthony's Hellenic Orthodox Church, Springfield, Illinois. Father.

REVEREND TZORTZIS:

(Prayer given by Reverend Tzortzis)

PRESIDENT:

Thank you, Father. Reading of the Journal. Senator Johns.

SENATOR JOHNS:

Mr. President, move that reading and approval of the Journals of Tuesday, May the 15th; Wednesday, May the 16th; Thursday, May the 17th; Friday, May the 18th; Monday, May the 21st; Tuesday, May the 22nd and Wednesday, May the 23rd, in the year 1984, be postponed pending arrival of the printed Journal.

PRESIDENT:

You've heard the motion as placed by Senator Johns. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. Motion carries. It's so ordered. Messages from the House.

SECRETARY:

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

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

House Bills 1302, 1348, 1474, 1546, 1591, 1800, 1859, 2332, 2376, 2423, 2479, 2545, 2568, 2606, 2706, 2710, 2812, 2832, 2836, 2939, 2960, 3001, 3057, 3069, 3074, 3152 and 3221.

PRESIDENT:

Resolutions.

SECRETARY:

Senate Resolution 646 offered by Senator Lemke, and it's congratulatory.

PRESIDENT:

Consent Calendar. With leave of the Body, we'll move to page 17 on the Calendar. On the Order of House Bills 1st Reading, Mr. Secretary.

SECRETARY:

House Bill 2381, Senator Vadalabene.

(Secretary reads title of bill)

House Bill 2871, Senator Earkhausen.

(Secretary reads title of bill)

House Bill 2896, Senator Schuneman.

(Secretary reads title of bill)

2994, Senator Coffey and Chew.

(Secretary reads title of bill)

3140, Senator Weaver.

(Secretary reads title of bill)

3143, Senator Weaver.

(Secretary reads title of bill)

3148, Senator Weaver.

(Secretary reads title of bill)

1st reading of the bills.

PRESIDENT:

Senator Etheredge, for what purpose do you arise?

SENATOR ETHEREDGE:

Mr. President, I seek leave to add myself as hyphenated cosponsor on...with Senator Netsch on House Bill 1395 and to add Senator Netsch as hyphenated cosponsor on House Bill 2832.

PRESIDENT:

House Bills 1395 and 2832, Senators Netsch and Etheredge to be hyphenated cosponsors. Is leave granted? Leave is

granted. It's so ordered. Senator Hall, for what purpose do you arise?

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I would like the record to show permission that Senate Bill 1749 will read Hall and my cosponsor over there so that we both will be...

PRESIDENT:

All right, the gentleman asks leave to show Senate Bill 1749 with Hall and Becker as hyphenated cosponsor. Is leave granted? Leave is granted. It's so ordered. Senator Watson, for what purpose do you arise?

SENATOR WATSON:

Thank you, Mr. President. I'd also like to ask leave to be added as a hyphenated cosponsor on House Bill 2430 sponsored by Senator Bruce, and I've talked to Senator Bruce about this.

PRESIDENT:

House Bill 2430. The gentleman asks leave to be shown as a hyphenated cosponsor. Is leave granted? Leave is granted. It's so ordered. With leave of the Body, we'll move to page 12 on the Calendar and begin where we left off yesterday. On the Order of Senate Bills 3rd Reading, top of page 12, is Senate Bill 1866, Senator Schaffer. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1866.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, in 1981 we shifted the responsibility for aid to the medically indigent

from local governments, primarily townships, to the State. We failed to eliminate the language that gave the Department of Public Aid some oversight responsibilities in this area with the departments of local government. That language is now a redundancy in the units of local government. Since they no longer have the program, obviously, no longer need...the oversight from the department, and what we're doing with this bill is striking that language. I know of no opposition to this bill.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1866 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, there are 56 Ayes, no Nays, none voting Present. Senate Bill 1866 having received the required constitutional majority is declared passed. Senator Watson on 1867. On the Order of Senate Bills 3rd Reading, Senate Bill 1867. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1867.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. Senate Bill 1867 amends the Insurance Code, and it provides that no company may write additional accident or health insurance when a company's policyholder's surplus is below a certain amount without prior notification to the director of insurance. That ratio is a four to one ratio and it affects only companies with a five million dollar policyholder surplus...with less than

five hundred million...five million dollars in policyholder surplus. The reason for the legislation is because the Department of Insurance recently investigated some ten different companies and found that those companies that were having problems in solvency primarily fell below this ratio. There was an amendment put on on the Floor and the amendment amends the bill in respect to the uninsured motorist property damage coverage. It deletes the requirement that such coverage must include in all...new motor vehicle policies which do include collision insurance and substitutes a requirement that it be just made available. It changes the minimum amount of such coverage. It limits the recovery to the amount of actual physical damage to the insured vehicle and adds certain provisions relating to the submission of claims and arbitration of disputes. The reason that this amendment was added is because of a lawsuit that's been filed in Cook County, and this takes care of that and was a compromise between the two groups. I know of no opposition.

PRESIDENT:

Any discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. The gentleman just answered my question. Thank you.

PRESIDENT:

All right, further discussion? Any further discussion? Senator Eerman.

SENATOR EERMAN:

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

PRESIDENT:

Sponsor indicates he'll yield, Senator Eerman.

SENATOR EERMAN:

I didn't catch...you said about uninsured and underinsured and it doesn't have to be in there. It just has to be offered? Would you address that again?

PRESIDENT:

Senator Watson.

SENATOR WATSON:

The legislation that was passed last year mandated it. Now, we're just saying it has to be offered.

PRESIDENT:

Senator Eerman.

SENATOR EERMAN:

As to what, underinsured or both under and uninsured?

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Uninsured motorist property damage.

PRESIDENT:

Further discussion? Senator Bruce.

SENATOR BRUCE:

On the uninsured property damage, the...the...the mandate was that they'd make it...that it would be made available as to ten thousand, and now...is that ten thousand being reduced? Some of us have been involved in that and...and that was made available in January the 1st of 1984. You're delaying it to '85. What...what about the people who've taken that coverage already?

PRESIDENT:

Senator Watson.

SENATOR WATSON:

This is an amendment that was offered by Senator D'Arco and I'd like to...

PRESIDENT:

He...he is here.

SENATOR WATSON:

...he is here. Very good.

PRESIDENT:

Senator Bruce, you want to repeat the question for Sena-

tor D'Arco?

SENATOR BRUCE:

AS I understand it, when we passed this original legislation on uninsured motorists we required the property damage limit to be made available at ten thousand rather than just five thousand, and I'm not quite sure what Senator Watson is doing in...in relation to delaying that, and I'm particularly concerned about those who took the coverage on January the 1st of '84, which has already passed, and now...you're making...you're delaying that until January of '85. Some of us have already taken that coverage on uninsured motorists at ten.

PRESIDENT:

All right, Senator D'Arco.

SENATOR D'ARCO:

Well, you're...you're saying that we reduced it from ten to five. Is that it? Oh, you're saying we increased it from five to ten. Okay. Oh, wait a minute...it was ten when you...when you bought the coverage, it was ten. When we changed it from...when we made it mandatory, we also made the provision that it would be a minimum of ten thousand dollars. So, you know,...if you bought the coverage now and it...and if you have it now, it's still ten. It's not...we're not changing it back to five. We're leaving it at ten. We're just making it optional.

PRESIDENT:

Any further discussion? Senator Berman.

SENATOR BERMAN:

Thank you. I apologize for rising a second time. I...it...it appears to me...and I'd like the sponsor at closing to address this. We passed a bill last year that made underinsured motorist property damage coverage mandatory, and there seems to be...this...the amendment that's in this bill now is negating that bill by the following things; it says,

first of all, that it only has to be offered instead of being a mandatory coverage and it only has to be offered once. Ladies and Gentlemen, what that means is that if you get your premium notice after the first of the year, they'll have a little sticker in along with all the other advertising that they have in there that says that for X number of dollars you can buy this coverage; and then, for the rest of your life, as long as you're with that company, you're never going to hear about this coverage again, which means the guy that buys that policy doesn't even know that he's going to be able to have this coverage. Now, I...I would suggest to you, if there was sense in passing this requirement last year, I haven't heard sufficient debate today as to why we should eliminate that coverage, and until I hear that explanation, I'm not ready to approve it. Let me also add one other thing. There's a provision in the amendment that says there shall be no liability imposed upon an insurer under the uninsured motorist property damage provision of such coverage if the owner or operator of the other vehicle cannot be identified. Now, that's contrary to the kind of provision that we have under other uninsured motorist coverage. If there's a hit-and-run, your uninsured motorist personal injury liability covers you. This amendment says that even though it would cover you for injury, it's not going to cover you for property damage. That is contrary to what people think they're buying. I don't know why the companies have put this in here. I mean, I know why the companies have put this in there, they want to save some money, but let me suggest to you that you're holding something out to the public contrary to what is being bought here. If they think that they're buying uninsured motorist property damage coverage, and there's a hit-and-run accident, they would expect that coverage to apply. As I read this amendment, it wouldn't. That doesn't make sense to me. I'd urge a No vote.

PRESIDENT:

Further discussion? Senator Bruce.

SENATOR BRUCE:

I...I think that I've had a chance and...and reviewed the amendment, and that Senator Berman is exactly correct. If you read Amendment No. 1 and 2 together it's a little confusing, but if you realize the changes in two are the operative language and one is just corrected by two. We presently have a mandatory five thousand dollar policy requirement for companies that issue uninsured motorist coverage. This bill raises that five to ten but removes the requirement it be offered, so you now have five thousand dollars worth of mandatory uninsured motorist property damage, which if this bill passed, you'll have the...you have nothing, but whatever nothing you have is worth ten thousand dollars, and I...I just think that this is...this is a bill we ought leave here. The uninsured motorist coverage for property damage makes sense. My father was involved in an accident with an uninsured motorist. It...you ought to have it. The limit ought to be raised from five to ten, but we ought not to...remove the requirement that it be offered. All this says, it has to be made available by January the 1st of next year, and that's a year's delay in what is being offered to the...to the public.

PRESIDENT:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President and members of the Senate. I think this issue is getting blown all out of shape, and...and if possible, I'd like to make a few comments about it. Senator Berman is correct in saying that last year we passed a bill which would mandate uninsured property damage coverage, and what we mandated was that the insurance companies had to put it on your policy unless you carried collision insurance

on your car, in which case you wouldn't need it, but we mandated that the insurance companies put that on the policies but what happened was that there was...there is a group of insurance companies who write business primarily in the City of Chicago, in...in the inner city, who went to court and got an injunction against...got an injunction against the director of insurance prohibiting him from enforcing that law. So, we have an injunction that flies in the face of what the Legislature did last year. What this is is an attempt to provide the coverage to the motorists in Illinois who want to buy the coverage and to get away from the mandatory aspects that caused those companies to bring the injunction, and I think that those companies, although they do not have...happen to be the kind with which I relate, they do have, I think, a point and that is that there is a different ball game in Chicago as far as the business that they're writing, and they feel that in effect what we're going to be doing is mandating a very high premium on their policyholders. Now in downstate Illinois, the insurance companies have been writing this coverage for a premium of something like four dollars a year. So, it was an insignificant cost. So, really, I don't think there's anything to be suspicious about what's going on here, what we're trying to do and what is being attempted by the sponsor of the bill and the amendment is to offer some kind of reasonable way out of the present court injunction.

PRESIDENT:

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

Let me clarify...let me clarify the law so we know where...we are right now. Uninsured motorist coverage, liability coverage, personal liability uninsured motorist coverage is presently in the law at a minimum of ten and fifteen amounts of limits. So, there is...we...you can't buy

uninsured motorist coverage, personal injury coverage for five thousand dollars, the minimum is ten. That's the law right now. That amendment you were reading from was not the amendment that was adopted. That amendment which offered uninsured motorist property damage coverage and five thousand dollar a minimum limits was changed to make it ten which is consistent with uninsured motorist personal liability coverage, okay? That's...so, ten is the minimum amount. All right, secondly, it is mandatory to have uninsured motorist liability coverage, and nobody is arguing that point. The old law...the old law didn't...did not have any mandatory property damage coverage at all. That was not in the old law. That was optional. Last year we passed a law to make it mandatory. The insurance industry came back and said, listen, we've got a problem with property damage coverage because when a hit-and-run driver is involved in an...accident, supposedly our insured comes into us and says, my car was damaged, I've got a dent in the fender, I got a dent on the rear panel, and I was hit by a hit-and-run-driver. It is very difficult for them and is very easy for the insured to make that claim, and there's no way to verify whether that insured hit a lamp post whether, you know, he was out drinking that night and...and, you know, went up the curb and hit something or whether, in fact, he was hit by a hit-and-run driver. So, the...from the claim...aspects of it, it could get very expensive for insurance companies, and that's why they said, lock, if a person wants to pay for this coverage, then make it accessible to him. But by mandating it, we can get a lot of fraudulent claims that are unjustifiable and that's why the language was put in there that the person has to be identified as to whom is involved in the accident. I don't see any problem with the bill. I...I don't see Senator Eberman's objections. I think Senator Schuneman and I agreed on the new language

after the impact of the bill from the last...legislative Session. I think it's a good bill. I think it affords all insurance companies a...the right to offer the insurance and it affords all the insureds the right to accept that type of insurance, and nobody is being denied any...anything under any of the policies. So, I definitely would support it.

PRESIDENT:

Further discussion? Senator Eupp.

SENATOR EUPP:

Thank you, Mr. President. I think...and I'm sorry, I must apologize for being in the insurance business, but there's a confusion here and I think part of it is from the terms. When we talk about property damage, normally we think that this is damage that we do to other people's property. We get insurance and we get the bodily injury and property damage. Normally, those words are used when you're selling it and when you're talking about it. This is what protects you from recovery or pays for the damage that you do to someone else's property. The proper term in the business is physical damage. Physical damage is to your own car. This is what this covers. It doesn't cover property damage to someone else's car, it covers physical damage to your own vehicle.

PRESIDENT:

Any further discussion? Further discussion? If not, Senator Watson may close. Oh, I beg your pardon, Senator Bruce.

SENATOR BRUCE:

I do apologize for speaking a third time, but Senator D'Arco, if the problem is that people who have uninsured motorist property damage coverage are filing claims, your...your language on page 2 which says there is no liability if...the person who makes the damage cannot be identified, that corrects that whole problem, that's gone. You

just say in your policy this does not cover hit-and-run drivers, is exactly what the language is. What you've done, also, is say that the policy does not have to be mandatory and that is a big change. I agree with you on the part about the hit-and-run driver. If that's a problem in your part of the State, we ought to exclude that coverage from property damage, but to not make it available and mandatory is a...is a large change.

PRESIDENT:

Further discussion? Any further discussion? Senator Watson may close.

SENATOR WATSON:

Well, thank you, Mr. Speaker...or Mr. President. The concern, of course, is in...in regard to Senator D'Arco's amendment and I honestly can't speak that well to it, but we are simply trying to clear up a problem of a lawsuit that happened in Cook County and we have an injunction filed by the court and we're just trying to comply with that action. The original legislation which is supported by...it has no opposition as far as I know, and the original intent was to just establish some consumer protection in regard to ratios of surplus to premiums from insurance companies with a five million dollar or less surplus. The idea was to protect a consumer against these insurance companies who are operating in Illinois and many of them going under. I just would appreciate your support and ask for a favorable roll call.

PRESIDENT:

Question is, shall Senate Bill 1867 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, there are 31 Ayes, 18 Nays, 2 voting Present. Senate Bill 1867 having received the required constitutional majority is declared passed. Senator Barkhausen, 1868. Senator Bruce,

for what purpose do you arise?

SENATOR BRUCE:

A...at...on a point of...of special privilege and it's really a special privilege 'cause my daughter happens to be in this class. The East Richland Middle School class is in the President's Gallery along with their teacher, Alta Spear and my wife, Mrs. Bruce. If you'd all stand and be recognized by the Senate...

PRESIDENT:

Will our guests...

SENATOR BRUCE:

...and Emily Bruce.

PRESIDENT:

...will our guests please rise and be recognized. Welcome to Springfield. Senator Barkhausen on 1868. On the Order of Senate Bills 3rd Reading is Senate Bill 1868. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1868.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members of the Senate, Senate Bill 1868 is simple and straightforward in its concept and impact. It is, I will tell you, a home rule preemptive bill and it is...it is aimed at protecting the sale of...of State lottery tickets on which the State has come to depend increasingly as a major source of its revenue, and it...and it simply says that any home rule unit in the State is prohibited from levying any fee or tax on the sale of...of State lottery tickets. I'll be happy to answer any questions.

PRESIDENT:

Discussion? Senator Collins.

SENATOR COLLINS:

Yes, question of the sponsor.

PRESIDENT:

Sponsor indicates he'll yield, Senator Collins.

SENATOR COLLINS:

Does it apply only to lottery tickets?

PRESIDENT:

Senator Earkhausen.

SENATOR EARKHAUSEN:

Yes, that's the way the bill is worded, Senator Collins, lottery tickets.

PRESIDENT:

Further discussion? Senator Savickas.

SENATOR SAVICKAS:

Well, Mr. President, I think we should rise to object to this bill on a few grounds. One is the intrusion on home rule authority. Another is that there are proposals being bandied about to tie in a surtax to the lottery tickets to be used for the purpose of education. Each year we are having a greater and greater difficulty in all of our communities, whether you are in Chicago or downstate or in the suburban communities, to fund education. It's a...they try on the income tax, they try on the real estate property and it's very possible that the people may use this option as a surtax with the lottery not interfering with the State's portion or its share in the lottery and creating a position that the lottery was intended in the first place, to help fund education. I think this is a...a question at this point that a fear that the Governor's going to try to preclude any use of a...a municipality's right to use the lottery. I would suggest that we defeat this bill and leave our avenues open, at least until next Session.

PRESIDENT:

Further discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I...I rise in opposition to this. You know, it...we originally...when we passed the lottery it was supposed to increase aid to education, and you know what has happened down through the years. This is another attempt, as Senator Savickas has said, that why should now come...we, at this time, try to preempt home rule? And while I'm asking that, this is...Mr. President, this will require how many votes?

PRESIDING OFFICER: (SENATOR BRUCE)

(Machine cutoff)...Hall, if you would continue in your questioning, the...we'll get to a ruling for you in a moment. Senator Hall, did you have further discussion?

SENATOR HALL:

Well, I'll...I'll yield to someone else at this time.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. Has the question been answered as far as the number of votes required on this bill?

PRESIDING OFFICER: (SENATOR BRUCE)

No, we're taking that under advice, but we'll get back to you...

SENATOR LECHOWICZ:

Well, while you're doing that, I'd probably like to then speak and address the issue. Basically what we're doing here is we're asking...or stating that the unit of local government does not have the authority if it's passed by the city council of imposing any fee on lottery tickets. I don't believe that when lottery was originally passed by the House and Senate that there were any restrictions; in fact, if you recall, it passed by a very, very narrow margin. It...received strong support by many of the people of the

urban areas throughout this State; in fact, it's principal sponsor, Representative Zeke Giorgi, led the fight in this battle. It has been a very worthwhile adventure, in fact, a...a great pastime for many people in this State, many people from urban areas; and unfortunately, now, this piece of legislation would tell the urban areas of this State that they don't have any right whatsoever of imposing any type of a tax on an item that generates a good deal of money that comes in the General Revenue Fund of this State and is supported throughout every major urban area in this State. I think this bill is wrong. I think this bill...goes absolutely in the wrong direction and it should be defeated.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Is there...further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I rise in support of Senate Bill 1868. It's most unfortunate that we, in the General Assembly, on occasion seek to bite the hand that feeds us. It's almost ridiculous to contemplate that anybody would have opposition to a bill that would prohibit a tax on a revenue source. I urge support for Senate Bill 1868.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Rock.
SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I have just conferred with my constitutional expert. She is probably the...you...may stand up and take a bow if you wish. The fact is I truly believe, as I indicated in the Executive Committee, that this flat out prohibition will require an extraordinary vote. I...it is no...no... unquestionably a close call, but I am urging the Chair to...to suggest very strongly to the membership that we are specifically prohibiting any home rule unit from levying

any fee or tax on a function that at the moment is exclusive to the State, that is the sale of lottery tickets. But the fact is we are prohibiting a home rule unit from the levy of a tax, and in my judgment, that requires an extraordinary vote, and I am opposed, obviously, as I was opposed in committee. I do not think that we ought to foreclose this avenue, and particularly for those of us from the County of Cook, I would suggest very strongly that this has been talked about and every available avenue of sources of revenue ought to be available, and if the county board or the City of Chicago, where I might add eighty percent of the lottery tickets, I'm told, are sold, wishes to impose a tax, we just ought not prohibit them. If they wish to take that kind of heat, that's why they're a home rule unit. My judgment is it requires thirty-six votes, and I would hope that we're not even close to that majority, constitutional or otherwise. I urge opposition to this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Mahar.
SENATOR MAHAR:

Thank you, Mr. President. I rise in support of this legislation. It seems to me that from the very beginning, and I was one of those that voted in favor of the legislation back about 1973 or '74, and the reason then was to provide additional source of revenue for the State of Illinois, and I think over the years we've seen an increasing source of revenue for the State of Illinois, and we're constantly referring and looking at our lottery money, and we want more and more lottery money to come in. What we're doing is we're helping our lottery people to enhance their operation. We just...reestimated the value of...the budget...Bureau of the Budget by adding seventy million dollars for this current fiscal year in which we hope to take that kind of revenue in to pay for education and all the various fundings of the

State. So it seems to me, in any situation where we tack something onto this amount of money, we're going to lower the amount of revenue that comes to the State. Now if Chicago wants to set up a lottery system, they can do it separate and apart, but we should not allow anybody to tack some type of a thing onto this...this system that would detract from the amount of revenue that we take, and I would urge that we support the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? The Chair is prepared to rule on Senator Hall's questioning as to whether this is preemptive. Under Section 6 of Article VII of Local Government, "The General Assembly by a law approved by the vote of three-fifths of the members elected to each House may deny or limit the power to tax," and it continues on, "the Supreme Court has stated that in addition, that the...the bill must explicitly state that it is a limitation" and, in fact, in Section 10-3 of this Act, it cites a section pursuant to Section...Article VII, Section 6-G, home rule units are denied the power to tax and, therefore, pursuant to the Constitution of the State of Illinois and the ruling of this Chair, it will require a three-fifths affirmative vote of the members elected. Further discussion? Further discussion? Senator Barkhausen, you may close.

SENATOR BARKHAUSEN:

Mr. President and members, I certainly can't disagree with the ruling of the Chair. I think it's very clear that the preemption of this kind does require a three-fifths vote, but I think that the opposition of the bill is...is hugely mistaken. For as Senator Mahar correctly pointed out a moment ago, we can't deny that any home rule unit's tax of the sale of State lottery tickets will have some impact, probably a very large impact, on the...the lottery as a source of revenue for this State, and...and is this Body

willing to abide a...a substantial decrease in State revenues so as to see them going to various home rule units? It was argued by the other side that home rule units would turn around and use this money as a source of...of revenue for education, and yet, I don't think that's at all clear. They would use it perhaps as a source of revenue for their own operations of local government but not as a source of spending for education. That is, in fact, what State lottery money is used for at the State level. It goes into the...General Revenue Fund...

PRESIDING OFFICER: (SENATOR BRUCE)

Excuse me, Senator Barkhausen. May we have some order, please. If we can take our conferences off the floor. If we can clear the aisle here. If the gentlemen in the back of the room can take their conferences off the floor. If we can clear the area behind Senator Weaver's desk and take those conferences off the floor. Senator Barkhausen.

SENATOR BARKHAUSEN:

...the money, as we know, from the State lottery goes into the General Revenue Fund and of course one of the major operations of State Government that's financed out of the General Revenue Fund is education. As was also pointed out on our side, there is nothing in this bill which would preclude any home rule unit, including the city, from establishing its own lottery. If it's felt as...has been pretty clear in recent years that the State lottery is successful in raising significant dollars for the State Government, perhaps it would be equally successful for local governments; and rather than contemplating a tax on the sale of State lottery tickets, the home rule unit might very well want to think about going into the lottery business itself, and there is nothing in this...this bill that would prevent that. So I...I think what we're trying to do is to...is to head off by this legislation a possible move by units of local government that

would seriously jeopardize the State lottery as a major source of...of State revenue on which we all recognize we increasingly depend and...and, therefore, I urgently urge you to give your support to this legislation.

PRESIDING OFFICER: (SENATOR BRUCE)

The question is, shall Senate Bill 1866 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 30, the Nays are 22, none voting Present. Senate Bill 1868 having failed to receive the required constitutional majority is declared lost. Senate Bill 1870, Senator Mahar...read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1870.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and members of the Senate. Senate Bill 1870 allows the Department of Transportation to authorize the...the release of easements and restoration of access rights of parcels of land in downstate counties. This land is no longer needed and should be restored to the interested parties and the result will be a return of twenty-seven thousand six hundred and eighty dollars to the Road Fund. I would ask for your support.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall...is there discussion? Discussion? The question is, shall Senate Bill 1870 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are

none, none voting Present. Senate Bill 1870 having received the required constitutional majority is declared passed. Senate Bill 1873, Senator Davidson. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1873.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, the bill does what it says on the Calendar. This is a bill that came from the State Employees' Retirement System. We did add a couple amendments; one, in the committee to clarify some language; two, we put one on the Floor yesterday that those individuals who have a workmens' comp. claim against the State as a State employee who would receive disability...could receive disability during the time that's being settled if it goes to the Industrial Commission that if and when a settlement is reached that the retirement system could recover that kind of money so it would keep the system in balance; and third, Senator Berman put in...on an amendment that would give the Chicago Teachers' Retirement the same privileges that we gave the downstate teachers last year. Appreciate a favorable roll call. I know of no opposition.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the spncsor, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield, Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, I'm sorry, I was not plugged into this issue, is

the...does this bill increase the unfunded liability of the pension system and what is the position of the Pension Laws Commission on the bill?

PRESIDING OFFICER: (SENATOR EBUCE)

Senator Davidson.

SENATOR DAVIDSON:

To my knowledge it does not and the Pension Laws Commission reviewed this and all the amendments and support this bill.

PRESIDING OFFICER: (SENATOR EBUCE)

Further discussion? Senator Keats.

SENATOR KEATS:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR EBUCE)

Indicates he will yield. Senator Keats.

SENATOR KEATS:

To the best of your knowledge, it's actuarially sound. If there is someone could get us that because looking at this...

PRESIDING OFFICER: (SENATOR EBUCE)

I...may we have some order, please. Senator Davidson is trying to answer the...listen to the question so that he might answer it. Senator Keats, would you repeat your question, please...could we have some order, please. Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. Of the spncsor, I'm saying, you don't believe it leaves the fund actuarially unsound. Looking at it I don't see any way in the world that could...that this could be an actuarially sound bill. Is...is there anyone who could give us some specific information? I just don't see how we can continually add time to the Pension Fund and not really seem to have funds coming in. Could someone give us some specifics on whether

this...whether this actually is covered, costwise?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Davidson.

SENATOR DAVIDSON:

I did not say that it was actuarially funded sound for the pension system per se. The question asked by Senator Schuneman was, would this add to any more of the unfunded liability, and to my knowledge, no. The Pension Laws Study Commission is the ones who did the research on this, and they endorsed this and I have a long two and a half page report here which I'll certainly be glad to give to you to read that they support this and endorse it a hundred percent.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Keats.

SENATOR KEATS:

Okay, I...I appreciate the thoughts of the Pension Laws Commission, although we've all seen some of the things they've recommended that a lot of us didn't necessarily recommend, but what you're saying is this is actuarially unsound then, that this is not funded.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Davidson.

SENATOR DAVIDSON:

Well, I don't know what you're trying to get at, is that we all know that the different pension systems have some unfunded liability, but to my knowledge, this does not add to any more of that by this. This was a request by the State Employees' Retirement System to correct an item which came out of last year's bill, and two, the Pension Laws Commission did do the research on it and they endorsed it a hundred percent that this was a...a favorable situation far as the pension laws felt in relation to the retirement system.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I apologize for speaking the second time, but I feel a little bit responsible for bringing this bill to a halt here. First of all, the...I...I now have in front of me the report of the Pension Laws Committee...Commission and they do recommend that the bill in its initial stages be approved. They also say that the amendment that is attached to the bill has little or no additional cost impact, and I think under those conditions...we can approve the...the bill. But I'd like to say this to you, Senator Keats,...Senator Keats, I'd like to make a point to you, if I may. Those of us who are on the...on the Pension Laws Committee, frankly, are somewhat offended when you make a comment of the kind that you did. We repeatedly stand on the Floor of this Senate and on the Floor of the House and argue against unreasonable increases in pension funds. The history is that the Pension Laws Commission has argued against those and this Legislature has approved them, and for you to indicate otherwise is, frankly, somewhat insulting to those of us who sit on the Pension Laws Commission and...and hope that we can bring about some financial responsibility in all these pension systems. In this particular case, there's very little, if any, impact on the...on the unfunded liability of the fund and the Pension Laws Commission has agreed that the bill ought to be passed.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Davidson may close.

SENATOR DAVIDSON:

Ask for a favorable vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill 1873 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are

*AB 1876
2nd Reading
AB 1875
3rd Reading*

none, none...2 voting Present. Senate Bill 1873 having received the required constitutional majority is declared passed. Senate Bill 1875, Senator Grothberg. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1875.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grothberg.

SENATOR GROTHBERG:

Thank you, Mr. President and fellow Senators. Senate Bill 1875 as amended is the bill that enacts the technology innovation and commercialization grants and aid and the council thereto within the Office of ECCA, and it enlarges the powers of that office to make specific grants to universities, private not-for-profit research centers and small business for those businesses who do not have the strength themselves for R and D in the State of Illinois and it goes to Illinois businesses. I would be pleased to take questions on the subject. It's been rather widely discussed, and if not anything further, I know of no objection. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, is there discussion? Discussion? The question is, shall Senate Bill 1875 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 1875 having received the required constitutional majority is declared passed. Senate Bill 1876, Senator Weaver. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1876.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President and members of the Senate. This bill would place the State facilities commonly known as the Illinois Medical Center which are now under the control of the various agencies occupying the buildings under the control of Central Management Services. The bill also alters CMS's police powers to allow us to take over the function of DMHDD police force which...currently provides security for these facilities. The amendment to the Pension Code are included to allow these employees' pension benefits to be transferred, and finally, the bill deletes references to facilities which CMS has either surplused or sold. If there's any question, I'll be happy to answer them. If not, I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

That's all right. Is there discussion? Senator Sommer.

SENATOR SOMMER:

Mr. President, you...you will yield, won't you, Senator Weaver? Is there...I just noticed this right now and I should have asked you before but didn't have a chance. Is there a provision in...on an amendment on this bill which resurrects an old bill that lost concerning thirty-year leases?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Weaver.

SENATOR WEAVER:

Yes, I think Senator Bloom and Senator Vadalabene have put an amendment on which identifies two locations in the State which they could possibly go into a thirty-year lease if monies are appropriated for those leases.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sommer, had you concluded? Senator Bloch, did you have a question? Is there further discussion? Further discussion? The question is, shall Senate Bill 1876 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 1876 having received the required constitutional majority is declared passed. Senate Bill 1878, Senator Donahue. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1878.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President and fellow Senators. Senate Bill 1878 creates the Child Enforcement Trust Fund that will be held with the State Treasurer. The fund will consist of Federal Grants, support payments received by the Department of Public Aid and incentive payments that are received by other states. The Department of Public Aid does...support this and I know of no opposition to this measure. I would hope for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? Question is, shall Senate Bill 1878 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. 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 1878 having received the required constitutional majority is declared passed. Senate Bill 1879, Senator Schaffer.

*SB 1879
2nd reading*

Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1879.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schaffer. And, Senator Schaffer, WEEK, Peoria, requests permission to tape the proceedings. I don't know whether that was given earlier or not. Is there leave? Leave is granted.

SENATOR SCHAFFER:

I should first alert them this is not the pay raise bill. This is the Department of Public Aid bill that provides, quite simply, that a child shall be considered to be living with a parent or parents if the child is absent from the parent or parents home only in order to regularly attend a school, college, university or to receive technical training designated for preparation of gainful employment. Simply put, we have a problem in the State the department wishes to address of minors applying for public aid at these various universities and higher education and...and vocational training facilities when, in fact, they are still the legal responsibility of their parent, and without this language, apparently, the department is running into some problems. I'll be happy to answer any questions. I am not aware of any opposition.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? Question is, shall Senate Bill 1879 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. 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 1879 having received the required constitutional majority is declared passed. Senate Bill 1880,

HB 1880
3rd Reading

Senator Donahue. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1880.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1880 corrects in our Statutes something that we can report a family and use as...prima facie...evidence the parents who have the second illegitimate child, and I think that we need to change that for Department of Public Aid as well as DCSF. Again, there is no known opposition. This is something that really we need to correct. I could hope for your favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Collins.

SENATOR COLLINS:

A question of the sponsor. I...I'm sorry, I really didn't hear your explanation.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Donahue.

SENATOR DONAHUE:

Right now, in the Statutes, as I understand it, we can use a...for child abuse and what have you against a family that has the second illegitimate child, and we do not think that that is correct. We want to eliminate the second as...as use as evidence. I mean, it's something that is really needed.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins.

SENATOR COLLINS:

Is it...you could...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Donahue.

SENATOR DONAHUE:

All right, what...what it...right now, we can say a family is unsuitable or a parent is unsuitable if they have two illegitimate children, and I think that that needs to be changed.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Question is, shall Senate Bill 1880 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none...2 voting Present. Senate Bill 1880 having received the required constitutional majority is declared passed. Senate Bill 1881, Senator Weaver. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1881.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President and members of the Senate. Senate Bill 1881 does just as the Calendar states with one addition. It amends the Purchasing Act to allow State agencies to buy natural gas from a gas broker without formal bidding if it can produce savings over buying such gas from a local distributing company. If there are any questions, I'll be happy to answer them.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? Question is, shall Senate Bill 1881 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who

wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays none, none voting Present. Senate Bill 1881 having received the required constitutional majority is declared passed. Senate Bill 1882, Senator Geo-Karis. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1882.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this, too, is the same as it reads in the synopsis. It makes eligibility for general assistance dependent upon a person's ineligibility for Federally funded...refugee aid. In other words, if there is refugee aid available, then we don't have to use State funds or use Federal funds, and I move the passage of this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? The question is, shall Senate Bill 1882 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Kenny. Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 1882 having received the required constitutional majority is declared passed. Senate Bill 1883, Senator Schaffer. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1883.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, this is another Department of Public Aid bill which simply mandates that attorneys or anyone representing a plaintiff that is an...a Department of Public Aid recipient to notify the department when a lien is filed on behalf of that recipient. The problem is that we will occasionally see a public aid recipient involved in, let's say, an automobile accident who has extensive medical bills. We, through the normal course of the green card, pay those medical bills, those hospital bills, and at a subsequent date the recipient is successful in a lawsuit or legal action to recoup the cost of those medical bills and presumably other damages, but in this case, we're talking medical bills, and the department does not know about it and the department is never given a chance to recoup the...the funds. I am told the impact on the State Treasury could be several million dollars a year. Again, I'm unaware of any opposition.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? The question is...Senator Berman.

SENATOR BERMAN:

Will the sponsor yield.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Berman.

SENATOR BERMAN:

The present system is that the department, when they pay bills that arise out of an automobile accident, serve a lien on the...the recipient and the provider and the attorney. How does this bill change that procedure?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schaffer.

SENATOR SCHAFFER:

Are you talking about order of payment in...I'm...I'm sorry, I'm not sure I understood your question. I handle

public aid bills. I try and stay away from the legal stuff.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman.

SENATOR BERMAN:

This appears to shift the burden of collection from the Department of Public Aid to the recipient's attorney. Is that what it does?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schaffer.

SENATOR SCHAFFER:

No, there's no...no burden at all other than for the attorney to notify the department that a...a legal action is underway in which the recipient may be the beneficiary, then the department has to follow up on its own to recoup whatever is an appropriate amount. I might add, I didn't want to add, that there's also protection that the department will not collect anything that would jeopardize the legal fees from being paid. I hate to admit that 'cause I'm not sure I'm that wild about it.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Berman.

SENATOR BERMAN:

Well, I'm glad to hear that, but a client comes in to see me, he's been involved in a personal injury accident. He went to Cook County Hospital and I don't know whether public aid has paid the bill or not. I settle the case for the client. I take my fees off and I give everything else to the client. A year later the department writes me a letter and says, we paid this bill. What's my exposure?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schaffer.

SENATOR SCHAFFER:

My friends over here are wondering whether you're concerned if he goes to...a lawyer other than yourself or

just...no, a little...a little light humor here. I...okay, well, I...that's the way you figure it and we're trying to get you an answer. I interpret the language, and I...I, again,...I just interpret it as saying if...if it's a client, there appears to be no language here, quite frankly, that would hold you liable for someone you did not know was a public aid recipient. Although at the risk of sounding a trifle cynical, I would tend to think that a...a counselor in the normal conduct of his business, in wondering how his bills were going to be paid might determine a person's source of income just in the...general conduct of the operation and deciding fees and payment procedures, and I suspect at that point the lawyers would become aware of whether a person was or was not; but I suspect you have a very good defense in that if you...if you do know, there's nothing that appears to be in the law that would hold you liable in that case, but obviously, if you knew...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Eerman.

SENATOR EERMAN:

Well, here...here's your problem and...and a very typical situation. There are all kinds of benefits that recipients receive, and I can tell you that the lawyer many times does not know how those were paid. For example, a client can have private insurance and he can have a green card, and when the...and when you receive the bill from the doctor where it...which is the source that you usually get the bill from, you don't know whether that bill has been paid or paid by insurance, private, or paid through a green card; and I will tell you that in the normal course of these cases, if this bill puts the burden on the attorney, every case is going to involve a deluge of notices from the attorney to the Department of Public Aid. They can't sift through the stuff that they know about now, let alone start to sift through other

material, and if this bill passes as I think it is explained, you're putting...it sounds good but it's not going to work. May I suggest to you, either let's pull the bill out and let's take a look at it between now and tomorrow or...or get a...a better track. I'm not aware that the department loses its processes now. They know by looking at the medical records that they pay for whether there was an accident involved, and when they...when they find that out, they serve a lien. No case is settled when that lien has been filed because the lien is served on the insurance company. Now, you're making the attorney, and I'm not sure he has any obligation and I'm not sure the bill is even enforceable, to be the collection agency or even to notify public aid. I think you're infringing upon the client-lawyer relationship, but that's another question. But I will tell you that if this bill passes as you've explained it, every person that's involved in an accident, the lawyer is automatically going to send a letter to public aid, and you're not going to achieve what I think you want to achieve. I think it's got to be tracked in a much...more careful way. Now tell me how we can look at the language. I have no problem because when there's a lien filed today, public aid collects its money, but I don't think that by placing the burden on the lawyer that you're going to achieve anything.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Lechowicz. Oh, and...and may I...Senator Lechowicz, if you would allow me...

SENATOR LECHOWICZ:

I move the previous question, Mr. President.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Is there further discussion? Senator Schaffer, you may close.

SENATOR SCHAFFER:

Yes, I...I think...Senator Berman, I think you've made a

good point and let me suggest this to you, I intend to talk to the department. I would prefer because of where we are in the process to send the bill to the House but to address this problem to the department and...and ask them to seek some sort of a solution. I believe I have accurately presented the bill and that you have...that...that, in fact, detected a defect. I would also suggest to you, one of the problems though for the department is that there may in fact be an accident and may...a person may have legal treatment and be a year...a couple of years down the road before legal action is filed, and the department may never know about that, and we are talking in terms of million dollars...several million dollars a year potentially that the taxpayers of this State are entitled to get back; and I would ask your indulgence to...that I would give you my assurances that we would meet with the department, and I think you've got a good problem there and they have a defect in the bill, but it's one I think I would prefer at this time to have worked out in the House and give you that assurance that I will certainly ask the department to get together with both of us and see if we can get some language over there, but at this stage of the game, I think we should go forward because we are, I believe, talking about several million dollars of taxpayers' funds a year.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, WAND-TV has asked leave to film the proceedings and Associated Press is requesting leave to shoot still photographs. Is there leave? Leave is granted. The question is, shall Senate Bill 1883 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, the Ayes are 39, the Nays are 9, 7 voting Present. Senate Bill 1883 having received the required constitutional majority is declared

passed. Senate Bill 1687, Senator Jeremiah Joyce. Read the bill, Mr. Secretary, please.

END OF REEL

REEL #2

SECRETARY:

Senate Bill 1887.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President, members of the Senate. Senate Bill 1887, permits a lender in a revolving credit situation involving amounts in a assess of five thousand dollars, to take a security interest in a land trust and the beneficial interest in the land trust. As you know, we passed into law last year, a measure that permits a security interest in real estate under Illinois law land beneficial interest in a land trust is personality. So, this kind of does what we thought we were doing last year.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Discussion? Senator Geo-Karis.

SENATOR GEC-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Geo-Karis.

SENATOR GEC-KARIS:

My analysis says that this bill allows lenders to secure revolving lines of credit over five thousand dollars of beneficial interest in land trust. Jerry, would mind explaining just exactly what you can do? ...the beneficial interest in land trust is a...are considered personal property. Now, would you just give me a capsule for a version just what your bill does, because I'm not quite clear from the analysis.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

If you...want to get yourself a line of credit, a revolving line of credit, and the lender wants security and he wants in...in...in amount of...in assess of five thousand dollars, then he will not give it you unless you have some...have security. Now, you want to put up land as security, under our law now, if the land is in a land trust, you would have to take it out of a land trust in order to render that as security.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, under the law now, what we can do is assigned our beneficial interest in that trust to the lender.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

No...no we understand that land in the trust is personal property. I...I don't know...I don't know under Illinois law, may be Senator Berman or Senator...Kustra, I...I don't know under Illinois law if...assignment of a beneficial interest in a land trust can be taken as security. I don't know.

PRESIDING OFFICER: (SENATOR BRUCE)

...Senator Geo-Karis. Further discussion?

SENATOR GEO-KARIS:

...the only thing is, it can...Senator Berman concurs with me on it, but that's why I was wondering why it was necessary if it's...if you feel that it will be easier may be it's better for someone who owns...who owes money to let them have a lean or...it's what...they're asking that...we release of the security interest. Right? That's what you're asking for. Well, when you sign a beneficial interest in a trust...in a trust, in the land trust, you're doing exactly that, but I'm just wondering why the bill was necessary considering that we...if we have a trust we can assign our

beneficial interest in that trust to the lender. That's all.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill 1887 pass. Those in favor vote Aye. those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 1887 having received the required constitutional majority is declared passed. Senate Bill 1888, Senator Nedza. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1888.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1888 brings Illinois law into conformity with the Federal law. It was respect to the Garns St. Germane, which was passed by Congress and that specifically granted authority to regulators to establish limits for loans. That's the bill, I know of no opposition. I would appreciate your favorable consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

...is there discussion? Question is, shall Senate Bill 1888 pass. Those in favor vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, 2 voting Present. Senate Bill 1888 having received the required constitutional majority is declared

passed. Senate Bill 1869, Senator Berman. Senate Bill 1892, Senator Rock. Senator Rock, for what purpose do you arise?

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. 1892, 93 and 94 are those bills intended to be the vehicle for our discussion on the World's Fair, the proposed expansion of McCormick Place and the tourism program for the State of Illinois. As I'm sure, all are aware, there has been an enormous amount of work by a task force appointed by the Governor and the four Legislative leaders and Representatives of the World's Fair Authority, McCormick Place in the City of Chicago. They are scheduled to meet next week and finalize, we hope, their recommendations on the sixth day of June. For everyone's information, what I propose to do and later I will ask this Body to immediately consider and adopt a Senate resolution, which will specifically exempt these bills from our Senate deadline, which is obviously tomorrow. And further, we'll call for a Committee of the Whole hearing next week, so that, all the members of the Senate will have a opportunity to understand from Secretary Kramer, from Mr. Aires and Representatives of McCormick Place and the Department of Tourism just exactly what they are proposing, be contained ultimately in these bills. So for the moment, to allay any fear, these bills will not be moved and I will later today or at the appropriate time, when we get on the Order of Resolutions, ask that we resolve to have a Committee of the Whole hearing for this purpose, so that everyone is aware of what is contemplated, and further that these bills will be then exempted from the deadline and we can consider them in June and then send them to the House for the House consideration. Allow me...

PRESIDING OFFICER: (SENATOR BRUCE)

Alright...

SENATOR ROCK:

...allow me also, Mr. President, to indicate that it is the intent of the Chair after discussion with Senator Philip, that we will be working straight through until six o'clock. It is pretty obviously that we will...of necessity, be here tomorrow. We will get through I hope, the Calendar. Turn the corner, if you will, after consideration of 1957 and before we get to the hospital cost containment or the Order of Recalls, we will have the opportunity to brief, I hope in our respective Caucus. There are a number of bills to be placed on the recall list and those will obviously be done later today. In the meantime, I suggest we just move on through the Calendar.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Keats, for what purpose do you arise?

SENATOR KEATS:

Thank you, Mr. President. Just to make a request to...our President, no objection to anything you're saying, but...we ask, is a favor as legislators, with the three bills dealing with three separate topics, when we get to the Committee of the Whole, can we have McCormick Place separate from the World's Fair, because a lot of us happen to favor one of those and not the other, et cetera. So, that the three bills deal with three separate issues.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

That...that request is entirely reasonable and the answer is yes.

PRESIDING OFFICER: (SENATOR BRUCE)

Further...1896, Senator Holmberg. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1896.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Holmberg.

SENATOR HOLMBERG:

This legislation establishes a disabled persons identification card and was suggested by a task force made up of disabled persons. It has several major benefits, the fact that they would be holding this identification card. I would alert persons to the fact that special services may be needed by the disabled person in case of an accident or an emergency. An example, would be a death person who is in...been involved in a traffic accident and might need special communication assistance, when he or she arrives at the hospital. Or a person whose speech is affected by cerebral palsy, might be mistaken by a law enforcement officer as being intoxicated. It would verify a disability of purposes of receiving special rates or services offered to disabled persons, such as a reduced rate for admission to a fair, movie or, so forth. It would reduce the number of physicians...certificates needed by a disabled person in order to receive assistance or benefits afforded to them and certain current state laws. It's strictly voluntary, it's at no cost to the disabled person, it would be issued by the Secretary of State. It would include on the card, the type of disability, and the class of disability. It is something that we have worked out with the Secretary of State, all the various departments that have been affected, have sign off on the bill. There're in agreement with the bill, as amended and I would ask for your support.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? The question is, shall Senate Bill 18...Senator Lemke.

SENATOR LEMKE :

Just a question of the sponsor. Did we...I know

some...had some friends in California were...they fought to keep the palsy off the birth certificate, because there's some group insurance companies, you...your...your have palsy or you put your disabled, they...you can't get group insurance for the family members. And this is a very serious problem, and I hope that...I know we're trying to help these people, but in some respect we might be hurting them, if we're going to raise their group insurance rates or they can't group insurance, and this...by doing this, this might set a presedent where they will be branded as palsy victims or disabled and...they'll be...stopped from getting insurance. And I know the insurance industry, they unscrupulous. Anyway they can get an extra buck, they'll do it.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Holmberg.

SENATOR HOLMBERG:

Senator Lemke, this particular piece of legislation is strictly voluntary and no one who does not wish to participate will need to do so.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? The question is, shall Senate Bill 1896 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, 2 voting Present. Senate Bill 1896 having received the required constitutional majority is declared passed. Senate Bill 1897, Senator Sangmeister. Senate Bill 1905, Senator Smith. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1905.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and to the members of the Senate. Senate Bill 1905 authorizes the Department of Public Aid to negotiate agreements with social service agencies to operate a demonstration project, which authorizes under the Omnibus Reconciliation Act. The project is structured to train those eligible for AFDC, and that is Families With Depended Children. As homemakers, our home health aids, describes the services that shall be provided to the elderly or the disabled persons. This private project is the approval of the Department of Public Aid, for the department that feels that Senate Bill 1905, because of the project would enhance the department self support efforts and then promise possibilities to the people who are part of families with depended children. I ask that you look at this favorable and give us your vote.

PRESIDING OFFICER: (SENATOR BUUCE)

Discussion? Discussion? The question is, shall Senate Bill 1905 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record? On that question, the Ayes are 52, the Nays are none, none voting Present. Senate Bill 1905 having received the required constitutional majority is declare...pass. Senate Bill 1911, Senator Luft. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1905.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BUUCE)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Last year thirty-three Community Currency Exchanges

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were temporary closed and during that period, it discovered that the Community Currency Exchange Act, there was an absence of Statutorily language designating a receiver, when the currency change became insolvent, but Senate Bill 1911 does, is names the director of financial institutions as the receiver, and specifies how assets are to be distributed to the claimants. This bill, is introduced at the request of the Attorney General, I'll try to answer any questions or move for its passage.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Discussion? The question is, shall Senate Bill 1911 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted wh wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1911 having received the required constitutional majority is...declared passed. Senate Bill 1918, Senator Nedza. Senator Nedza. Senate Bill 1920, Senator Darrow. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1918.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Darrow.

SENATOR DARROW:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. What this bill does, is raise the cap for the metropolitan downstate civic centers from seventy-five million to a hundred and million. At the present time, if we were to approve this bill as it is, with no source of revenue, it would jeopardize our bond rating. It's my intention, if...if the Senate...

PRESIDING OFFICER: (SENATOR BRUCE)

Whoa...wait a minute, can we have some order, please? Can we take some of the Caucus off the Floor? Senator Darrow.

SENATOR DARROW:

...thank you, Mr. President. As I was saying, if this bill were approved without a revenue source, there's a possibility that the bond ratings would be jeopardized. As my intention, that if this bill is approved by the Senate to hold it over in the House, to see what occurs in later part of June with regard to new revenues and new sources of support for the various projects throughout the State such as the, McCormick Place and the World's Fair. It is not my intention to put this on the Governor's desk, unless in the closing days of June there are sources of revenue available for the increase in the Bonding Fund. Be glad to answer any questions.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield.

SENATOR DeANGELIS:

Senator Darrow, what is the cumulative total amount of obligations, if the propose civic centers would it be passed, upon the State of Illinois?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Darrow.

SENATOR DARROW:

I'm not aware of that figure, I...I am however, aware of the fact, that if...at the present time, I believe, there's about two or three million dollars annually available. This bill actually, would benefit the existing civic centers that are not funded more than it would have benefit the DuPage Civic Center or the Quad City Civic Center or the Pekin Civic

Center.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, would you believe two hundred and fifty-six million dollars.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Darrow.

SENATOR DARROW:

Yes, I...I...I'd believe that figure, it's...it's a considerable amount of money. We've been creating civic centers over the last few years, but we would be right back in the same posture we are now. We would not be funding all those civic centers, we would merely be funding probably one maybe two small ones, if we raise the cap.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, Senator Darrow, you know, I...I think the bill ought to be tidied up a little bit to indicate exactly who it is and how much, because what we're doing here is creating a real false expectation and when that expectation level rises so strongly, there's going to be anence amount of pressure on this Body to get that bonding limit to include those other civic centers. And I think you're doing something a rather dangerous here.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Darrow, the Chair has taken a look at your particularly piece of legislation. It appears because these are GO bonds or Revenue Bonds that they will require a three-fifths vote, is that...is that what you had anticipated? Alright. In a quick reading of the matter, it looks as if this would require a three-fifths vote and that it does increase the bond authori-

zation from seventy-five million to one hundred million. Senator Darrow may close.

SENATOR DABROW:

Thank you, Mr. President. There's no question...

PRESIDING OFFICER: (SENATOR BRUCE)

Excuse me, Senator Darrow, if we just have...if we could take some our Caucus off the Floor...certainly happy to have our House members here, if we could just let Senator Darrow conclude, he's a former House member and we want to afford him every courtesy now he's Senate. Senator Darrow.

SENATOR DABROW:

Thank you, Mr. President. There's no question that where we defund all the civic centers, this cat would have to be...arranged to a considerably higher figure. What I'm attempting to do here, is raise it by twenty-five million dollars to make a possibility of funding some of the civic centers if new revenue are available. You might say that this is a vehicle for downstate civic center supporters. Once it gets over into the House, we will see what develops, what will come about in later June. If no funds are available as I said, if no funds are available for the projects up in Cook County, of course there will be no funds available for the downstate civic centers, however, if funds are available for the World's Fair, for the McCormick Place Expansion and things of this nature. We could use this...this legislation to see that there's some funding available for downsatte civic centers. That's the purpose of the bill, it's not a...it's not going to be placed on the Governor's desk if thing don't work out right, so that we...there'll be no possibility of jeopardizing the bonds or the bond rating. I'd ask for a favorable vote.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill 1920 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have

all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 38, the Nays are 16, 2 voting Present. Senate Bill 1920 having received the required constitutional majority is declared passed. Senate Bill 1924, Senator DeAngelis. Senate Bill 1925, Senator Bloom. Senator Bloom, on the Floor? Senate Bill 1927, Senator Philip. Senator bloom, did you wish to call 1925. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1925.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President, fellow Senators. Senate Bill 1925 might be described as an omnibus administrative rules bill. During the preceding, twelve months as we've done our five year review, the Joint Committee on Administrative Rules has found various glitches in various departments regulatory schemes. And the bill itself then basically, establishes fees for various agencies that we're charging fees without Statutorial authority and basically cleans up other matters regulatory. I will answer any questions, otherwise seek a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? The question is, shall Senate Bill 1925 pass. Those in favor vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1925 having received the required constitutional majority is declared passed. Alright. Senate Bill 1927, Senator Philip. Read the bill, Mr. Secretary, please.

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SECRETARY:

Senate Bill 1927.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1927, as amended, amends the Public Fund and Investment Act, the State Finance Act, the State Monies Act. It provides the interest on monies earned by the State Treasurer go back to the General Fund, unless otherwise provided by law. What has happen is we've had a number of lawsuits over the State of Illinois trying to get the interest made on State monies, and what this does, quite frankly, is answer that question. I be...I...I know of no opposition. I'll be happy to answer questions.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? Question is, shall Senate Bill 1927 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. 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 1927 having received the required constitutional majority is declared passed. Senate Bill 1928, Senator DeAngelis. read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1928.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 1928, provides that

the Department of Central Management Services administered the unindemnifications under a hundred and fifty thousand dollars. It was further amended that forces the court of claims to review it and it was a subsequent amendment by Senator Etheredge, that deals with them unindemnifying on a permissive basis, reasonable board of school trustees. I'll be happy to answer any questions, if not I urge its adoption...passage, whatever it is.

PRESIDING OFFICER: (SENATOR BRUCE)

Discussion? Discussion? The question is, shall Senate Bill 1928 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1928 having received the required constitutional majority is declared passed. Senate Bill 1929, Senator Barkhausen. Read the bill, Mr. Secretary, please.

SECRETARY:

Senate Bill 1929.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, members of the Senate. Senate Bill 1929 is a product of a recommendation of Jay Carr and comes from the Department of Financial Institutions. It would lessen the requirements on the department in...in publishing the division of the uniform disposition of unclaimed property, The division of unclaimed property would only have to publish the name and the address of...of insurance and annuity policy holders and their addresses, rather than the policy number and the specific amount of the policy is the law now requires. As a result of the Freedom of Information Act,

passed last year, in order to comply with that, the department would have to start publishing the...the policy number and amount under the present law. The...the division is now only publishing names and addresses and the general nature of...unclaimed property, rather than specifically the policy number and the amount. So, this is to conform with the existencing practice of the Department of Financial Institutions. It is, as I said, recommendation of the Joint Committee on Administrative Rules. It was passed unanimously in our committee with and I know of no opposition. I would ask for passage.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? Question is, shall Senate Bill 1929 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. 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 1929 having received the required constitutional majority is declared passed. Senate Bill 1930, Senator Etheredge. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1930.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Etheredge.

SENATOR ETHEREDGE:

Yes, Mr. President, Ladies and Gentlemen of the Senate. This bill changes Illinois law in respect to taxation of Sub Chapter S. Corporations and it brings our law into conformity with the recent changes made in Federal law. I know of no opposition and I...if there no questions, then I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

What are the specific changes you're talking about, Senator?

PRESIDING OFFICER: (SENATOR BEUCE)

Senator Etheredge.

SENATOR ETHEREDGE:

...primarily, changes in terminology.

PRESIDING OFFICER: (SENATOR BEUCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

No particular tax impact, then?

PRESIDING OFFICER: (SENATOR BEUCE)

Senator Etheredge.

SENATOR ETHEREDGE:

There would be a very...a very modest tax impact. If...which would be on the plus side as far as the State of Illinois is concerned. But, these are...there...there's...these are technical changes that's fairly long to...and difficult for me to...to summarize these, Senator, but I...I...I have them here and all we do is to conform ourselves to Federal law.

PRESIDING OFFICER: (SENATOR BEUCE)

Further discussion? Further discussion? The question is, shall Senate Bill 1930 pass. Those in favor vote Aye. Opposed vote Nay. The voting is open. 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 1930 having received the required constitutional majority is declared passed. Senate Bill 1931, Senator Becker. Senator Becker on the Floor? Senate Bill 1932, Senator Geokaris. Senate Bill 1933, Senator Lemke. Read the bill, Mr. Secretary, please.

ACTING SECRETARY:

Senate Bill 1933.

(Secretary reads title of bill) ;

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Lenke.

SENATOR LEMKE:

What this bill does, is allows the Ethnic Heritage Commission to except private funds from private sources. There's no State money involved. I think it's a good amendment. It also sets up the Ethnic Heritage Commission Fund, which is audited by the Auditor General and dispursed by the Treasurer. It subject to the appropriation power of the Legislative. I think it's a good bill. I ask for it's adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

Is there discussion? Discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the...the Senate. If I remember correctly, this was a bill that was, how should I say it, left in Rules Committee and then I understand, amended on the Floor. I thought we had a general understanding and agreement that the Committee System has worked quite well. The Rules Committee has done a good job. Most of the committee have done a good job and I think on that basis, we should vote No on this bill.

PRESIDING OFFICER: (SENATOR BRUCE)

May we have some order, please? We can take some of our Caucus...Senator Grothberg, did you have...Senator...

SENATOR GROTHEBERG:

Thank you, Mr. President, only...

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grothberg.

SENATOR GROTHEBERG:

...only to read a right to my leader's remarks,

that...when we brought this issue before the Eody the other day, the same issue we rejected it and would ask that you reject it again.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Lenke may close.

SENATOR LEMKE:

Answer to Senator Philip, this bill I was told by my leadership missed the call because they didn't put it on the sheet and was supposed to be out of Rules. I was told that this bill was coming out of Rules. If there was...if I was mislead, then let it be mislead, but let's get into this idea of private funding. The Americans and the Ethnic Community say, that if there's no State funds available for the Ethnic Heritage Commission to operate. They want the opportunity as they have done in the past. When they couldn't get mortgages from the banks, they build building and loans. When they couldn't get money...insurance from the...big insurance companies, they started their own Barrel Societies. They think in the American Ethnic Community, they have something good going. Something that creates a interchange of relationship between the various Ethnic Groups that make up Illincis. It's nice to see the kids from Caprigr Greene and the kids from Robert Taylor Homes, the kids from East St. Louis get together with the kids from my neighborhood and from other parts of the State to exchange good-will and friendship. That's what this program does. It's nice to see these children go to the veterans hospitals and respect what the veterans have sacrificed and it's nice to see little kids get together and put gifts together to...and perform for these veterans who have been forgotten by our Government, by many of our people. It is still a relationship, which the American Ethnics have always had whether they be Afrcn, Polish or Letwig and they have always been proud of first being a American and then proud of their culture and this is what we're

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trying to establish. Illinois is a leader in this field. We have been contacted by many states, we have been contacted by international people, we have been...yes, by the Arms Services. We have been contacted by them, because they want to put these programs forth in the...in their...in their camps over seas and in stateside. This is a good program. This is one of the better programs that Illinois has put forth and this is what the American Ethnic People have only asked. We are...if you can't give us money, at least give us the opportunity to raise our money and put on our money Human Relations Act. I ask for a favorable adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

Question is, shall Senate Bill 1933 pass. Those in favor vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 38, the Nays are 13, 3 voting Present. Senate Bill 1933 having received the required constitutional majority is declared passed. Senate Bill 1935, Senator Marovitz. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1935.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Senate Bill 1935 is the combination of extensive discussions with a variety of interest throughout the State on the issuing of nursing home reform. The bill will provide the kind of nursing home programs that we want in the State. One which mandates tough enforcement on those who give poor quality of care and...hopefully putting those poor operators out of business, those subquality operators out of business by

substantial fines and yet is feared of those operators who form the vast majority of nursing home providers in the State of Illinois. And I would like to add that we've had full corporation and now full support from the homes for aging, the council on long-term care, the Illinois Health Care Association, Attorney General, Neil Hartigan's Office, State's Attorney, Daily's Office, Department of Public Health, Department of Public Aid, Illinois Citizens for Better Care and many other groups across the State of Illinois who have worked with us to finally come up with a package that we all can support and everybody is on board with. The bill facilitates the return of Residents Funds upon his or her death. It creates new requirements for nursing home admission contracts. It gives law enforcement agencies open access to inspect facilities when violations are suspected. It revises the standards for denial of a license to operate a facility or for suspension revocation or refusal of a license. It protects the nursing home in reporting a emergency situations, which are life threatening. It qualifies the director of the Illinois Department of Public Health. It qualifies his power to grant or review the wavier of a facility compliance with a rule or a regulation. It protects the privacy of nursing home residents during a investigation, so that there won't be any repercussions upon his complaint. It mandates a director of Department of Public Health to request a states attorney or the attorney general to commence criminal actions when the complaint involves criminal abuse or neglect. It mandates a coroner or a medical examiner's inquest upon a suspicious death of a resident in a nursing home. It establishes class three felony for intentional abuse and a class four felony for gross and neglect of a nursing home resident. It improves public information about nursing home rules and publizes violators. It dramatically shortens the time frames for investigations and hearings of suspected offenders to avoid addi-

tional suffering by abuse or by a neglected patients. Too often today, these hearings go on for far to long of time, months and months and months. We put a time frame in here so that these hearings will not go one for a long time and these serious life threatening situations will be terminated within thirty days and the hearing process will be terminated within thirty days. It requires a new emergency evacuations plans and proper maintenance of equipment and facilities at nursing homes. It requires a State Central Hotline for complaints in regarding nursing homes, and I must say that in discussions with the Department of Public...Aid, Public Aid, Public Health and the Department of Aging, we're going to have additional consumer information who want to send their family members or friends or relatives to a nursing home and want to know which of the quality nursing homes. There'll be additional public information forthcoming from Public Health and Public...and the Department of Aging. This is a excellant piece of legislation, we...we worked on it for months and months, I...I want to commend Senator DeAngelis for his corporation and a bipartisan effort to get this legislation in form that now the providers are supportive of. The Advocates are supportive of, the Government people are supportive of and provides us with the kind amendment to the Nursing Home Reform Act of 1979, that everybody can be proud of. I solicit your support for this landmark legislation.

PRESIDING OFFICER: (SENATOR BUUCE)

I have Senators Bigney and Fawell. Senator Bigney and Kelly. Senator Bigney.

SENATOR BIGNEY:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR BUUCE)

Indicates he will yield. Senator Bigney.

SENATOR BIGNEY:

Yesterday, as I was seated here, an amendment was slipped

on there that I think was...that came from the long-term care folks and something to do with the fee schedule, if I recall and without really...any explanation as to what we were committing ourselves to in...in regards to fees. Now, that's an entirely new issue and I was just wondering if you could give us a little explanation of...of that structure.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

...I'm happy to do that and I might add right from the very outset that before this amendment was put on, it was brought down and shown to the Governor's Office and to Jim Reilly before the amendment was put on and the...and I...only agreed to pull this bill back...after showing it to them and telling them that they had full knowledge of this and...we're not going to oppose...that amendment. So, I did that only with full knowledge. This...that amendment puts the rate increase for homes back to...to June...January 1st of '84, instead of July 1, '84. It increases a reimbursement to the sixty-fifth percentile presently it's at the fiftieth percentile and it allows real estate taxes to be recognized at full cost in regards to the reimbursement rate. The package...that cost is twenty million dollars right now, that was pulled back last night and put on, that...that is...as a result of negotiations with the providers in terms of the strict regulations that they're getting. There will be some increased reimbursement, half of that reimbursement is picked up by the Federal Government, it is not State cost, half of that is picked up by the Federal Government and again I must say, first person to see that amendment was...Jim Reilly from the Governor's Office.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Fawell.

SENATOR FAWELL:

Thank you. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR BEUCE)

Indicates he will yield. Senator Fawell.

SENATOR FAWELL:

Senator, I...the only question that I have about this bill, is I was told by some of my nursing homes that they were concerned about a penalty if there was a infaction that included such things as, a burned light bulb, I mean, and I wanted to know if you cleared that up in...in the amendments?

PRESIDING OFFICER: (SENATOR BEUCE)

Senator Marovitz.

SENATOR MARCVITZ:

That is exactly the kind of thing that we have addressed in this legislation, so that we would demphasize those minor violations like crumbs in a toaster and defrosting or particular food item and a one broken light bulb or a broken window. We have demphasize that, so that only for ten repeated minor violations, will there be a penalty.

PRESIDING OFFICER: (SENATOR BEUCE)

Further discussion? Senator Kelly.

SENATOR KELLY:

I'd like to ask Senator a question.

PRESIDING OFFICER: (SENATOR BEUCE)

Indicates he will yield. Senator Kelly.

SENATOR KELLY:

Senator marovitz, can you tell me, if this amended bill, if it applies to not only nursing homes but to other types of institutions, you know, we have taken patients out of institutions, such as developmenting disabled and mentally ill, and no we're just talking about the senior citizens that are in nursing homes and I'd like to know if this...if this covers all private providers?

PRESIDING OFFICER: (SENATOR BEUCE)

Senator Marovitz.

SENATOR MAROVITZ:

It doesn't cover all private providers. It covers all providers that are to be required to be licensed under the Act, including intermediate facilities; and DD facilities. Those who are required to be licensed under the Act, under our existing legislation.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Kelly.

SENATOR KELLY:

Okay. So...it does...in a fact, have them under the Department of Public Health that they are being certified and licensed by the Department of...and developmental disabled and mentally ill. Is that right then?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

Any...anything that is currently required under this Act to be licensed by DPH will still be required to be licensed by DPH and would fall in the purview of this legislation. And that...that...and that does include the DD facilities.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Kelly.

SENATOR KELLY:

Well, I...I want to know if their all being like you say, currently being reviewed, are all of these private providers being reviewed throughout the State of Illinois that are providing, for instance, there's homes up in...in Evanston, where there's something like four hundred persons...institutionalize in a private providers facility. I'd like to know if they would be covered under this particular amended bill?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

If those private facilities are providing nursing home care, they have to be licensed to...today under existing law, they have to be licensed under this law and this legislation would take jurisdiction of them and strengthen those...those...those homes.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Kelly.

SENATOR KELLY:

Well, I'm going to support the bill, because I feel it is a strong step forward and compliment Eck Hedges in the department for doing that. I just want to make sure that we are covering all of the...these care facilities that we have in the State of Illinois, and I hope you'll add to it in this House if necessary, but otherwise I will be glad to support it.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

I'm glad you brought that point up, that is exactly one of the intentions of this Legislation to get at those facilities, particularly those that are operating and providing nursing home care and..and here to for are not licensed and are operating unlicensed and we're finding out about them in all to great of numbers and we are going to put those people out of business and send them into the quality licensed homes that will provide the kind of care that citizens across the State deserved.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

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

PRESIDING OFFICER: (SENATOR BRUCE)

Indicates he will yield. Senator Maitland.

SENATOR MAITLAND:

Senator Marovitz, as the original spncsor some years ago of the legislation that took the reimbursment level to...to the seventieth percentile and have exsessively pass it out of here, then have it only to be continually beaten down last two or three years. I'm wondering, we put the amendment on yesterday, they took it to the sixtieth percentile and I...I'm pleased about that. I'm lead to believe, that there may well in fact, be a...some movement to take that to the seventieth percentile. I wondering, if...if that agreement has been reached and if the Governor has sign off on that level also?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Marovitz.

SENATOR MAROVITZ:

Well, I...I am in support of that, number one, there is a house bill coming over, two nursing home bills alive. I'm sponsoring the Senate Bill and Senator...Representative Madigan is sponsoring that bill. I will be handling that bill when it comes over. They do have reimbursment language on there at the seventieth percentile. So, that seventieth percentile is coming over here, it is worded a little bit differently. The Governor has not signed off on that yet, but he has said that we will sit down and talk about the reimbursments schedule.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. Thank you, for those comments, Senator Marovitz. I just speak to the subject very briefly, I've been concerned for some time with...with this industry, I am one who happens to believe that the Act we passed out of here, and I believe 1979, was an Act that addressed very very adequately the nursing home industry. I felt that

it...it...it addressed itself to the problems that we were facing at that time and that sufficient regulations were part of that Act that provide us an opportunity to assure adequate health care do ours, in other words, the tool was there ought it needed to be done, was for it to be enforced. I'm lead to believe now, that in the bill we're addressing today, all...all providers are signing off, they...including the Help Care Association, who were in opposition to the bill and I take you...at your word, Senator Marovitz and commend you for...for what you've done.

PRESIDING OFFICER: (SENATOR BUUCE)

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. I rise in support of this bill that...I...I guess have the same concerns as the last speaker, unless Senator Marovitz, we have some assurance that this bill, this law will be enforced and enforced consistently across the board, we will be right back again, because we will continue to have the same kinds of problems that we have been having in the past and I'm very concerned about that, because one of those nursing homes that, I think brought about this legislation of the need...of the urgency to do something or feel that need to enact some more laws because of the unfortunate incident that happen in my particular district and I'm for one who would not like to see that happen again. But there are a lot of things we have to be concerned about to insure the enforcement of this law and I assume that the rate increase that's involved in here is one of those factors, is that we provide adequate funding to those nursing homes, to insure that they comply with the standards set forth in this law and any other laws that they have to conform to. So, I would ask for your affirmative vote, I think it is a good step forward and I would ask to for an affirmative vote.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Channel 20 requests permission to film the proceedings. Is there leave? Leave is granted. Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I'm a little perplexed as to what I should do on this bill, because frankly, my nursing home people have been telling me don't help us anymore and I think, that they've made their point very clearly with me. Some places in Illinois, apparently you have got problems with nursing homes and the quality of them and so forth, I've to...I want to stand here and tell you, that the nursing homes in my district, from my observations are running a very humane fashion they're...they're well run, the...one of their biggest problems is, that we aren't...paying our share. Now, what I'm really concerned about here, Senator, is...is the extent to which we're going to be putting more regulations on those good nursing homes and the extent to which it's going to cost them more money, but you seem to be using the carrot and stick approach here, and if the carrot is good enough then we can...we can accept some of these regulations, but I think...I think one other point I'd like you to respond to...one other point I'd like you respond to, I hear you saying all these organizations that are supporting it and I would ask you not to repeat that again, but respond to me as to whether or not the downstate nursing homes are in support of this bill, the way it is now.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

The answer to that question, is a definite Yes. The downstate nursing homes are in support of the legislation, as a matter of fact, there was a press conference this morning, at which the lobbying organizations and the president of

those organizations was before the media and expressed his support for the legislation this morning. Our intent by this legislation, is to get at those bad operators that are giving the entire industry a bad name and in concert with this legislation, the Department of Public Health will be holding internal hearings within the intent of streamlining their rules and regulations to make it...the bureaucratic problem is a little bit easier on those quality homes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, under...under those conditions, I'm going to support the bill, but I hope you realize my reservations and I hope that we're not embarrassed by the vote that we make here. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

I'd like to have Senator Maitland remove from the Floor? Thank you, Mr. President. I would like to commend Senator Marovitz for putting a lot of work, he and the staffs on this very hard issue, and I think he has addressed all the various aspects of it. He has not dealt with the problems and mismanage without recognizing that some of the issues in nursing homes, are in fact, the under funding by the State and I would like to urge all the Body to support this, because in this Body it's extremely difficult to deal with the difficult topic, with as many affected interests as there are in this area, and get the degree of satisfaction and approval and then still come up with something meaningful. I would urge that we all vote for this very important bill. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate. I...I believe that this bill is an improvement of the...over the Act that we passed in 1979 and I know the work that went in by both the providers and both the people who were concerned about better care for people in the nursing homes and I certainly support it,...and I can tell you, that I have heard from back home, from both people are concerned about the people of the nursing homes and also by the provider's that this is a better bill and I...I'm for it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz may close.

SENATOR MAROVITZ:

Well, I just would solicit everyones Aye vote. This is a good piece of legislation, it's taken...months and months of work to put it together and get everybodys support and I would hope for unanimity of...of Aye votes on this legislation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall Senate bill 1935 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, 1 voting Present. Senate Bill 1935 having received the required constitutional majority is declared passed. Senate Bill 1936, Senator Lechowicz. Senator Lechowicz. Read the bill, Mr. Secretary.

SECRETARY:

Senate bill 1936.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1336 is a cleanup bill requested by the Department of Revenue to handle problems arising from legislation, which we passed into law last year. Basically, it amends the new state and local replacement tax to apply to only passenger cars. It amends the State Local Sales Tax Acts to tax only that portion of the purchase price of the replacement vehicle. It exceeds the market value of the total loss vehicle. This bill was prepared by the Department of Revenue. It came out of committee without a descending vote. I encourage your consideration a Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall Senate Bill 1936 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. 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...1 voting...none voting Present. Senate Bill 1936 having received the constitutional majority is declared pass. Senate Bill 1938, Senator Jerome Joyce. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1938.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. This is a bill that is the first in many of the hazardous waste task force proposal, that many people worked upon this last year and these are the recommendations that they made and that we will be dealing with in the next few bills. First bill,...Senate Bill 1938, is a water testing bill. This requires the...the Environ-

mental Protection Agency to annually test water from private wells that are located within a half a mile of a hazardous waste or sanitary landfill site. If the owner or user requests it, and that's the basic emphasis of this bill. I can tell you that, that is the one thing that anybody has any type of landfill in their district, when you have meeting there...when people call you, they want to know what...if it affecting their wells and I think that is a right that...that we in this State ought to provide for those folks. I'd be happy to answer any question.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Geo-Karis.

SENATOR GEC-KARIS:

Mr. President, Ladies and Gentlemen of the Senate. I concur with the remarks of...the chief spcnsor of this bill. It's a very good bill, because I've had many complaints to of well water being contaminated by many landfills in my area.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. I'd like to ask the spcnsor a question.

PRESIDING OFFICER: (SENATOR SAVICKAS)

I'm sorry, Senator...Senator Watson.

SENATOR WATSON:

Question.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he'll yield.

SENATOR WATSON:

What is this cost the...the individual whose going to have this water tested?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEBOME JOYCE:

Yes, it...it cost the individual nothing.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

Are there any limitations as to how many times that this could be done?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

Annually, once a year.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he will.

SENATOR FAWELL:

I was wondering, in our county, I happen to live in a unincorporated area and I happen to have well and in our county, the Public Health Department does come around, but it is the County Health Department. I...this is not true in...in the rest of the State?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

That is correct, it is not true in the rest of the State. I believe there are some areas where they do that. There are some counties in the rest of the State that do not have a health department.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

Would...would you be meanable to put an amendment on that

would allow the cost of such testing to be charged to the person as it is in...in my county, if I want the...the well tested.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JCYCE:

No.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. This is an important issue in parts of my district and I'm curious to know the mechanics of how this is going to work. I'm sure some people in my district are going to vail themselves of this opportunity, because they have a concern about whether hazardous waste sites are contaminating their wells, but if I want my water well tested, what do I...do I have to go get the sample and send it in, or are you going to send somebody out from the EPA to my farm or house to collect the samples?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEBOME JCYCE:

If you are within a half a mile of the site, you will notify the EPA, they will send someone out and they will take the sample for you and that cost is...they tell us...about four hundred dollars.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, I don't know that much about the mechanics of the bill, but I'm curious as to why we're doing it that way as oppose to...there's a lot of water testing going on around this State, mandated by EPA and in most of those instances, somebody takes the sample and sends it in, although now that

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I talk about it, I guess they have to be...they have to some qualifications...okay. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...Maitland. Is there further discussion? If not, Senator Joyce may close.

SENATOR JEROME JOYCE:

Thank you, Mr. President. I would ask for a favorable roll call, I think this is a basic right that people ought to know what...what is in their wells.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1938 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. Senate Bill 1938 having received the constitutional majority is declared passed. Senate Bill 1939, Senator Joyce. read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1939.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. This is another of the bills in this package. this bill creates a health hazardous substance, cancer registry. This will be run by the Department of Public Health, what it does and what the data is required to be submitted to Public Health, is...got shut off, any adverse pregnancy outcomes, incidences of cancer and incidences of occupational disease. Also, the...from the business standpoint the...type of business a company is in. The permits attained at various state agencies, it inventory of hazardous chemicals. Its radioactor...radioactive sub-

stances. How their...those substances are used, disposed of, transported also, the data will include spills, fires, accidents and illegal disposal and so forth. I might point out that all of this is now currently being reported. So, the Department of Public Health would get this from the agencies where this is on record already. The only people that would be required to do anything more, is the hospital people themselves and the Hospital Association is in support of this legislation. They are...they have agreed to do this. Doctors are deleted, they do not have to report, it is just primarily the hospitals and we have set aside a two...two percent from the cigarette tax to fund this program. That would bring in, in neighborhood of three million dollars in revenue. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and members of the Senate, I stand on the point of personal privilege, please, if I may?

PRESIDING OFFICER: (SENATOR SAVICKAS)

State your point.

SENATOR SMITH:

I'm very proud to present of the students of who are exceptional students from the Beezly School from my district and Mr. Harris is their leader for them. Would you please stand?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Stand and be recognized. Senator Rigney.

SENATOR RIGNEY:

Like to ask a question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he'll yield.

SENATOR RIGNEY:

Senator Joyce, you're going to be recording some informa-

tion about the incidence of cancer and some other problems, such as birth defects and so forth. Is your bill broad enough in its scope, to allow the department for instance to record information about the individual, for instance, did the man smoke cigarets, do we know anything about his diet, would we know for instance anything about this family history. Can they request that kind of information about the individual?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, it's on the departments forms, they can if they wish to.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Higney.

SENATOR HIGNEY:

Did you...did you not by amendment, take out provisions number 7. That called for other personal information. I was under the impression, that particular section was removed.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, that was the privacy part of it and did we remove it to protect that privacy. Now, it is not in the bill, that they research to see if that person smoked or what he did thirty years ago or forty years ago or what have you, but the department can do that if they wish to. All this does, is...is provide a reporting mechanism and it puts it into a computer, where if certain are as of this State are reporting a higher cancer rate or higher birth defect rate, then maybe we can try and figure why and maybe there aren't any, but...but we...we ought to be able to know.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 1939 pass. Those in favor will 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 49, the Nays are 8, none voting Present. 48 Ayes, 8 Nays...9 Nays and none voting Present. Senate Bill 1939 having received the constitutional majority is declared passed. Senate Bill 1940, Senator Demuzio. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1940.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, very much, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 14...1940 is a simple bill. It simply expands the publishing requirements of the...of the EPA to suggest that they will in fact, publish the list of those violators whose cases are already filed, either before the Pollution Control Board or in a circuit court and it is a simple...simply a...a reporting mechanism and I would be happy to respond to questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Rigney.

SENATOR RIGNEY:

Well, Ladies and Gentlemen of the Senate, the sponsor certainly correct when he says this is a simple bill and kind of an easier one to understand, but I do however, have a question or two in regards to first of all, what is your understanding of the word "publish"? Does this mean, local newspaper, Illinois State paper, what...what does constitute publishing in this list?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio)

SENATOR DEMUZIO:

Senator Rigney, I assume that it would in fact mean, the environmental registry, however if you will lock already as a matter of Statute, that there is...a publishing requirement for individuals who are in fact, accused of...of violation, which is provided for in Section 31,...subsection A, so it in fact, also could...include official publication of the State of Illinois if necessary.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any further discussion? Oh, Senator Rigney.

SENATOR RIGNEY:

Well, I think the thing that we all should be aware of, when we're talking about publication of this type of information, is first of all, we're talking about anyone who is accused of anything, no mentioning in here about anyone being convicted of anything, it's just the mere fact, that they have accused of something. I recall when Senator Demuzio was asked that question in the committee, I was under the impression that he was going to amend the bill to provide that those allegations would not be publish...formly in any type of a newspaper, but apparently he choosed not to amend the bill. So, we're talking about anyone that is accused of anything by the agency. Now, it is my understanding that there is a very, very small percentage of those who are actually accused, that are eventually convicted, in fact, some information might be as low as one-tenth of one percent. So, we're talking about dragging everyones name through the...the newspapers here. When we're...get right down to it, the actual conviction rate is going to be extremely small. I guess I'm going to have to come down on the negative side of this bill, suggests that we perhaps should not be preparing a list of this kind and...and trying to make it as public as we can. I think it's just poor policy on the States part be putting out lists of this kind on aledged basis, there's cer-

tainly is no presumption of innocence if...if we follow this procedure.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President. I, too, am a bit disappointed that we weren't able to...to amend this bill on 2nd reading, those...that discussion did persist in committee and...and I felt that there was at least gentle agreement on this of the aisle, that change might be well made. I'm wondering, Mr. President, if I might ask the sponsor a question.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he'll yield.

SENATOR MAITLAND:

Senator Demuzio, is there anything then, since we have not amended this bill, is there anything that can be done to provide some assistance to that alleged violator, once it's determined that...that they're innocent, I mean, is there any recourse here that...that a publication can take place and say hey, John Brown was not guilty, he had a clean operation, there are no problems, in other words, the charges have been made, the character has been damaged and how does he...how does he recoup any of that?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

First of all, I would have no objections to amending that in the House to provide for that publication of recourse, but let me suggest to you also, Senator Maitland and also Senator Rigney, and I think in our discussion in the committee, we...we did talk about the possibility of amending it. It was never stipulated that in fact, we would. Now, when it was pointed out to me that before a case is filed, there is cer-

tainly a lengthy investigation that insues and also, it takes almost up to a whole year before that...before that case evens gets to the...to court. So, it just seems to me that there is sufficient amount of time that has expired even after the EPA has allowed that...that alledged violator to correct the...the violations before the case is even filed, so to suggest that it my instance I thought that was sufficient enough time for individual to...to be incomplice and if he wasn't incomplice simply at the list. Even if an individual is indicted, it's public.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he will.

SENATOR GEO-KARIS:

What is the cost of this type of publication?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Well, the...the cost of the publication if...if the number of violators that have alledged violators that has been suggested by Senator Rigney, is so minuscule, it should not cost very much to have them in the environmental registered.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Seantor Geo-Karis.

SENATOR GEO-KARIS:

Well, I...Mr. President and Ladies and Gentlemen of the Senate, well, I concur quite often with the sponsor of this bill and environmental issues. This is one time I think I'm going to have to oppose this bill, for this reason. There is a question in my mind, as to the do process of law where

people as Senator Rigney had said, have not been convicted of their offenses as yet, they're being...they might be sited but what's the final outcome? I don't think this is going to serve any for purpose, because anyone who wants to know now what's happening, from the IEFA, all they have to do is write to the IEFA and ask for status of cases. We as legislators get them automatically.

PRESIDING OFFICER: (SENATOR SAVICKAS)

There's no further discussion? Senator Demuzio, may close.

SENATOR DEMUZIO:

Well, thank you, very much, Mr. President and Ladies and Gentlemen of the Senate, Senator Gec-Karis is right in her last statement and that is in fact, that...that information s required under current State Statute for the EPA to respond to those requests for information for those individuals who have proceedings that are currently pending, either before the Pollution Control Board or EPA. I want to suggest to all of these...these alledged violators, Ladies and Gentlemen, this notice of violation affects only those violators after being cited by the EPA and are...have been provided an opportunity to correct their problem without a lawsuit are brought to trial and I would suggest to you that the intent of this legislation is significant and that in fact, will seek to speed up the enforcement proceedings, this enforcement process, which in some instances, has taken many, many years. I see absolutely nothing wrong with the publication of those individuals who have been sited as alledged violators and it seems to me that it makes good public policy for the State of Illinois to do so, and I would in fact, would ask for a favorable vote from this Body.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1940 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is

open. Have all voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, the Ayes are 34, the Nays are 20, 2 voting Present. Senate Bill 1940 having received the constitutional majority is declared passed. Now....Senator Joyce, we...it seems that the machine malfunction on putting out the hard copy vote on your 1939. The vote was...48 to 9 to nothing and we would like to put it back on as board, have the vote, so that we have a hard...hard roll copy for him. On...Senate Bill 1930...39, the voting is open. Let's get 48 to 9 up there. There's the 9, let's keep it rolling, we're looking for 48 to 9...it's getting closer, it's closer. Alright, Mr. Secretary, take the record, 45 to 10. On that question, the Ayes are 45, the Nays 10, and Senate Bill 1939 having received the constitutional majority is declared passed. Senate Bill 1941, Senator Holmberg. Read the bill, Mr. Secretary.

END OF REEL

REEL #3

SECRETARY:

Senate Bill 1941.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Holmberg.

SENATOR HOLMBERG:

This is the hazardous waste landfill siting bill. It came out of the Hazardous Waste Task Force studies and several provisions of this bill provide for greater community participation, things that citizens around the State of Illinois have been asking for, participation in the siting process. It authorizes a filing fee to help underwrite the costs of evaluation by the community. The bill also requires that the Department of Energy and Natural Resources conduct a site specific evaluation of the geological and hydrogeological characteristics of any proposed hazardous waste site. An amendment which we put on yesterday deletes the criteria of mandating the county board to consider affects on ground water and instead requires that the EPA shall consider the comments of the geological and water surveys with regard to the affects on ground water.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Mahar.

SENATOR MAHAR:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

She indicates she will.

SENATOR MAHAR:

Yes, Senator, I noticed in my notes here it...it says it

increases the siting criteria of Senate Bill 172. How...how is it changed from that siting criteria and what does it do to local government's control?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Holmberg.

SENATOR HOLMBERG:

It...it does not change the siting criteria.

PRESIDING OFFICER: (SENATOR SAVICKAS)

If there is no further discussion, the question is, shall Senate Bill 1941 pass. Those in favor will 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 53, the Nays are 3, none voting Present. Senate Bill 1941 having received the constitutional majority is declared passed. Senate Bill 1942, Senator Marovitz. Senator Marovitz. Senate Bill 1943, Senator Welch. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1943.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. The purpose of this bill is to ensure that facilities which receive funding under the Environmental Facilities Financing Act come within specific designations. In particular what we are trying to do is exclude landfill siting operations from receiving money from the State. We're trying to discourage that type of disposal of hazardous waste and that is the purpose of this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall Senate Bill 1943 pass. Those in favor will vote Aye. Those

opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are none, none voting Present. Senate Bill 1942 having received the constitutional majority is declared passed. I'm sorry, 1943. Senate Bill 1944, Senator Rock. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1944.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1944, as amended, now essentially does three things, none of which in my judgment are objectionable. It enlarges the membership of the Hazardous Material Advisory Board to include the director of Energy and Natural Resources, Nuclear Safety, the Attorney General of Illinois, a representative of the Association of Chiefs of Police and the Fire Chiefs. It further calls for the use of a standard placarding for storage. We removed the placarding for transport because of a conflict with the national law. And it provides for some training for volunteer firemen and policemen who have to deal with this stuff. I think the bill is good and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

If there is no further discussion, the question is, shall Senate Bill 1944 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. 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 1944 having received the constitutional majority is declared passed. For what purpose does Senator

Schuneman arise?

SENATOR SCHUNEMAN:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

State your point.

SENATOR SCHUNEMAN:

A group of school children from the Nelson School in my district are visiting Springfield today. They're in the gallery at my rear with their teacher, Mr. Luchens and I'd like the Senate to recognize them.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Would they please stand and be recognized. On the Order of Senate Bills 3rd Reading, Senate Bill 1945. Senator Luft requests Senator Welch to explain the bill. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1945.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. The purpose of this bill was to make it much easier on...on businesses, particularly small generators of hazardous waste. What we're trying to do is to make sure that the disposal of hazardous waste by small generators, which is sometimes uneconomical because a separate...a separate permit is required for each waste stream from each generator regardless of how small the amount is. What we're trying to do is to allow a transporter or disposal facility to obtain one generic permit to handle a particular waste stream and thereafter accept waste from more than one generator pursuant to this permit going from different generator to generator. I would move for passage of this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

If there is no further discussion, the question is, shall Senate Bill 1945 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the recrd. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1945 having received the constitutional majority is declared passed. Senator Johns, for what purpose do you arise?

SENATOR JCHNS:

Mr. President, while you were on the order of introducing some guests there a moment ago, I thought I'd take a moment to tell Susan Painter, my Secretary, whose birthday is today that Sarah and Mary Jo and even I, and everybody wish her a happy birthday. Just thought I'd take a moment to say that, she's doing a heck of a job.

PRESIDING OFFICER: (SENATOR SAVICKAS)

We're glad you took that moment, Senator. Senate Bill 1946, Senator Luft. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1946.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch will explain the bill.

SENATOR WELCH:

Thank you, Mr. President. The purpose of this bill is to deal with one of the categories we have known as special waste. What we are doing is excluding from the manifest reporting requirement special waste which is nonhazardous. There is also special waste which is hazardous, that will have to be manifested and reported. This is also a bill that we think will make it easier for business to operate under this...our hazardous waste laws in Illinois. I would move

the passage of this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

If there is no further discussion, Senator Welch moves...moves the adoption of Senate Bill 1946. Those in...all 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? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 1946 having received the...constitutional majority is declared passed. Senate Bill 1947, Senator Welch. Read the bill, Mr. Welch...Mr. Secretary.

SECRETARY:

Senate Bill 1947.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. As the Hazardous Waste Task Force met and held many hearings throughout the entire State of Illinois, one thing was very apparent and that is that we do not have enough money to cleanup the many, many sites around the State that deal with hazardous waste and are going to become problems in the future and are problems at this point in time. Last year we passed Senate Bill 143 that would raise something like 1.6 million dollars in revenue to help cleanup these sites, the idea being we would match superfund money from the Federal Government. The money has not arrived in Illinois in any great degree. We tried cleaning up two spots already in the last year. At Ottawa, we appropriated two million dollars. For the cyanide chip case, we appropriated four million dollars. Neither one has been cleaned up yet but we are proceeding with Ottawa. That's six million dollars for two spots out of a potential fund raising

last year of 1.6 million dollars. We need more money in the Hazardous Waste Fund to cleanup more spots throughout the State of Illinois. As I amended the bill yesterday, we'd changed it from a one-cent per gallon tax into a bill that is somewhat parallel with the philosophy of Senate Bill 143 which we passed last year; that theory being we want to encourage businesses to recycle hazardous waste, we want to encourage them to treat waste and render it nonhazardous; therefore, we have removed the tax on those particular generations of waste. In addition, we are trying to encourage treating hazardous waste. We have taken a tax and made it half of the tax on nontreated hazardous waste. In addition, we have placed a tax on what we call acutely hazardous waste...which will be similar in scope to the tax on untreated waste because it is so toxic. And I would be glad to answer any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Eigney.

SENATOR EIGNEY:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR EIGNEY:

We have presented this series of bills as being the product of the Hazardous Waste Task Force. Did the Hazardous Waste Task Force...recommend a generator's fee?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

The Task Force, throughout its hearings, recognized that we needed more money to cleanup these sites. The actual funding mechanism, I don't know that that was in a final form but it was recognized that we needed to raise money. The question was how to do it. And the purpose of this bill is

to try to fulfill that need.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rigney.

SENATOR RIGNEY:

Well, I guess if I read between the lines on that the answer was no, it didn't come from the Task Force. I think really what we're talking about...and I hope we got all hands on deck on this one because of...some of these bills I think are perhaps a little less than the best...a little...less than our best effort. But this one is probably the granddaddy of them all, probably about the...the worst bill in the package; in fact, it is the worst bill without question and one that regardless of what else you might be doing on some of the other bills, I hope that we're going to send this one down in a...a blaze of glory. We're talking about a generator's fee here and we're not only talking about a tax, we're talking about a double tax. You pay to dispose of this stuff, now we're going to tax the same product at the...the generation stage. So, I don't know whether this General Assembly wants to go on record as being the General Assembly that produced a double tax of this kind. Regardless of the fact that we might need more cleanup money, there are certainly better ways to go about it than to...this type of a fee system. In addition to this, I might just comment in passing that other states, a few other states, have tried this approach. In fact, it was just called to my attention there was an article yesterday in the Wall Street Journal that pointed out what was happening in some of the other states that have tried this, and it hasn't really been a success as far as a money raiser is concerned. In fact, in most cases, to sum it up, the tax maybe produced about a third of its anticipated revenue. I know what you're trying to do, probably get some extra money, cleanup money or money perhaps for the bond program that will be advocated in 1948.

But regardless of what the...the noble attempts might be here to raise additional money, let's be very clear about what we're doing. We're talking about a double tax on business to support a program of this kind.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

I have a question and a statement and...question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR DeANGELIS:

Senator Welch, would you quickly restate the schedule as it currently exists with your bill as amended?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

They're...the current tax is a disposal tax, there is no generator tax in the State of Illinois. The original bill introduced was a penny a gallon on all waste generated in the State of Illinois. The amendment puts up brackets and deletes from taxation waste which is recycled or treated and rendered nonhazardous.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I think everybody agrees we need some money in that fund. The thing that bothers me is the method of taxation here. First of all, I'd like to correct Senator Bigney, business is not going to pay for this, all the consumers are going to pay for it because this is definitely going to be passed on. The second thing is, I don't know how we're going to encourage people not to be violators when we turn around and tax those who comply. It would be almost as if all the

people who drove without drinking were taxed to pay for the victims of drunken driving. You aren't going to encourage people to comply with the law by taxing those people who are complying. The other thing is, most people would prefer to dispose of their waste in matters differently than...than they have today. Unfortunately, it is the small guy, the small guy, that can't afford some of the facilities that are necessary to do the things that we would all like to see and that's the person we're putting the bigger burden on. And I really think, Senator Welch, what you're going to do if you keep this up is simply create a lot of criminals out of a normal law-abiding people.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. I rise in support of this. I think what we have to realize is if we don't pass this bill, you know, we're...we're really going to be cute about it, we can all vote for the other bills and we're going to do all these wonderful things but there's no money to make them happen. So, folks, if you don't pass this, all these nice things that you're going to write home and tell everybody what a great thing you did isn't going to mean anything. I think also that it does...it does give the generator of hazardous waste an incentive not to produce so much of it. By the time...you say it's a double taxation, well that's true, it is but it won't be if he doesn't...if he can...can recycle that somehow. So it's an incentive for him to produce less of it, and, you know, we've...we've got to pass this otherwise the rest of it doesn't mean a thing.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fock.

SENATOR FOCK:

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

Senate, I, too, rise in support of Senate Bill 1947. And, Senator Rigney, I would ask that you along with the others read, frankly, what was in these Task Force reports. The Hazardous Waste Task Force Committee on Generation, page 3-24, "Recommends a fee or tax should be imposed on hazardous waste generators...generators" and that's underlined, period. "The fee should be structured so that generators are encouraged to reduce the amount of waste generated, treat hazardous waste to render them nonhazardous and to recover and recycle waste. Receipts collected under the Hazardous Waste Generation Fee should be credited to the Hazardous Waste Research Fund. The fee on hazardous waste disposal should be gradually increased over the next ten years in order to accrue funds sufficient to meet emerging cleanup and research needs." The fact of the matter is the...the approach is two-pronged, but we have to recognize that there ought to be a fee or a tax on generators. It is no...unquestionably a...a change in the public policy but I think it's a change that we cannot ignore nor should we duck it. You can vote for all the good things that we are doing and at some point you're going to have to bite the bullet. And I would defy you and I will ask you on 3rd reading to point out to me in any one of the administration proposals where there is money to cleanup the eight hundred plus hazardous waste sites in this State. To deal with the more than seven thousand impoundments in this State, where is the Governor going to find the money? And where are my kids and their kids going to find the money? The fact of the matter is we're going to have to impose a tax or a fee or call it what you will, and we ought to be imposing it on those who generate. Now we can argue about how much, who pays it, but I think as a matter of public policy we ought to establish the principle that if you generate this stuff, and we recognize that there will always be some generated because we are in a highly industrial and

agricultural State; but if you're going to generate it, you're going to help pay to clean it up. And I think that's a public policy for which we all ought to stand and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Are there any others that are seeking discussion on the first round? Senator DeAngelis, for the second time.

SENATOR DeANGELIS:

Yeah. Well, I...I would like permission to just, as a matter of personal privilege, to make a statement because what I am hearing is that if you voted for some of the other bills and you don't vote for this one, you really haven't done anything. And last year on this Floor I pointed out that I felt there was much demagoguery surrounding the issue of hazardous waste. I wrote Senator Rock of that, he acknowledged it, he went ahead and promoted this task force which I commend him for to deal with this issue. But I do want to tell you that if we're going to resolve this issue, we're going to have to resolve it a heck of a lot more rationally. Senator Joyce, a very advanced technological firm came to my district three years ago and were run out of town, people who offered not only a solution but who, in fact, would eliminate the landfilling and burying of hazardous waste. They were run out of my district by some goofy people and promptly decided to come down to your area, and they were run out of that district by some goofy people also. And one of the reasons is that any time the word hazardous is mentioned, or toxic, it strikes terror into everybody's heart. And I have to tell you, I voted for some of these bills, I don't see any big solutions to those problems based on the way we address public policy. And what I even see worse is taxing the little people or some of the people who for no other reason other than the product they manufacture, which we in society enjoy, which we enjoy the product of, all

of us, trying to put them in the state of violation, and that's what I condemn. And until this General Assembly faces up to the facts that we all have a responsibility but it has to be rational and there are no threats and we don't run anybody out of town, because you know this is just like prisons, put everybody in jail, don't put that prison in my district. It's like the mentally retarded, we got to take care of them. They ran SMA right out of my area and when...it was mentioned that perhaps a school that sits out in the country in my district might be used as a prison, they want to run those people out of town too. And that's...and I'm sorry for taking the Body's time for doing it, but that's what my concern is about, this bill and some of the other ways we address hazardous waste.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Welch may close.

SENATOR WELCH:

Thank you, Mr. President. This is a controversial bill I know. One of the main objections raised that we are putting a tax on a tax, we're very good at that in the State of Illinois. We have a sales tax which taxes you after you make money from which for a person who makes wages, we withhold State Income Tax, there's a Federal Withholding Tax, there are other taxes withheld, then when you go to spend that money you pay a sales tax, so taxation on a tax is not unusual in this State. We have cigarette taxes, liquor taxes, we are always paying taxes; Illinois does that, it's not that unusual. Each of the speakers on the other side of the aisle had pointed out the fact that they agree that we need more money but the question is how we raise that money. We have had no plan from the Governor has to how we should do this. Last year we passed a bill to raise 1.6 million dollars, and I know that one of the interest groups here sent

out a news letter saying that they bargained in good faith on that bill, that they thought that was the only hazardous waste package that would be coming down this past...this current Session of the Assembly. Ladies and Gentlemen, I don't know of anybody on this side of the aisle that was involved in that bargaining. The bargaining that took place was across the aisle, across the hallway with the Speaker of the House, and unless this is suddenly Nebraska we...we do not have a unicameral Legislature here in Illinois, it's a bicameral one, and we were not part of any...those negotiations. So I think that those objections too should be laid aside, and what we should consider is whether we are going to continue to try to take care of hazardous waste sites based on which Legislature...which legislator comes to this Body and raises the biggest ruckus. We've had the cyanide chip case, we've had the Ottawa dump and I appreciate everybody's vote for helping me out on that. But what I am saying is this that unless we have a policy to raise money to take care of all of our problems, what's going to result is the district whose legislators are involved in this situation, who are interested in cleaning up dumps and have the most pressure put on them will be the ones coming to this Body asking for special appropriations, and that's not really fair to everybody here. And that's one of the reasons we want to raise this money. Senator...DeAngelis, I have to take issue with you calling our citizens goofy when they object to toxic waste dumps being put in their...in their area. Certainly they are afraid because we don't know what's in those dumps and if they will leak. And I'm sure that you, too, have had individuals come to you worried about what was going into those particular dumps. That's one of the reasons we passed this bill for well...monitoring just a few minutes ago was to make sure that that stuff doesn't leak. I realize that these issues, when a toxic waste dump comes to town, raises a lot

of questions. That's why we want to raise some money to make sure that when they do come and if there are problems, they can be cleaned up. And I would move for passage of this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1947 pass. Those in favor will 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? Take the record. On that question, the Ayes are 31, the Nays are 21, 3 voting Present. Senate Bill 1947 having received the constitutional majority is declared passed. For what purpose does Senator Rigney arise?

SENATOR RIGNEY:

I think this is close enough, maybe we should have a verification.

PRESIDING OFFICER: (SENATOR SAVICKAS)

A verification has been requested. Senator Rigney has requested a...verification. Will all the Senators be in their seats, and will the Secretary read the affirmative vote.

SECRETARY:

The following voted in the affirmative: Berman, Bruce, Buzbee, Carroll, Collins, D'Arco, Darrow, Degnan, Demuzio, Egan, Gec-Karis, Hall, Holmberg, Johns, Jones, Jeremiah Joyce, Jerome Joyce, Kelly, Lechowicz, Lemke, Luft, Marovitz, Nedza, Netsch, Newhouse, Sangmeister, Savickas, Smith, Welch, Zito, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there a question of any of Senators, Senator Rigney?

SENATOR RIGNEY:

Senator Collins.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins is standing by her seat.

SENATOR RIGNEY:

Marovitz.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz. Is Senator Marovitz in the room? Senator Marovitz is at the back...Senator Marovitz is at the backdoor.

SENATOR RIGNEY:

Lechowicz.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz is walking on the floor.

SENATOR RIGNEY:

Smith.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Smith is sitting in her seat.

SENATOR RIGNEY:

Geo-Karis.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Geo-Karis is sitting in her seat.

SENATOR RIGNEY:

That's all.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The roll call has been verified and the Ayes are 31, the Nays 21, 3 voting Present. Senate Bill 1947 having received the constitutional majority is declared passed. WCIA-TV requests permission to videotape the Senate proceedings today. Is leave granted? Leave is granted. Senate Bill 1948, Senator Demuzio. For what purpose does Senator DeAngelis arise?

SENATOR DeANGELIS:

Yeah, Senator Welch,...don't want to take issue with you, one of the problems we have is that people don't listen. The facility I was referring to was not a dump; it was exactly the opposite of a dump, it was above-ground disposal, it was not a dump.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce, for what purpose do you arise?

SENATOR JEROME JOYCE:

Yes, well, I...I would like to take issue also with Senator DeAngelis. The goofy people in my area that he is referring to is Jean Alice Small who owns the Small Newspaper chain. I'm sure she'll be delighted to hear that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio on 1948. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1948.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1948 does, in fact, create the Hazardous Bond Clean...Cleanup Bond Act...Hazardous Waste Cleanup Bond Act, and will provide for up to forty million dollars for the purpose of...of cleaning up the various hazardous waste sites that have been stipulated to...either by the US EPA or the EFA here in Illinois. And the funding mechanism obviously is the bill that was just passed whereby the fees collected would be used to retire the bonds. I will yield to Senator Welch who is the principal cosponsor here who has...simply...indicated in his basic argument on the last bill precisely what the funds would be used for. And at this point, Mr. President, I will yield for Senator Welch for our further explanation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH: SENATOR WELCH:

Thank you, Mr. President. The idea of the last bill

was...to generate money to be used to issue bonds and this bill creates that mechanism, the Hazardous Waste Cleanup Bond Act. This is a bond proposal that will be paid off with the money put in the Hazardous Waste Fund from the money raised by 1947.

PRESIDING OFFICER: (SENATOR SAVICKAS)

There further discussion? If not, the question is, shall Senate Bill 1948 pass. Those in favor vote Aye. I...it was brought to my attention that pursuant to Article IX, Section 9 of the State Constitution, this bill would require thirty-six votes. 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 36, the Nays are 17, 2 voting Present. Senate Bill 1948 having received the constitutional majority is declared passed. There's been a request for a verification by Senator Grothberg. Will the Senators be in their seats and will the Secretary read the affirmative vote.

SECRETARY:

The following voted in the affirmative: Berman, Bruce, Buzbee...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Just a minute, Mr. Secretary. For what purpose does Mr. Grothberg arise?

SENATOR GROTHBERG:

Already of being accused of being dilatory which is not true, but if you'll read them carefully then we won't...spend a lot of time, if we can just spot them when they're...they'll speak up.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Mr. Secretary, would you slow down calling of the names.
SECRETARY:

...Carroll, Coffey, Collins, D'Arco, Larrow, DeAngelis, Degnan, Demuzio, Egan, Hall, Holmberg, Johns, Jones, Jeremiah

Joyce, Jerome Joyce, Kelly, Kustra, Lechowicz, Lemke, Luft, Marovitz, Nedza, Netsch, Newhouse, Bupp, Sangmeister, Savickas, Smith, Vadalabene, Watson, Welch, Zito, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grotberg, do you question any of the Senators?

SENATOR GROTBERG:

Coffey...Coffey, where's Coffey?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Coffey. Where's...Senator Coffey on the Floor? Strike his name from the record. On a verified roll call the Yeas are 35, the Nays are 17 and 2 voting Present. The bill having failed to receive the constitutional...for what purpose does Senator Demuzio arise?

SENATOR DEMUZIO:

Request postponed consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio asks leave to postpone consideration of Senate Bill 1948. Leave granted? Leave is granted. Senate Bill 1949, Senator Holmberg. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1949.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Holmberg.

SENATOR HOLMBERG:

...Ladies and Gentlemen of...of the Senate, this bill creates the Hazardous Waste Technology Exchange Service. A few years back, citizens did not even know what the term hazardous waste was all about. They didn't know if they were living near it, industry didn't know that they were getting rid of it, and government did not know that it had to budget to take care of it. It is now a term on everybody's lips.

This particular exchange service is meeting the needs of the time at the University of Illinois because it will enable research development and information transfer for industry, for government, and the public. It will work through the geological water and natural history and surveys at the University of Illinois, and it will be administered through the Department of Energy and Natural Resources. Surely something whose time has come and is very much needed by our State. I ask for your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not...the question is, shall Senate Bill 1949 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 1949 having received the constitutional majority is declared passed. Senate Bill 1950, Senator Welch. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1950.

(Secretary reads title of bill)

3rd reading of the bill.

SECRETARY:

Senator Welch.

SENATOR WELCH:

Thank you. This bill was debated extensively on 2nd reading. This is the bill that would empower a court to award attorneys' fees and court costs, including the expenses of experts in testing to the state's attorney or Attorney General in a case in which the State prevails. The funds will be deposited in the Hazardous Waste Fund. I would move the passage of this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Rigney.

SENATOR RIGNEY:

Well, Ladies and Gentlemen of the Senate, we had a chance here the other day I think to make this a good bill. If you will recall, at that time an amendment was offered that said we're going to play the game fairly on both sides of the issue. We're going to make sure that we're going to take care of attorney fees and other associated costs for those people who are successful in their cases, be it the Attorney General or the person that was on trial. And at that time you will recall I cited you a little case of what I regarded as nothing more than harassment that took place up in Ogle County in my district. Well, unfortunately, that amendment was rejected on that occasion. I think I could have stood in support of that bill today had we had that amendment on it, but now I'm going to have to ask that 1950 be...or 1950 is it...yeah, 1950 be defeated.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Welch may close.

SENATOR WELCH:

I would just ask for a...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Philip. Just a minute. Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I just was reading the synopsis on this which I thought was kind of interesting. It says, "Reasonable attorney fees." Does anybody know any reasonable attorney fees at all? I tell you, if you don't particularly care for attorneys and you're sensitive on attorney fees, I'd suggest you vote No.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Maybe Senator Welch can answer that. Senator Welch.

SENATOR WELCH:

Well, the idea is that we are trying to get money back for the State and the local government, is what the purpose of that is. And I'd ask for a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1950 pass. Those in favor will 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 34, the Nays are 22, 1 voting Present. Senate Bill 1950 having received the constitutional majority is declared passed. Senate Bill 1951, Senator Welch. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1951.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

Thank you. This bill came out of the task force recommendation that the degree of hazard approach to special waste should be considered as well as a streamlined procedure for adding to the waste within this definition of hazardous. The bill mandates the Department of Energy and Natural Resources to undertake a study of these issues. Amendments have been included to require that the Pollution Control Board open a dock and hold public hearings on the subject and then report back to us for potential future legislation. And I would urge the passage of this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall Senate Bill 1951 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that

question, the Ayes are 54, the Nays are 3, none voting Present. Senate Bill 1951 having received the constitutional majority is declared passed. Senate Bill 1953, Senator Grothberg. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1953.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Grothberg.

SENATOR GROTHBERG:

Thank you, Mr. President, fellow members. I, too, served on the task force and was lucky enough to draw the simplest bill of them all. And I do believe that there's no opposition to this bill which would allow the Commerce Commission inspect...safety inspectors to go beyond the railroad sitting only to the...and...and docks but not into the plant to check out the manifest of what's on...been loaded on trucks. But the amendment that was put on does forbid them from going into the plant. And I would be glad to answer questions; otherwise, a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall Senate Bill 1953 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1953 having received the constitutional majority is declared passed. Senate Bill 1954, Senator Rock. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1954.

(Secretary reads title of bill)

3rd reading of the bill.

6/8/1987
3rd reading

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1954 as amended does two things. It says that...asks the Department of Energy and Natural Resources to make a study and report back to the Governor and to the Assembly whether or not underground injection disposal methods ought to be continued. At the moment, it appears...based on the testimony that we have, that no one is quite sure what the effect of underground injection, in fact, is. And while the study is being conducted, we are also suggesting very strongly and in fact prohibiting the issuance of any permit after June 30, 1984, until the study is completed, and that to me just makes sense. If we don't know whether it's safe or not, we ought not be issuing new permits for new deep well injections. And I would urge a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall Senate Bill 1954 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, 1 voting Present. Senate Bill 1954 having received the constitutional majority is declared passed. Senate Bill 1957, Senator Bruce. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1957.

(Secretary reads title of bill)

3rd reading of the Bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Bruce.

SENATOR BRUCE:

The Secretary has read it. It's a 1984 revisory bill. I'd ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? If not, the question is, shall Senate Bill 1957 pass. Those in favor will 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 57, the Nays are none, none voting Present. Senate Bill 1957 having received a constitutional majority is declared passed. Senator Rock, for what purpose do you arise?

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. We have now turned the corner effectively and we will begin anew on page 4, on the Order of Senate Bills 3rd Reading. I think it would be beneficial to both our clerical help and to the membership to take up the recall list. That list has been distributed and there are a number of bills of some magnitude on that recall list. Senator Philip and I had discussed the probability of a short Recess for the purpose of a caucus at this point so that some of the pending amendments and others can be adequately discussed.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Johns, for what purpose do you arise?

SENATOR JOHNS:

Thank you, Mr. President. There will be a Democratic Caucus immediately in Room 212.

PRESIDING OFFICER: (SENATOR SAVICKAS)

There will be a Democratic Caucus in 212...how long will it last, Senator? Senator...Senator Rock. Indicates one hour. We will stand in Recess...Senator Davidson.

SENATOR DAVIDSON:

Be a Republican Caucus in Senator Philip's Office immediately on Recess.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, one hour? We will be Recessed for one hour, the Senate will resume at three o'clock.

RECESS

AFTER RECESS

PRESIDING OFFICER: (SENATOR DEMUZIO)

Will all unauthorized persons please vacate the Floor. Will the sergeant-at-arms please vacate all of the nonmembers. All right. The Senate will come to order. Senator DeAngelis, for what purpose do you arise?

SENATOR DeANGELIS:

Just a point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR DeANGELIS:

In a moment of emotionalism, I...made a rather intemperate comment...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Pardon...pardon me, Senator DeAngelis. Can we get that door closed back there. Senator DeAngelis.

SENATOR DeANGELIS:

...in a moment of heated debate, I...made a rather intemperate comment. Sangmeister quit laughing. And...I want to apologize to the members of this Body and anybody else that I may have made reference to, just to perhaps put it in its proper context. Those of us who serve in public office quite frequently receive annoying phone calls, and on a particular Sunday morning when a newspaper which shall be unnamed published a report of a possible siting, not only misrepresenting the location but also the process, I and my family received numerous phone calls before I even got the newspaper two and a half hours later; and my reference to the

SB 495
Recalled

kind of phone calls, goofy, was to those kind of phone calls, and I know that in talking to some people in Senator Joyce's area that they received the same type of annoying phone calls. However, those of us who serve know that that's part of the game, it goes with the territory. And even though our families may not appreciate it, we ought to be able to take that kind of annoyance, and I apologize to the members of the Body and anybody else who might feel they were included in that comment. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. On page 4, we will go to the recall list. A list of the bills have been, in fact...to be recalled have...have, in fact, been passed out. We will start at the beginning and go right down the Calendar. Page 4. All right, on the Order of 3rd Reading is Senate Bill 495. Senator Carroll, do you wish that bill recalled? Senator Carroll seeks leave of the Body to recall Senate Bill 495 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of 2nd Reading, Mr. Secretary, Senate Bill 495.

SECRETARY:

Number...Amendment No. 4...offered by Senators Carroll, Bloon, Smith and Donahue.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll is recognized on Amendment No. 4.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. While the issue is important and I think of concern to all members, I will attempt if possible to make it brief because each of the members has been, I am advised, taken through the technicals of the bill and understand that which we are proposing in this amendment. Let me say that, first of all, this is the result of the select committee that this Body created which had met...can we...

PRESIDING OFFICER: (SENATOR DEMUZIO)

...pardon me, sir. Could we have some order, please.

Senator Carroll.

SENATOR CABEOL:

...which had met for the past year throughout the State with the various interest groups, providers, insurers, retired persons, farmers, manufacturers, et cetera in an attempt to resolve the crisis of health care that has come upon us. Illinois unfortunately has grown to the second highest in the nation in cost of hospital care, only exceeded by Massachusetts which adopted a couple of years ago the original version...very close to the original version of Senate Bill 495 which was a highly regulated system that would sit there and impose all types of regulations on insurance and health care and hospital costs. We had created an advisory panel to suggest to us a solution and that panel...Emil, please...and that panel basically reported back a regulatory system but left blank because they could not resolve three or four of the major issues. We had hearings then on that recommendation, and as a result of those hearings, decided upon this approach. This approach is basically a free market approach. It did away with the basic regulatory aspects that were in the original proposed 495 and said, to an extent, we believe you when you say you're attempting to cut the cost of health care. What we have said by this proposal...what we have said by this proposal is, we are willing to accept the fact that you have grown at fourteen and eighteen percent in the last couple of years, other than the past twelve months when we put this original bill in and apparently got your attention. We're willing to accept that and say, where you sit is where you're at. And we will look at you twelve months from now, and if you will not grow as fast as you have in the past, then you have accomplished our goal; but if you have not, then the people of Illinois and

the people you give service to are entitled to a lesser charge. And let me just say, we have taken what I consider to be the lightest approach possible and yet contained the cost of health care contain hospital costs. We have said we will let you charge where you're at now plus the highest inflater that affects hospitals minus one percent. It's known as the DBI market basket for hospital costs. And understand the charges are about eighteen percent over the revenues hospitals expect to receive. Hospitals explain to us that they double budget. They budget on what they expect as net revenues and then they add to that and that's their charges, they call them gross revenues. They know they're not going to get that much but that's what they charge the private payer and they take the discounts elsewhere. We have said, take that highest figure, but don't grow as fast as you've been growing in the past. If you do, you'll pay that excess back to the State and for the next year you will discount your charges by twice that amount. We hope to never get a dime this way as the State, because we believe that if they will live within this realistic range, the cost of health care will have started a trend down and the people of Illinois will once again be able to afford to be sick. We have said on the medical side, go ahead and contract. This is what we were asked to do by the medical society and probably the Hospital Association, go ahead and contract, and you can contract at the full inflater so that those who pay the bills themselves, directly or through insurance, will not have to fully subsidize those who are paid through State sources, Medicaid. We have said that we will therefore start reversing also that thing known as shifting of where the people who pay out of their pocket pay taxes on one hand and pay part of the hospital costs of those who are being paid through Medicaid on the other. This is merely an attempt to reverse the trend that Illinois unfortunately has experi-

enced. It is an attempt to make health care and hospital costs attainable by the average citizen in Illinois. It is an attempt to contain the runaway costs, and absent containment, we have done nothing. Absent a ceiling on growth, where we allow them to go back to their eighteen percent growth, in my opinion, we have done nothing. This creates the mechanism to allow them to freely compete in the marketplace up to a level that people can afford to pay. And I am proud to say it has the support of organized labor, it has the support of many of the business groups, retired persons, farm bureau and others, because it will, in fact, reverse the trend for the first time in Illinois and allow our citizens to once again afford quality care. I commend it to your attention.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...Senator Carroll, before we get into the debate, Amendment No. 4 strikes everything after the enacting clause. It is your intention to draw...withdraw Amendments 1, 2 and 3? Senator Carroll.

SENATOR CARROLL:

Am I correct, Mr. President, you're saying...I'm sorry, I wasn't listening totally, but those need to be tabled?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Yes, 1, 2, 3.

SENATOR CARROLL:

Fine. I would, having voted on the prevailing side, move that we reconsider the vote by which Amendments No. 1, 2 and 3 be considered and therefore then move that they lay upon the Table.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Carroll has moved to reconsider the vote by which the...Amendments 1, 2 and 3 were adopted. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The amendments are reconsidered. Senator Carroll

now moves to lay those Amendments 1, 2 and 3 on the Table. Is leave granted? Leave is granted...the amendments are Tabled. Now...any discussion? Senator Elcom.

SENATOR ELOOM:

Yes, thank you, Mr. President and fellow Senators. I think the agreement we had with some of the provider groups is that we'd get this amendment on and then commence the real debate on the two subsequent amendments...on the subsequent amendments. So, I'd move the adoption of the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Egan.

SENATOR EGAN:

Thank you, Mr. President and members of the Senate. It is not by intention by any stretch of the imagination to be critical of the work that the task force has accomplished in its deliberation. I...if you'll listen, Senator Elcom, I'll try to explain. There has been just a technical change. Instead of offering two amendments as we had discussed, my amendment that I am going to explain I think will satisfy the problem and...and perhaps save some time. But in so doing, I would like to explain that I think the task force has done a...a monumental task and there is however great controversy in two provisions of the legislation that the task force has proposed, and those are the two provisions that...to which I would like to address your attention. The...simply and merely, the provisions providing for caps on the two subjects in the legislation. The major parts of the bill providing for data collection, utilization review, and...a health cost council and medical assistance contracting, together, all form a real good piece of legislation providing all kinds of good, substantial consumer protection. Now there is an arbitrary limit and an arbitrary figure, in my opinion and others, in the cap provisions on rates and capitalization.

And so it is my attention then, Senator Eloom, that I would ask that the membership, if they were not in favor of caps vote against this amendment because my subsequent amendment will do exactly as yours does with the exception that it will remove the provision installing caps, so that I think with those two amendments you can vote it up your way or vote it my way; and...I would then ask the membership that if you're feeling in the matter, as is mine, that caps are unnecessary and arbitrary to vote against this amendment and, in lieu thereof, vote for my amendment which I will offer next.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. Following Senator Egan's statement in regard to supporting his amendment taking off the caps, I would like to address this amendment that the proposed cap system is totally untried and without precedent in the United States. Not even its sponsors know or understand its probable financial impact. It is no more than a last minute idea and should be treated as such. The tap...the cap takes effect at once, July 1, 1984, despite...statements to the contrary. Only imposition of extremely punitive criminal and civil penalties is delayed for a year. And most hospitals have already budgeted and implemented the charge structures for their fiscal years and will therefore be judged based upon their performance prior to...implementation of the law. A hospital exceeding the cap limits, irrespective of the reason, would be subject to a reduction in the charges equal to twice the excess. And this penalty would be imposed automatically without hearing or appeal and could leave the hospital faced with a choice of financial insolvency or criminal violation of the law and this amendment should be defeated.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? Senator Carroll may close. Whoop...Senator...Senator Bloom.

SENATOR BLOOM:

All right, briefly, I would like to correct a misstatement by one of the prior speakers that caps have never been tried before in the country, that just is inaccurate for openers. Second, what...what this does...we need...we need some hammer over the provider groups. What has not been mentioned has been during the select committee hearing process, one of the provider groups came in the IEA, Illinois Hospital Association, came in with their own version of caps. Senator Carroll is right, 495 as we introduced it was a...was a pretty...pretty tough piece of legislation. Picture if you will a buzz saw, and it was held about a half an inch above the hospital's head. During the select committee hearing process some people suggested another kind of cap. It was more like a pillow that if your head hit it, a tape recording would go off saying, you really shouldn't do this. Developing from testimony this week and the past week, we found that the Illinois Association of Retired People, the Illinois...the Associated Employers of Illinois, the Farm Bureau, the State AFI-CIO, the UAW, the Illinois Manufacturers want some kind of capping mechanism, some hammer to hold over the provider group...groups. And what amendment...this amendment does is takes that buzz saw and lifts it way, way, up, way up in the air to charges as opposed to revenue and says, okay, the meter will start running this July but it really won't impact you because it's raised so far up with this inflater, this DRI, which is saying, my gosh, that's the highest going, it's...at one point, twice inflation. Wouldn't we like to run businesses where we could raise our charges twice inflation? The hammer is there and it's put off, and as there are other features that we...given the constraints of time we'll probably see in the House, but we need this and I think it is

a defensible vote for every member of this Chamber to be able to say to our constituents, our retirees, elements in the business community that, yes, we included a hammer and we raised it high enough and far enough away...or a buzz saw, if you like that metaphor, so that any hospital that behaves itself will not run into it. We hope that the penalties are never imposed, but as long...as long as you...we hear stories of hospitals hiring forty-two thousand dollar a year coordinators of religious affairs, it's going to show up in our room rates. And the fact of the matter is, as you get into this issue, there is a tremendous amount of waste in the way we deliver health care. And as policymakers here in Springfield, we need to have this kind of mechanism on a standby basis to tell the provider groups, one of whom had already proposed its own set of caps, that we mean business. I see no reason why this should not have fifty-nine votes. Thank you, very much.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Further discussion? Senator Carroll may close.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Apparently the issue had focused earlier than some may have anticipated by procedure, and let me just say, therefore, where I think we are at. I think we all recognize that the people of Illinois expect us to do something to contain what had been outlandish increases in hospital cost and health care, that's why we started on this and this is an approach. It is of those offered today the only approach that will, in fact, slow down the inflation of hospital costs, contain them, containment. There have been other approaches suggested that were much more regulatory and we listened and said, okay, let's try and stay out of your business if, in fact, you will reverse that trend. The people of Illinois who are receiving wages know there is only so much

available for wages and benefits. If the cost of health care continues to rise, less is available in take-home pay because more had to be spent to give them some form of insurance against those already high costs growing. If less is spent on the cost of hospital care, more is available to take home and spend on food and family. That's the bottom line of the issue and of containment. And containment is a definable word in any dictionary, there must be a lid to be a containment; absent that, you have contained nothing. You have created panels in here to review the data, we have created panels in here to recommend long-term solutions, but without a containment, there is no containment. I suggest to you this is the only approach that will truly stop the health care crisis and I offer it for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Carroll moves the adoption of Amendment No. 4 to Senate Bill 495. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 5 offered by Senators Egan and DeAngelis.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Egan.

SENATOR EGAN:

Well, all right, I won't press the issue. I did want a roll call but we'll get one on this amendment and...I...I just reiterate again what I said initially, that data collection, utilization review, a health cost council and medical assistance contracting in combination form enough for the consumer, that's good consumer protection without doing something, by putting on caps that are arbitrary, that we don't really understand completely. So, I do think that it's better without the caps, and I offer this amendment and when they ask for a roll call on it, it will, if passes, negate

the amendment that was just adopted and I ask you for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Egan has moved the adoption of Amendment No. 5. Is there any discussion? Senator Carroll.

SENATOR CARROLL:

I can wait or...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right.

SENATOR CARROLL:

...if there's other members, I'll yield and would like to talk right toward the end.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Johns.

SENATOR JOHNS:

Senator Egan.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Johns.

SENATOR JOHNS:

The cap to me is the limit. I've listened to all the discussion and Illinois is either the leader in cost or very close to the leader in cost in hospitalization. And if a cap is the limit...and these increases are unbridled, how are you going to protect the public by eliminating the caps on hospitalization and the charges that these hospitals in Illinois are charging? It seems to me that they're running rampant and that they're...they're just doing just about as they please in charging. Now answer me this, if you don't have the caps and all you have is an advisory board that will say well, we'll take a look at this again next year, what protection is that for the public in trying to halt the spiraling costs of hospitalization in Illinois and letting it become the leader across the nation in charges? Answer that for me, because I'm just asking in common sense, what's going

to halt the spiraling costs?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Egan.

END OF REEL

REEL #4

SENATOR EGAN:

Yes, I think the...I think your question is well-taken, Senator Johns. As I stated before, the task force has worked a year on this subject and they came up with a very comprehensive piece of legislation that provide that there be data collection, utilization review, a health cost council and medical assistance contracting. Now, the other thing that they put in was caps, and your question is, without caps, what good is it. My suggestion to you, Senator, is to look at the...the industry, the hospital industry is a competitive industry and competing with one another they will of necessity with the proper guidelines and the proper...and the proper prodding reduce their costs themselves, which in...in the...as a matter of fact, has happened in the past year in comparison to the prior two years. So, I suggest to you, Senator Johns, that...unless you...unless you provide for a fair and indepth method of costs per unit, per day, per item type of containment such as the Commerce Commission does with utilities, then I'm suggesting to you that this kind of arbitrary cap may do more harm than good; in fact, it will reduce substantially the income to the hospital industry in Illinois, that in and end of itself is not good. It isn't good because some hospitals will as a consequence go out of business, and thus, we will have less health care in Illinois than we need. The fact is we need more health care at less cost. That's why when we provide data collection, utilization review, a health cost council and medical assistance contracting, we have gone a great, giant step forward in that direction. If we do more than that and put caps, arbitrary caps, I think we may do harm and so, that's why I'm suggesting that you support my amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Johns.

SENATOR JOHNS:

Senator Egan, the word "competitive", you used that and you said our hospitals are competitive. Well, there doesn't seem to be any competition in the escalation of the prices. Who are they competing against? If they were really competing against one another, those prices would be coming down, but there seems to be, and I use the word "collusion" lightly, but there seems to be no restrictions. It seems to be, to me, as a layman, that they're in cahoots, that they're charging just about whatever they want to charge, there's no limits as to where they're going to go; and for another year are we going to put off the holding on the line and...of the escalation of these costs and have somebody slap them on the wrist and say, hey, you're...you're really out of line now, you're going to have to do something or...we're going to do something? Well, we've talked about this for a year, a great deal of work has gone into it and all I can do is sit back and listen and try to pick up facts and glean them from the newspapers, but I don't find, Senator Egan, that there is competition to make these people lower their prices. I was in business for years. If I was being competitive, I watched my competitor and if he had a price of...of a dollar a gallon on something, I'd try to get down to ninety-nine cents and I started cutting the cost, I started bridling in what was happening and I don't find that in this hospitaliation situation. They don't seem to have competition, and...I wanted to ask you, how you could use that word. Who are they competing against in the lowering of prices?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further...further discussion? Senator Johns, was that a question? Alright. Senator Egan.

SENATOR EGAN:

Yes, Senator Johns, perhaps you don't agree with my view, and for that...I'm sorry we don't have further and more time

to discuss the matter. I do, in fact, think that the industry is competitive, I sit on the Board at Resurrection Hospital in Chicago; incidentally, if that is a conflict, then I confess, but let me suggest that it's a not-for-profit corporation and we still compete with other...hospitals at least in the surrounding area. They compete in their ability, they compete in their expertise, they compete in the amount of employees that they can advance. They compete in all manners of services that are performed for the people that come into the hospital, and they compete quite avidly and it is that kind of thing we want to promote. We don't want to close hospitals. We don't want to close hospitals on the southside. We don't want to impose arbitrary and restrictive enforcement on them that will hurt them and health care. We want to provide more health care at a cheaper price, and I think that this bill with my amendment will do that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? We have seven additional speakers who wish to speak on this amendment, the timer is on. Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. I'll as brief as possible but this is a terribly complicated matter that we're about to make a decision on. We've come down to the final hour again this year on this same matter of cost containment. We have two amendments before us; one of which would place on the hospitals a cap, one of which would not. There are several questions involved here, one is the question of the protection of the consumer, and certainly we all want to do that. The question of whether or not we can keep these various elements at the table to continue to discuss this issue so that we can come up with a sort of agreement that we can all understand and have some confidence of. As to the issue of...the survival of a number of hospitals, my hospitals has a

number of community institutions that might at any day go out of existence if something isn't done to maintain their level of income. There's a question of the kind of services that they are able to render with the dollars that they do bring in. There's a question of a fairly large number of people who are employed by these institutions who are our friends and neighbors. Given that, what this one Senator had to do today was in agony, go around to the various players in this game to try to determine what made sense for my constituency and what makes sense, I think, for the State of Illinois. I'm going to vote for this amendment that removes the caps. I would hope that that does not prevent a continued discussion to come out with a solution upon which we can all agree. There obviously is disagreement with this solution. There possibly will be disagreement with almost any solution we come up with, but the dilemma is...is there, and I would like the Chair to know and the legislators to know the kind of conflict that's in the minds of some of us when we vote on this bill. I wish there was a simpler solution, it doesn't appear that there is. I will vote Aye on this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. I'd like to ask the sponsor a question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Watson.

SENATOR WATSON:

I'm correct in assuming that Amendment No. 4 put two caps in; one in regard to hospital charges, and the other in the certificate of need and health facility planning board. Two caps. Your amendment has taken both caps out.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Egan:

SENATOR EGAN:

Yes, that's correct. It...it's the same amendment with those two provisions removed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Amendment No. 4, did that freeze the hospital charges at a certain level?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Egan.

SENATOR EGAN:

No, it puts a cap on the amount that they can charge.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Where is the beginning point? Where do they start from, current charges?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Egan.

SENATOR EGAN:

Well, let...let's Senator Carroll answer that, it's his amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, is there...Senator Carroll.

SENATOR CARROLL:

And in fairness, I'll limit my answer to the question and make other comments later. The starting point will be...7184, whatever charges, not revenue but charges, they were at that point in time, and then you trend forward to a year from there and then it's...at that point it's got to be July 1, '84 plus FBI minus one.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Watson.

SENATOR WATSON:

Well, hospitals in...in my area, the community rural type hospitals, have done a reasonably good job in maintaining some sort of cost containment under the volunteer program, and as a result of the legislation such as Amendment 4, we are actually going to be penalizing those hospitals who have tried to maintain some sort of cost containment. I really...I guess I would have to agree with Senator Egan in...in support of his amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lewke.

SENATOR LEMKE:

Mr. President, and fellow members of the Senate, I think this is a bad precedent to start taking caps off. You're going to give the public a whitewash, you're going to say you've done something about controlling medical costs when you're actually are doing nothing. What prevents us from putting a cap on this particular medical charge? Nothing, we can take it off next year, and as far as Senator Egan saying hospitals are going close, I've been here for twelve years, Cook County Hospital has been closing for twelve years and closing before that. There isn't going to be any hospital that we're going to allow close. I can remember when we came in with Senator Fartee for St. Bernard, we helped these hospitals out, we're not going to let the hospitals close. I mean, all...and as far as competition, I want to tell you, you get hit by a truck at Twenty-sixth and Redsey and you see what competition you have. You end up at St. Anthony's Hospital that's where the police take you and you have no charge...no control over what the costs are and you have no control where you go. Your doctor tells you what hospital you go to and that's the hospital you go to. So, if there's competition in the hospital industry, I don't where it is at because their rates are almost the same on every room and they're exorbitant, and the people of my community, a major-

ity of them are senior citizens, are paying and paying and paying and they're using up their savings, things that they could be enjoying themselves, denying themselves food, running around eating dog food and going back in the hospital. That's what our people are doing, because they're trying to keep up and maintain heavy insurance premiums. This thing has...driven the cost of insurance up not only in hospitalization but in workmen's compensation. You have no choice, what used to be a ten dollar visit at the hospital is now a thirty-five dollar visit for two minutes to change the bandage. We're not talking about anything. We have a duty here to the majority of the people and not just to a few hospitals. If one hospital goes out of business, we'll redeem it and help them. If you're going to help hospitals it's very simple, we should pay them interest on the money that the State delays in their payments on Medicaid. That's where the interest should come from. We are now paying twenty-five percent of the cost of...private hospitalization for...for the...the interest that the hospitals have to ... pay to borrow money to pay the public aid costs. We are...our...our people that are good enough to buy group insurance are paying twenty-five percent cost to their premium because the State and the Federal Government fail to pay their bills on time and fail to pay these people a fair interest on that money, that's what the problem is. I urge a defeat of this amendment and let's pass a good bill instead of making it bad.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Egan, for what purpose do you arise?

SENATOR EGAN:

If I may, Mr. President, make a correction in an error. I have represented to the Body that this amendment has...is removing both caps and I am in error. The amendment was just

prepared and I was told earlier that that's what it intended to do. Without time to read it, I assumed that that's what it did; however, Senator Maitland has an amendment to take the capital caps off. This amendment would only take off the rate caps. I think the argument will remain the same.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright...further discussion? Senator...Senator Kustra.
SENATOR KUSTEA:

Thank you, Mr. President, members of the Senate. This is one of those issues that I don't profess to be an expert on. It's an issue which I guess we all try to respond as best as we can to the various organized interests that have come down here to try to...try to guide us in our deliberations, and now that the issue is upon us, I have to conclude that...as I examine the bill before us and the amendment which Senator Egan has proposed and the effects it will have, just reminds me that I guess I figured out I have more hospital patients in my district than I have hospitals. I have more senior citizens in my district than I have hospitals. As matter of a fact, it was just recently at a...at a dedication of a hospital in my district that a senior citizen who was invited to pay tribute to the hospital came up to me with her hospital bill, just a week ago, and showed me on that bill just what a great job we're doing in controlling hospital cost here in the State of Illinois. She was giving me some outrageous cost for her Milk of Magnesia and what it had cost her at the hospital and what she could get it for at the local drug-store. I don't have to tell you the difference, you've heard those stories time and time again. Senator Egan, I hear what you're saying you're...you're telling me that...that...that the data collection is going to do the trick? that a council is going to do the trick? that there's competition out there. When I know and you know that doctors direct patients to hospitals and that in my district anyway, people want to use

their local hospital and they're not going to go someplace else to save a buck. They expect that buck to be saved by that institution. And Ladies and Gentlemen of this Senate, I don't think that's happening out there. I would think that if we remove these caps, we send a relatively worthless bill on to the House. That makes no sense to me, not in a year when health care seems to me to be one of the greatest issues. We're always accused of acting differently in an election year than in a nonelection year. Well, boy, this is the year to act politically, if you will, because you read the polls and the folks out there tell you they want us to do something about this. You remove the caps and we're not going to be doing anything about this problem. I urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President. One of the difficult things about serving in the General Assembly is that from time to time good friends disagree and disagree very dramatically on issues, and this is one of those...one of those areas. I, too, get the same calls and letters from people who are concerned about hospital cost, but the difficulty and the bad feature of locking everything in as we are doing with the caps in this bill, is that we not only lock...we not only lock in the inefficient hospitals but we operate...we lock in the inefficient hospitals. Indeed there is competition in the hospital industry. In some areas in the State, Senator Kustra, perhaps this is not the case, but I can tell you coming from a community where there are three hospitals in direct competition with each other, indeed, it is there and I'm going to tell you what you do. You...you mentioned the fact that we are in a political year and the best thing we can do is provide lower hospital costs for our constituents. That may well be true for a year or two, but

when you then in fact force this State into the health care business, as we are going to do when we run those hospitals out of business, then I defy you to stand before this General Assembly and say you were helping your constituents. I'm alarmed at the bastions of free enterprise who are in support of capping hospital costs in this State. Those same individuals, those same companies, those same organizations are down here time after time after time telling us, leave us alone, you've helped us already too much; and now, in an unrelated industry but in an industry where there is competition, you are calling foul and we need to control it. Where are those companies? Where are those groups going to be when the majority of those hospitals in this State who have good competition are, in fact, driven out of business? Hospital boards are served by individuals like you and I. They are people who work in industry, who are teachers, who are farmers, who are lawyers and most of those board members critique very carefully what the administrators, what the hospital is doing and they monitor their action. I submit to you that this amendment should go on, and I would urge an Aye vote on Amendment No. 5 to Senate Bill 495.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President, members of the Senate. I have to disagree a little bit with my good friend John Maitland, I haven't seen much competition among the hospitals. It seems to me that the hospitals...compete...to the extent that they compete, they compete not among consumers but rather they compete for the favor of the doctors who practice in that hospital, and in many cases, I think that may be part of our problem, because it seems to me that in order for a hospital to keep the favor of the doctor, they are required to buy more and more equipment, to get better and better sophis-

ticated treatment facilities in their hospitals so that the doctors will bring the patients there, and I think an that's entirely different thing from the normal competition, Senator Maitland, that you and I are...are thinking about in the area of...of free enterprise generally. There's...there's another point that...that seems more and more clear to me all the time, and that is that if we...if we leave the bill in its present state, we aren't going to cap anything this year. These caps aren't effective this year. Nothing is going to be capped until next year. As I understand it, none of these caps take effect until after July 1 of 1985. Now, I may be wrong about that and if I am I...I'd like to know it, but it seems to me that if we find out and...and I don't know when we're going to find out whether or not some hospital may be forced to roll back some charges but apparently it's not going to be until after July 1 of 1985; and it seems to me, Senator Egan, that if we adopt your amendment, then we're going to put the whole problem off for another year. The other thing that occurs to me is that this bill...it's probably not going to pass and in its current state without coming back to us and perhaps the better course would be to go with these amendments...with the bill as it's originally amended and give all the parties time to try to work something out, because I don't think that we've seen the final proposal to the General...to the General Assembly yet; and for that reason, I think I'm going to oppose your amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. You know, Senator Egan, about a year ago I would have probably supported your suggestion of taking off the cap and let me give you a little true story ...I went in the hospital with a cervical seven problem, so I spent about a week in one

hospital and about ten days in the second hospital, and I'm going to tell you something, my attitude has done about a hundred and ninety degree turnaround; and you know, when I came out of that second hospital, I convalesced at home for about three weeks, I had an opportunity to analyze my bill. And I'll tell you one thing, it's...what they call computerized, and I...I guess it must have been six pages but just looking at the drugs that allegedly I received and therapy, like...for instance, I'll give you an example, they charge for therapy about...it was twenty-six dollars...I never had more than therapy once a day. Some of those days I was charged for three separate therapies, which I only received one and there were, to say the least, some mistakes on that bill. When talking to that hospital or to my doctor, I'll tell you what the answer is, well, don't worry about it, the insurance companies will pay for it. Generally speaking, that has the attitude of the hospitals, the administrators and a medical profession, and I suggest to you, we end up paying for it in the end, and I mean, really we end up paying for it. If you look at some of the hospitals that are close to me, you talk about competition, quite frankly, there isn't any competition. If your doctor happens to be a residency of that hospital in your area, that's where you end up going, quite frankly. Now I've got quite a large difference between private room costs. The hospital that I was in was two hundred and forty-two dollars a day; there's a hospital within five miles that is five hundred dollars a day. And I'll tell you one thing, there's...even with that spread, there still isn't any competition among hospitals. You know, this...this...this has been going on for a year, year and a half. I think Senator Bloom and Senator Carroll have done a outstanding job, they've taken more heat, more abuse than any members involved with this; and, quite frankly, it's a waste time if we don't keep a cap.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Euzbee.

SENATOR EUZBEE:

Thank you, Mr. President. We find ourselves in a position today that is not unusual for us and that is we are presented with two extremes and we have to make the compromise decision that...or make a decision that one of those two extremes is in fact correct, when the fact of the matter is, that none of us probably know for sure, including these two gentlemen who have spent so much time on this issue. None of us know for sure exactly if what we're trying to do is going to be correct or not. Over the years we have been put in this position several times that's all right, that's what we get paid twenty-eight thousand dollars a year to do, is to make those kinds of decisions. I, also, like Senator Philip and...and Senator Carroll and some others in this Chamber have had a recent experience with a hospital bill, in my case it was much, much smaller but...the charges that I received seemed absolutely ludicrous to me at the moment. The other problem is, in my area, if...I am convinced there are some hospitals that could very well because of Medicaid...high Medicaid and high Medicare patients that they serve, there are some patients...rather there are some hospitals that in fact are on the very brink of going out of existence. Let me give you an example. It's not in my legislative district but the community of Cairo, Illinois, at the very southern tip of the district, serves a high Medicaid-Medicare population. The States of Missouri and Kentucky have already said a long time ago they will not accept Illinois Medicaid patients anymore. Now, if the Cairo...if...if this cap is put on, I don't know if it will have a direct effect on the Cairo Hospital or not, but if it does, they are constantly teetering on the brink and they possibly might go down. If they go down, the next hospital that could possibly serve the folks in that com-

munity is about forty miles north, it also has a high Medicaid-Medicare population and they also tend to be teetering at times, I think; and so, as a result, they would pick up even more of the problems of the Medicaid-Medicare patient, and then if they should go down, the next hospital is twenty miles north of there, so we would have patients coming from as far as sixty miles away possibly to be able to get any hospital services. Now, this I know is probably in extreme, but it is true of little hospitals all over my area that they might go under. The other side of the point of course is the consumer, who in a lot cases has no choice. Senator Carroll just reiterated to me his own experience of a forty-five hundred dollar hospital bill, I know there are many members in this Chamber who have seen astronomical hospital bills that they have experienced themselves. So, what do we do about that? I'm not sure. When I pushed my speak button, Senator Egan came to me and said, which way are you going on this? And I said, I don't know, that's why I'm going to talk. Well...well, thank you. My yellow light is on but not the red that one yet, Mr. President...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, the second time, Senator Euzbee.

SENATOR EUZBEE:

...I don't plan to be speaking a whole lot more here, but we've come to the point where something has to be done. I was told by some of those folks who are in the negotiating stage that they think that if they can keep this hospital cap part on the bill at this point that it could be a negotiating point with the hospitals for further on, and so, for that reason, I plan to vote against Senator Egan's amendment and see if we can keep the process of negotiation going and see if we can do something to contain those costs in...in hospitals.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator LeAngelis.

SENATOR LeANGELIS:

Thank you, Mr. President. As...as the hyphenated sponsor of this amendment...where is the sergeant-at-arms? I would like to address a few issues that are in this amendment and also on the previous amendment, because this, in essence, replaces the previous amendment. Senator Carroll, incorrectly that we will not see fourteen percent costs with your amendment. In fact, they could go up twenty or twenty-five depending what the DRI is. Okay? So, let's not create any false expectations from that capping proposal. The thing that bothers me...and I guess if you speak out against capping, you're supposed to be for higher medical costs. Things that's going to bring medical costs down are not capping, there's some of the other things that are in the bill that are very, very good things. You know, it's like telling somebody, you can't spend any more money for food or anything else even if food goes up, because let me just address some of the costs that go in the hospitals that are not being addressed. We had a package of malpractice bills which were given a very suitable and...and real distinguished treatment by this General Assembly subcommittee. There was a bill that was put into this General Assembly by myself that would attempt to cover the three million people in Illinois who currently can't either buy insurance, are uninsured or are not in a group insurance. That sucker was promptly destroyed. Another major cost of the hospitals, uncollectables are running a high rate; security costs, cost of the times; utilities, social security costs, all these. Now, just to clear the record on something else, that FBI for 1983 is 5.8 percent. Mention was made that this is double the cost of inflation, it's not; you back it off to one, it's 4.8 percent. It was also mentioned that the bill by capping would stop cost shifting. It might well do that but it's going to

create a monster of even greater significance and that's patient shifting, because the...the manner in which is...this is going to be reviewed is based on an average per diem charge or an average charge produce charge, which means the patient mix is going to dictate how good you are; and I know there are...there are three types of hospitals in Illinois, there is the for profit, there are the not-for-profit and there are the charitable hospitals. I happen to be on the board of a charitable hospital, and my little nun is not going to turn anybody away; and I'm going to tell you, she is going to end up accepting a lot more people than she accepted before if this goes through, and there is going to be some other people who are not going to be accepting the people they were accepting, because the formula is tilted toward measuring not efficiency, not productivity but a very innocuous thing like average per diem charge or average charge per discharge. Now from my own personal experience; during Christmas I had two of my children...in the hospital, one in the Intensive Care Unit for four days, forty-six hundred and sixty dollars, and if anybody knows anything about the State insurance, I paid over a thousand dollars of that myself. Okay. I wasn't happy about that bill, not happy at all, but I'm going to tell you what happened, that hospital couldn't take care of him either because what he had, he had to go someplace else 'cause they didn't have the equipment to finally determine what he had. I had another one in there, same time, surgery, surgery care. The cost was pretty significant also, but let me just tell you about that surgery care thing. I happen to serve on a surgery care board which is a competitor of a hospital, something that we of the General Assembly have fought against for a long time till we finally recognized it, and even today, the Department of Public Aid will not reimburse a surgery care center for a public aid patient. The fact is that one of the reasons

hospitals could be in trouble is that we in the surgery care centers what used to be a hospital stay is now an outpatient treatment, and I am for it, but they still have the same capital costs. I think what this amendment does, it says, yes, we have a problem. Yes, there are a lot of things that we need to address the problem but capping it doesn't do it, and let me just bring up one last point and...the timing on this...and I know people are going to say, if you don't do it now you won't do it, but last October the hospitals had forced upon them a system called DRG'S, and I don't know for those of you who are on hospital boards if you've been observing the average patient stay, you will find out that that system has brought a decline in it; and I think we ought to look at that at least a year of that, as perhaps a method of...of doing something with hospital costs also. I urge the acceptance of Amendment No. 5 on Senate Bill 495.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I obviously rise in opposition to this amendment and let me just say, maybe to answer a few of the questions that were raised, those who were concerned about the hospitals that have a high degree of medical assistance through Medicaid and Medicare, we, in our amendment, have a specific provision for the board to give special consideration to those when contracting and therefore give them a better rate for those patients than would otherwise happen. In other words, we have provided for some extra money for those who are impacted by Medicaid and Medicare to an unusual extent. This is not an arbitrary cap, and just to clarify the record, many states, I don't want to give a number, but many states have had a much more severe limitation cap placed upon the hospitals. This is one of the last and one of the highest to

go the route of saying, enough is enough. As to competition, there's no competition. Fifty-six counties in Illinois have one or fewer hospitals. Who are you competing with when you're the only game in town? yourself? Do you get up every morning, and say today I'm going to lower the price because of the competition, when there is none? And be realistic, yes, those...boards may hear the issue raised at a board meeting, and the boards generally, in all honesty, do not run the institutions, the administrators do. How many people drive up to the door of a hospital and say, what are the charges? And if they did, like any other competitive system, you go to the drugstore, you go to the grocery store, you go shop for a car, you check price. How many of you ever went to a hospital and said, what do you charge? And if you did, you didn't get an answer. We had testimony in Naperville from a health care coordinator for a major employer in Illinois, who by phone attempted to do that to recommend to their employees, multithousand, where to go. And I...unfortunately, I think that person who made the calls were told where to go, we got no answers on what were the charges, what were the rates? Nobody knows, nobody will tell, that is not what you would call competition. If we are going to contain costs...and we really wish we didn't need a solution, but because we did nothing for so many years we are where we are, the next to the highest in the nation and that's no great honor, and if we don't have a container, we don't have containment. I know I'm repeating myself, but kid yourself not, you have done nothing to impact the rising costs of health care if you do not contain them. Absent the cap...and the only difference between Senator Egan's amendment...Senator Egan-DeAngelis, excuse me, and...the Carroll-Bloom amendment is the cap, the one cap, whether or not we are willing to say, enough is enough on what you charge. I suggest to you if you really wish to contain the

costs, you have to say there is a containment. This amendment takes that off and I think, at that point, we will have done nothing. So if you wish to contain the costs to your constituents, you have to vote No on this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? AF has requested leave to shoot still photos. Is leave granted? Leave is granted. Further discussion? Senator Bloom.

SENATOR ELOGH:

I, too, obviously rise in opposition to this amendment. We're informed that thirty-five percent of the hospital beds in this State are empty. Prices ought to be going down, but they're still going up. One of the prior speakers referred to the new way Medicare is payed. What that is, is four hundred and twenty-three little caps. I don't know how many of you saw the program on educational T.V. about hospitals in Tampa, but the hospital administrators and their trustees when they got the Federal regs were sitting down going over it, looking at ways to game it and make money. A hospital in my district now has a door man to greet the Medicare patients so they don't feel threatened when they come in. That is being payed with Medicare dollars, a doorman, that is correct. I think we all...we all look at the pricing structure of the hospital component of the health care industry and just shake our heads. I know that, Senator Watson, you'd like to get a dollar fifty for each aspirin you sell; hospitals do, it's on their charges. Those of you who have children five or under know what Amoxicillin is mother's helper in winter weather, a half a teaspoon in a hospital costs seven dollars and sixty-one cents in my area. That's nuts, and they say...they say that using a...this is a generous...putting a final generous ceiling up there is...is somehow threatening to them. This is nuts that the provider groups are saying this. There is no reason why we should be supporting this amend-

ment. I urge everyone in this Chamber to reject this with a No vote. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you, Mr. President and members of the Senate. As everybody has said, there are a lot of us who...who are in a quandary here, we want to do something about hospital cost containment, meaningful; and yet, we're hearing from our hospitals who provide this care that if we do what 495 does, we're going to put them out of business or substantially reduce their ability to operate efficiently. A lot of us don't know what to do, we're in betwixt and in between, and there's a feeling that if we take the caps off as these amendments are that we're really not doing anything about cost containment and yet we don't want to hurt the hospitals. I have a question and it is not rhetorical in nature and I would like either Senator Bloom, Senator Carroll, Senator Egan, Senator Maitland to answer this question. Apparently, there's going to be another amendment offered which takes off the cap on capital improvements. This amendment takes off the cap on rate increase. Is there a middle ground which may have some affect so that if we take off one cap but commit to leaving the other cap on, we are in fact doing something meaningful albeit not everything for anybody but something meaningful about cost containment. There are two amendments, there are two caps. If we take off one cap and leave the other on, are we doing something not with 495 as Senator Carroll has...has...and Senator Bloom has introduced but doing something better than taking off both caps, and that is not a rhetorical question, I hope somebody can give us an answer to that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Perhaps, Senator Egan might discuss

that in his closing remarks. Further...Senator Blcom, for what purpose do you arise?

SENATOR BLOOM:

Well, I suppose to take an at bat. Senator Davidson has some amendatory language that addresses some concerns in the capital construction cap that I think we'd probably find acceptable, but this isn't some kind of, you know, game or choice, you leave...these...they're there for a purpose. I think we've adequately debated why we have put standby caps on operational charges. When you get into the capital area, that language was put there basically to say to the health facilities planning board, we mean it. There are too many instances in communities and I'll use an example in my district. There are too many instances in Galesburg where Cottage Hospital got a CAT scanner and then St. Mary's had to go get a CAT scanner too, even though their population base probably doesn't support it. So, by putting that cap on the front end of capital, we're saying to the health facilities planning board, which we call the Mother-May-I Commission, you really have to make some choices. Now, Senator Davidson has offered some amendments to address emergency situation which I think we could accept but it's not an either or thing. They have to work together. Perhaps Senator Carroll could expand on that if he does, but...you get the...drift, I think, Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I think what we have to be concerned about primarily is the quality of care; and if we do not keep in mind that under the 495 and the first amendment went on, Amendment No. 4, under that amendment I think the hospitals that are flamboyant in their costs, they'll be rewarded more than those hospitals

that have been frugal, have been taking a lot of charity cases. I have seven hospitals in my county, a county of a half a million people, and I can tell you right now that they have cut their costs. If nothing else, the advent of Senate Bill 495 has been a good warning to the hospitals in general and some of the hospitals have not been very fair, but then we've got some very conscientious hospitals that do...take care of many charitable cases, and they're the ones that are going to be hurt; and therefore, I rise to speak in favor of Senator Egan's amendment, 'cause I feel we ought to give...the hospitals a chance to keep going their constructive way. They have to...cut down costs...laid off people, they have one-day surgeries, they have done a lot more innovative things than they ever did before, and I think we should give them a chance without the necessity of the caps and I speak in favor of the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Egan may close.

SENATOR EGAN:

Thank you, Mr. President and members of the Senate...to reflect just momentarily on some of the personal observations. Senator Schuneman, I find it just the opposite where I'm from, the...hospitals don't compete for the doctors but quite to the contrary. The doctors have a difficult time getting into my hospital. As a matter of fact, there is a long waiting list and there are doctors that have consistently been turned down because they don't meet the standard. The fact is that we have a high standard and we continue to keep that high standard. The intent of this amendment is to provide better health care at lower cost. I think it's a better vehicle to do that than Senator Elcom's and Senator Carroll. I honestly, sincerely believe that down the road you will agree with me, and I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Egan has requested a roll call. Those in favor of the adoption of Amendment No. 5 to Senate Bill 495 will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Senator Johns. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 34, the Nays are 20, 2 voting Present. Amendment No. 5 to Senate Bill 495 having received the required vote is adopted. Further amendments?

SECRETARY:

Amendment No. 6 offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. We just discussed the issue of rate caps...Senate Amendment...will address the cap on the certificate of need contained in the amended version of forty...of Senate Bill 495 is a cap of a hundred million dollars on...on construction and that's Statewide. I would remind the Body that last year alone, that construction was in the neighborhood of two hundred and fifty million dollars. Seventy-five percent of the approved construction in 1983 was for modernization, renovation and new equipment, and much of that was mandated by fire and...and storm damage and these sorts of things, and if you were to...to break that down and see what the hundred million dollar cap might do in one year with those kinds of needs, I think that would be a substantial restriction on needed renovation and improvement, and therefore, the hundred million dollars is probably unrealistic. I think you should understand, and I'm sure you do, the facilities planning board is that board that controls the amount of construction that goes on Statewide. So, there is already...there is already a layer of government, a layer of bureaucracy if you

will that controls the construction. Senator Bloom made a valid point, from time to time the health facilities planning board perhaps has granted certificate of need for some equipment in some areas that may be...may be is not justified. But I would submit to you, if you look at the hospitals that we have in this State, many of them built...in the...during the Second World War in that time frame, you have hospitals that are just in need of major construction, and let me submit to you another point, the average stay in hospitals is going down every year. The hospitals that are making changes in their operation that are doing construction work are not buying large adding bed, as a matter of fact, they are not adding beds. They are actually reducing...they are actually reducing their bed space. They are changing their hospitals to meet...to meet the new needs and this cap of hundred million dollars Statewide is totally...unrealistic, and I would urge your support for taking the cap off.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Is there any discussion? Any discussion? Senator Bloom.

SENATOR BLOOM:

Okay, thank you, Mr. President, fellow Senators. I rise in opposition to this total removal of a hundred million dollars limit on the certificate of need. For of the reasons, some of the arguments of the proponents of Senator Egan's amendment and that is that the health care delibrious is changing in this State. There was mention of ambulatory surgeries centers and things like that. Senator Davidson, will have an amendment that will take care of those true emergencies, I guess situations, but to totally say no, keep on doing what you're doing, health facilities planning board. There's still to much log rolling. They still haven't made the kinds of choices that they were created to do, and so, for that reason your sending...by virtue of adopting, if this

amendment were adopted you are sending, I must say the wrong signal to the provider groups and I truly believe that this is not the way to go. I would ask that this amendment be defeated and that this Body consider Senator Davidson's amendment when it comes up. Thank you, very much.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Egan.

SENATOR EGAN:

Yes, thank you, Mr. President and members of the Senate, very briefly, I rise in support of the amendment for all of the same reasons Senator Maitland that we reiterated on the Amendment No. 5, and for those same reasons, I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? If not, Senator Maitland may close.

SENATOR MAITLAND:

Thank you, Mr. President. I think the points have been made, I would appreciate your support of Amendment No. 6.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator...Maitland moves the adoption of Amendment No. 6 to Senate Bill 495. Those in favor signify by saying Aye. Opposed Nay. Senator Maitland, has requested a roll call. The question is, the adoption of Amendment No. 6 to Senate Bill 495...those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 33, the Nays are 21, 1 voting Present. Amendment No. 6 to Senate Bill 495 having received the required vote is declared adopted. Further amendments? Senator D'Arco, we're told that your amendment is not track. Do you wish that to be withdrawn? Senator D'Arco, seeks leave of the Eddy withdraw his amendment. Is leave granted? Leave is granted. Amendment

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is withdraw. Further amendments?

SECRETARY:

Amendment...Amendment No. 7, which would be Senator Davidsons and it is not tracked either.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President, the amendment was drafted in relation to the first amendment went on. It's in...it's out of order and I'm having another one being drafted. If it's not here before we get off this bill, I would like to ask the sponsor of the bill...if tomorrow in the correct amendment holding this hundred million on hospital construction is here, we'll draw it back to...with...bring it back to put that amendment on, or at least attempt to put the amendment on.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Bloom.

SENATOR BLOOM:

Well, thank you, very much, Senator...Davidson, there's nothing to put your amendment on now. By virtue of adopting Senator Maitland's amendment, we have said to the Mother-May-I Commission, keep on doing CAT scanners for all hospitals, but if you have any ideas, I'd be more than willing to bring the bill back.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Alright, Senator Davidson makes a request to withdraw his amendment. Is leave granted? Leave is granted. Senator D'Arco, for what purpose do you arise? Alright. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 1179, Senator Lemke. Senator Lemke, seeks leave of the Body to return Senate Bill 1179 to

the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. Senate Bill 1179, Mr. Secretary.

SECRETARY:

Amendment No. 4 offered by Senator Lemke.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Lemke.

SENATOR LEMKE:

This is merely a enrolling and engrossing amendment. It deletes number one and...inserts number two. It's an Enrolling and Engrossing Department. I ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke moves the adoption of Amendment No. 4 to Senate Bill 1179. Is there any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 4 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 1478, Senator Philip. Senator Philip seeks leave of the Body to return Senate Bill 1478 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of 2nd Reading, Senate Bill...1478. Mr. Secretary, read the bill.

SECRETARY:

Amendment No. 1 offered by Senator Philip.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. What Amendment No. 1 to Senate Bill 1478 intended to do is address the problem of the appellate court making the collection of interest retroactive. This would say that interest earned on taxes collected prior to November

19...November 18, 1983 would not be retroactive. I move its adoption.

PRESIDING OFFICER (SENATOR DEMUZIO)

Alright. Senator Philip moves the adoption of Senate...of Amendment No. 1 to Senate Bill 1478. Is there any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 1625. Senator Maitland seeks leave of the Body to return Senate Bill 1625 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of 2nd Reading, Senate Bill 1625, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The board is incorrect, it is Senate Bill 1625. This is the bill that address in a prospective nature the problem created by the...or the court decision in DuPage County. As you may recall, this bill was introduced without a referendum. It allows the counties to go from two and half cents to a nickel...a nickel tax rate to pay for the cost of...of collecting taxes. There was no referendum provision in the bill. This amendment does call for a front door referendum.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland moves the...

SENATOR MAITLAND:

...I move the adoption.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

...moves the adoption of Amendment No. 2 to Senate Bill 1625. Is there any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Any further amendments?

SECRETARY:

Amendment No. 3, by Senator Maitland.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate member...Senate Amendment No. 3 to Senate Bill 1625 creates the mechanism by which we distribute the interest that will accrue on those funds and also says, as does language in the existing Statutes that that money has to be distributed within thirty days. That's consistent with the legislation we passed a couple of years ago with regard to the distribution of...of the...of the taxes to local units of government. I move for the adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland moves the adoption of Amendment No. 3. Is there any discussion? Any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 3 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 1743, Senator Hall. Senator Hall seeks leave of the Body to return Senate Bill 1743 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of 2nd Reading, Senate Bill 1743, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SECRETARY:

No, I'm sorry.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Whoop.

SECRETARY:

(Machine cutoff)...No. 2 offered by Senator Hall.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

Thank you, Mr. Chairman and Ladies and Gentlemen of the Senate. Amendment No. 2, what it does it changes the rate of allowance from thirty-six dollars a day for lodging and meals while in attendance at the Session of the General Assembly equal to the amount per day permitted to be deducted for such expenses under the Internal Revenue Code. I'd asked your most favorable support of the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Hall moves the adoption of Amendment No. 2 to Senate Bill 1743. Is there any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 1754, Senator Welch. Senator Welch seeks leave of the Body to return Senate Bill 1754 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of 2nd Reading, Senate Bill 1754, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch. Senator Lechowicz, for what purpose do you arise? Senator Lechowicz.

SENATOR LECHOWICZ:

...point of order, Mr. President. I believe the recall Calendar is in error. I discussed this with Senator Hall before, Senate...Senate Bill 1749 should be on there for a recall. Is it on there, Mr. Clerk? 49.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator, I'm told that it is...it is not on the printed copy that was passed out, I'm...Senator Hall. Senator Hall.

SENATOR HALL:

I checked on that and they said that they were going to have to pencil it in, it's there.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. With leave of the Body, we'll add Senate Bill 1749 to the recall list. Is leave granted? Leave is granted. 1749 will be on the recall list and we will get to it as soon as we get through the printed copy. Okay, on the Order of 2nd Reading, Senate Bill 1754, Senator Welch.

SENATOR WELCH:

Thank you...thank you, Mr. President. I would move now to Tabled Amendment No. 1 which has been added to the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch moves to Table...wait until the Secretary catches up here. Alright. Alright, Senator Welch moves to reconsider the vote by which Amendment No. 1 was adopted. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The amendment is reconsidered. Senator Welch, now moves to Table Amendment No. 1 to Senate Bill...alright, Senator Welch moves to...having voted on the prevailing side now moves to Table Amendment No. 1 to Senate Bill...1754. Those in favor signify by saying Aye. Opposed Nay...the...amendment is Tabled. Amendment No. 1 is Tabled.

Further amendments?

SECRETARY:

Amendment No. 2 offered by Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, yes...thank you, Mr. President. The bill I'm amending is the Physical Fitness Service Act bill. This is an amendment that was originally proposed by Senator Barkhausen in part. What the amendment does is change the language that was erroneously changed in the amendment added to say that the contract may be cancelled by written notice to the center within thirty days after the contract is signed. In addition, it contains a definition that Senator Barkhausen had of disability, which means physical incapacity which continues in excess of thirty days, and I would ask for the adoption of this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Welch has moved the adoption of Amendment No. 2 to Senate Bill 1754. Is there any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Any further amendments?

SECRETARY:

Amendment No. 3, by Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This is an amendment given to me by the Medical Association. What it provides is that every contract for physical fitness service shall provide that any agent or employee of a center who directly participates in monitoring administering physical fitness services shall be trained in first-aid procedures including but not limited to

cardiac pulmonary resuscitation.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Welch moves the adoption of Amendment No. 3 to Senate Bill 1754. Is there discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 3 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

3rd reading. Alright. With leave of the Body, 1749, I am told now is...is ready, the Secretary is...has the amendment before him. With leave of the Body, we will return to Senate Bill 1749. Senator Hall seeks leave of the Body to return to Senate Bill 1749 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of 2nd Reading, Senate Bill 1749, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Lechowicz.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 2 would correct a...an oversight in the Executive Order and executive compensation portion of the bill. It will change the compensation for the commissioner of banks and trusts, the first deputy commissioner and the deputy an additional of five thousand dollars which was recommended by the Board of Office of Banks and Trusts, the Illinois Bankers' Association and the...independent community banks in Illinois. It also provides for an additional three thousand dollars triggered in after January 1, of 1987. I want to point out to the membership that there are no general revenue funds or no tax monies involved in this appropriation. These are...these fees are paid by the banks within the

State and all three have supported the additional increase as contained in Amendment No. 2. It's an industry request, again, confirmed by the Board of Banks and Trusts, Banking Association, independent community banks, and it also changes the terms "effective January 1, of 1985," and I move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Lechowicz has moved the adoption of Amendment No. 2 to Senate Bill 1749. Is there any discussion? Any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 1787, Senator Philip. Senator Philip seeks leave of the Body to return Senate Bill 1787 to...from the Order of 3rd Reading to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of 2nd Reading, Mr. Secretary, Senate Bill 1787.

SECRETARY:

Amendment No. 1 offered by Senators Zito and Nedza.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and members. As you're well aware, I staunchly opposed the enormous increased appropriation for the Illinois Arts Council in the Senate Appropriations Committee several weeks ago. I strongly believed, as I continue to believe today, that a budget increase request of approximately twenty percent to an appropriation that was just last year given a hundred percent increase of 2.8 million dollars without any accountability to members of this

Body who approve their funding is not honoring our constituencies' request for spending reform and fiscal restraint. I do support the Arts Council and have done so in the past; however, it's ironic that members of this Assembly are quick to reform some agencies of this State yet willing to turn their heads and even oppose reform for others. I'm interested however in bringing reform and accountability to all State funded agencies, commission and councils. This amendment is one in a series of amendments that will do just that. Amendment No. 1 to Senate Bill 1787 will require the Arts Council to make available to each Senator any requests and grants distributed by that council. It is a step toward this much needed accountability and it is certainly a fair and just request. After all, Ladies and Gentlemen, when you're asked where the Arts Council spends its 5.8 million dollar budget, you will be able to at least offer an intelligent response. Without the adoption of this amendment, we still won't know. Mr. President, I move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Senator Zito moves the adoption of Amendment No. 1 to Senate Bill 1787. Is there any discussion? Any discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I read more carefully just now, Senator Zito, your language and I have a feeling you're doing something you will regret doing. The idea that we would be notified of those applicants who receive grants for the Arts Council is perfectly appropriate; as a matter of a fact, I think I got that notification right now. I think many of us do...probably all of us. But as I read your amendment, what you're saying is that thirty days prior to the eligibility date that each legislator shall be notified of...anyone who has applied from his or her district and again that after determining status but at least ten days prior to notification

tion of applicants, the council shall also make available to each Senate member, I gather not House members but to each Senate member, a...a priority ranking. Now, what I see happening in that case is that when they get ready to make their decisions and they're developing their lists about who is to receive the grants and that comes to our attention, we are then going to be thrown right into the middle of the process of trying to go to bat and influence the council in terms of who should or should not be changed in their position. And I think that is, number one, really contrary to the spirit of a grant program that we should be determining the...the rank order of those who should get the awards; and secondly, I think you're going to find it a very uncomfortable position, because we will start receiving phone calls from everyone who may have applied or may be on the list saying, "you call the Arts Council and tell them that I should get the grant, and...we're going to end up having to make decisions and become really a part of the...of that process in a way that I think it will not be effective in terms of accountability. I fully agree we should be notified of those who receive the grants, and if that is not done that ought to be done, but I...I really suggest to you that this is not the happiest solution to the problem that you are trying to address.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Alright. Further discussion? Senator Eruce, I don't think you had leave to take still photographs. Further discussion? Senator Lemke.

SENATOR LEMKE:

I think basically this is a good amendment because I've been fighting with the Arts Council for years on grants. I can remember one year when we...they gave like fifty thousand dollars to some guy who wants to make a movie about a draft dodger in Canada and denied in another breath...another

outfit that's been in the State for many years, like the Popavitch brothers. I remember Senator Dougherty was here, they gave him five hundred dollars...they've been here...for years making violins and talking about their teaching people how to make...but they...when they gave this arts grant to the draft dodger to make a movie on how he dodged the draft and hid in Canada; I mean, these are the kind of insensible things they do. They probably would get involved in the artexhibit up at the University of Illinois. We should have some kind of control over what grants are being given out. They have taken an attitude in the Arts Council that we can just give them the money and they'll tell you how to use it. This is like when we tried to revive and give seed money to the Chicago Ballet, they told us it was wrong...the reason it was wrong was because the Legislature was telling the Arts Council what to do. These people don't want to be told what to do, they just want to do whatever they want to do. I mean, you know, the Arts Council should be there, the grants should come here and we should in any other appropriation, if some of those grants we don't approve, we should be able to line item them out. We should take them out., I mean, that's what we should do. We should try to do something to our...this is...this is a lot of money five million dollars. It's a big waste of money. I mean, we got hands in the State going out of business at high schools because parents can't afford...they can't afford to keep them, and yet, we're paying people from Cleveland and Minneapolis to come here. I mean, his is ridiculous. We should worry about building the Illinois arts from the bottom up, that's the students and the people that live in Illinois not bringing big professionals from all over the world so we can build a big stardom. It takes time to build an arts pattern, but if you build it from the bottom up from your own...your own family, you'll have a better one than...than you do by pulling in the has-beens for

other states.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, Mr. President. I, too, rise in support of this amendment. Whether we like it or not, I think those of us who have people who apply for these grants get the phone calls anyway, because they hope that we can do something; and it seems to me that we, in our districts know...have a better idea where some of that money should go than someone sitting in Chicago who doesn't know our districts. I happen to have a very good symphony orchestra in my county which is appreciated by a lot of people in my county, and I'm not too sure that the people in Chicago even know that it exists. I think it's a good amendment. I think we, in our districts, are responsible to our people, we know what they want, we know where the money would best be served, and it seems to me we at least ought to have some input into it or at least know where it's going, and I...suggest we all vote Yes.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise to support this amendment and let me give you a little background...on history and background of the Illinois Arts Council. I'm probably one of the few members of the General Assembly that was here sixteen, eighteen years ago when it was first created, and the first appropriation I believe was twenty-five thousand dollars and, quite frankly, it was a very good idea. The idea and the thought was to create a State agency who would go out into the free enterprise zone to foundations and corporations and people and...and try to get them to donate money towards art; quite frankly, a very commendable thing to do. What has happened

over the years is, it has just turned into another handout agency. They don't go out and raise money at all, all they do...is get an appropriation out of us, and I'll tell you, last year I think it was five million dollars, this year they've requested 6.7 million dollars, and it just, quite frankly, has gone out of...completely out of hand. In the beginning it was very good idea, well-intentioned, but can we remember dial-a-poem? Can you remember the street plays we used to have on the street corners where we pay people to go out and they have these little street plays? Then we did the painting of...of the buildings and the painting of the tunnels, and then we had the movie on Vietnam deserters; and then, how about poems for the buses? We had poetry in the buses. Well, they've been for every hair...brain idea that ever came along. I can remember once, that I made...a very simple request. I had an American Legion who had a drum and bugle corps. I don't know if you would call it an art, but I'll tell you one thing, it keeps kids off the street, it's a good thing, they march in...in the parades, they're there. They were turned down because they weren't an art. That poor little group out there in Elmhurst, Illinois asked for a lousy rotten five hundred dollars, I couldn't believe it.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Grotkberg.

END OF REEL

REEL #5

SENATOR GROTBERG:

Well, thank you, Mr. President and fellow members. I've had twelve years of trying to figure out who gets a scholarship; I've been a county chairman under a Republican Governor. I've taken all the phone calls and to see my leader coming down for an...how many phone calls do you want, Pate, because this is really something. You haven't dealt with artists yet. You think that...where's my friend who had the...some descriptive words over here a little while ago which he ate a little later on, but the...the world of art does transcend Illinois, unfortunately, and the world art, thank God, transcends my district, but I appreciate, Senator Zito, what you have put on my desk, and I presume if the rest of you'd gone back to your offices you'd have it. But I think the 16th Senatorial District in Chicago, the Senator is missing here. He gets zero. This last year...is that for last year, Senator? I think it's no insult that the 10th District Senator, who has the Chicago Symphony and many other great things, gets a million, and I think Senator Netsch, God bless you...God bless you, I presume that that includes the near north side and...many other luxurious art places, six hundred and sixty-three thousand dollars. Senator Berman, you didn't do too bad, I don't know where you live up there, but you got three hundred grand. Marovitz, don't laugh, you got a hundred...but Grotberg got thirty thousand, okay? And Grotberg has art and council...what's your number, Sam? Fifty-six? Not bad, thirty-four thousand. It...Rockford did well. I'm getting quite a crowd over here. Eolsberg, you got a hundred and twenty-five grand. Luft, what do you do out there? A hundred and thirty-seven thousand in the Illinois Valley...got ninety-five...but pccr Charlie Chew with only zero. I'd just like an amendment that would send us

this. I don't want to hear from all of the applicants I know...but I want to know where the pork is going, and...what's your number, Adeline? 31st, you did very well. You got twelve...no, twenty-two thousand one hundred and forty dollars, yeah, but if you want all the calls from every choir group and every band director and everything, you know, please vote for the amendment. It isn't all bad. I'm just concerned that you're moving into a new world when you get daily calls from art grant applicants, and I don't know that anybody in this room really wants them. I think that's why there is a council to buffer the situation, and I'm a supporter of the Arts Council, and I'm one of the few on this side of the aisle, but I don't want to be judge and jury really over who gets them, but I sure am glad to know where the pork is going.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President. Senator Grotberg, let me clarify, if I will, what the amendment does. It does not in fact say that grant applicants are going to call you. What we're asking the Arts Council to do, and I've patterned this after the Illinois Department of Transportation, the Arts Council is to notify you. What I want to make sure of is, if I'm going to stand on the Floor of this Senate like I did last year and give them a hundred percent increase when we're laying off art teachers in our school districts, I want to at least to be able intelligently to answer where that money is being spent. We do not, by law, get a notification from the Arts Council of how much money we receive, and by the way that's why I've submitted a letter in your senatorial district allotment, as best I could, to everybody's office. We do not receive that. We don't know who the grants are going to in our district nor who has applied for them. The grant

applicants are not going to know, outside of their application with the Arts Council. I don't know how many people you've heard from already that have applied for grants, I haven't heard from any maybe because my district only gets eight thousand dollars. But I don't think that's going to increase or even enter into the...into the factors of this amendment. What we're asking for is accountability on the Arts Council's behalf and not on ours. I think we should know where the money is spent before we vote on those kinds of increases.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Eerman.

SENATOR EERMAN:

Mr. President, I just want to set the record straight. Senator Grotberg, the three hundred thousand dollars that came into my district, it was not pork.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Bloom. May we have some order, please. It is now...

SENATOR BLOOM:

This must be my...

PRESIDING OFFICER: (SENATOR BRUCE)

...twenty-five minutes till six and we are still going to try to get out of here late this evening. Senator Bloom.

SENATOR BLOOM:

...this must be...this must be my day. I...I have to rise in...in opposition to this mainly because we get the kind of information that the amendment asks about it. We...we find out how much goes around our district, and do we really want to inflict this on ourselves where artistes with applications pending will then come and beat on us to have us beat on the Arts Council. Is this really good public policy? I think not.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

I move the previous question.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator Zito may close.

SENATOR ZITO:

Just a quick...a few quick closing comments. It's obvious that Senator Bloom would...would oppose this effort because our appropriation staffs have asked for this information over a month ago. We still to this date have not received it. I think that...that is an indication of where the Arts Council is at in regards to reporting back and...and acknowledging the fact of where the money is being spent. Let me add just one more point. If we don't want to burden ourselves, Ladies and Gentlemen, with this kind of reporting system, then; number one, I don't think we have...own the right to be here; and number two, we wouldn't have had all those questions and all the Senators run over to Senator Grothberg to figure out where the money is being spent. Please adopt this amendment and at least cleanup...at least the accountability of the Arts Council of Illinois.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt Amendment No. 1 to Senate Bill 1787. Those in favor say Aye. Opposed Nay. There's been a request for a roll call. 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? Take the record. On that question, the Ayes are 31, the Nays are 19. Amendment No. 1 to Senate Bill 1787 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. Senate Bill 1850. Senator Rock asks leave of the Senate to return the bill to the Order of 2nd Reading for the purpose of amendment. Is there leave? Leave is granted. Are there amendments, Mr. Secretary?

SECRETARY:

Amendment No. 1 offered by Senator Rock.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 1 is a rather lengthy amendment and it affects and it proposes the legislative commission reorganization. What it does essentially, as has been outlined to the members, is it establishes a legislative support committee made up of the leadership of the General Assembly which will have some general oversight with respect to those commissions that are recognized as service agencies to the members of this General Assembly; the Joint Committee on Administrative Rules, Economic and Fiscal, Commission on Intergovernmental, Legislative Information, the Reference Bureau, the Audit Commission, Space Needs, and the Legislative Council is then split into two recognizing their dual function of both research and printing. In addition, it calls for a number of the commissions to be abolished as of June 30, 1985, effectively installing a sunset system, and those commissions were ones that, frankly, in the judgment of the joint leaders were necessary. They are legitimate and valid in that they afford the members of the public not only access to the Legislature and the legislative process but it affords to the members of the Assembly legitimate and valid public input. The other commissions...and there are thirty-three, I believe, will be abolished as of September 30, 1984, in recognition of the fact that perhaps we are better served by beefing up, if you will, or calling upon the

standing committees of both the House and the Senate to assume the responsibilities of these commissions. The savings will be in an amount in the first year of close to four million dollars, part of which I will tell you will be reappropriated in the General Assembly budget for use by the standing committees, so that those services that are provided will be subject to being retained but being retained by the standing committees. It is an attempt, I think, to strike a balance between what the House has publicly called for, in both the words of the Speaker and the Minority Leader, and that is a complete abolition of all commissions. This, I think, is an orderly, responsible response to a...a need for change, a recognition that the standing committees can in fact assume these responsibilities and recognizing at the same time that the commissions do, in fact, serve a vital function. They afford, as I indicated, access to the process to members of the public who willingly give of their time and energy to advise the members of this Assembly and ultimately the Governor. There is...there is, I am sure, among all of us some disagreement as to which is on which list, but we are attempting to phase these out; Group A will be phased out as of September 30, 1984 with care for, frankly, existing contractual arrangements and we have called upon in this legislation the Office of the Auditor General to oversee the phasing out of...of these commissions and ultimately effect a four million dollar savings. I would urge the adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt Amendment No. 1. Discussion of the motion? Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. I rise in strong opposition to this amendment. There's no question that some of these commissions are being phased out and maybe they should be

phased out, and then there's some commissions that are being phased out and maybe they shouldn't be phased out, but the four leaders got together and then they effected what they call Group B with the sunset provision in Group E for certain commissions. Yeah, their favorite commissions. I mean, Status of Women is in there; it wasn't, now it's in. There's...Economic Development is in there although you have a whole department to deal with economic development and we're not dealing with it anyway. Intergovernmental is in there traveling all over the United States and around the world. So, it really depends...the four leaders have sat together and decided this is the commissions that are going to stay and...and these are the commissions that are going to go, and frankly, I was told by the President of this Senate, that it was an arbitrary decision on their part as to which commissions stay and which commissions go. Well, Mr. President, stand up for your members. Be a leader. Be a man.

PRESIDING OFFICER: (SENATOR EBUCE)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I think Senator D'Arco is misinformed. What this amendment does is try to address what happened in...the other lower House. As you know, last year we had some problems the last day with commissions, and you know what the Senate did. Now, all of a sudden we have a group of reformers on the other side that in effect have said to us, we're going to abolish all of the commissions and then the four leaders are going to recreate them. Senator Rock and I, quite frankly, didn't agree with that. This is our answer to their suggestion, and our answer basically is; number one, there are a lot of commissions, quite frankly, that are useless and a waste of taxpayers' money; number two, there are some commissions, though, given a...a length of time ought to come back

to here and prove and justify their existence, and I think if you'd look at those lists that we've been very careful in exactly what we've done. Now that has been a response to who? We also say that the legislative chairman or co-chairman should run those commissions. You don't see the leadership on either side of the aisle trying to take that away from the membership. That was never our attitude; it never has been our attitude, but certainly we need some...some suggested rules, regulations, something that we can all agree on, we ought all...ought to abide by, and we think this is a responsible response to what happened over in the other House, and we think it's fair, it's reasonable; and in comparison, you know, you still are...will be controlling those commissions, and quite frankly, the membership should. I certainly agree with Senator Rock. We've worked on this for about three weeks, he and I and the staffs, and quite frankly, it's a reasonable compromise and we should adopt this amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I would like to commend our leadership for being leaders and assuming a leadership role with respect to a reform that should have taken place probably some time ago, and not as...taking the easy way out by simply abolishing all commissions when all of us realize that many of them do a very worthwhile job and do bring members of the public into our process in a way that we could not otherwise do. A meat ax approach made no sense and it still makes no sense. It seems to me that what is done here, although all of us can disagree with what may be on one list or another, but the basic approach which is to get rid of a lot of them that can be done by our standing committees, to allow a few at least to justify their existence, where they have

heavy public input and to keep the basic service agencies intact is a responsible response, and I think our leaders should be commended.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Lemke.

SENATOR LEMKE:

I personally think this is a bad amendment. If we are going to get rid of the system of commissions, then all commissions should go. There's only about three commissions we can't function with, that's the Reference Bureau, the Legislative Council and the Audit Commission. All the other commissions that are going to be saved could be handled by standing committees or by resolution of joint committees from both House and Senate to handle those particular matters. They could be assigned to those particular committees and the chairmen of those committees could run them, but there's no reason to save commissions if we want to abolish them. The...but the process you're doing here, by abolishing them, is something that we should do and that maybe we haven't done, and that was to analyze each commission's budget at the time it comes up and not allow the commissions to be stacked into each...into an omnibus bill so the good and the bads could...could hide in there. I'm just saying this right now, we maybe have not done the function that we should have been doing, and that burden is partly on us and partly on the leadership, and if...if there are people on the payroll that are not doing work, then we have failed in doing our job in appropriating money. Those jobs should have been eliminated like we do in the departments. We have failed in that thing, but by cutting out commissions or by going with the Daniels' proposal, we are concentrating the power into a group which is going to get lost, and...we're going to give up our appropriation process. We're also going to do something else. On certain commissions we are going to eliminate the Executive

Branch's feed into those commissions, 'cause they make appointments to those commissions. We're also going to eliminate the Executive's power to veto the appropriations. He has that power now and we have the right to overlook...when he comes back and make an amendatory veto, we also have a duty to look over what he's doing and listen to what he's done; and if we have failed to do that, then we're at fault, but some of these commissions are vital and important to the public and have done good...good work, others may not, but that should be on an individual basis. As I told the President of the Senate, each commission should rise and fall on their own budget. Their budget should be completely disclosed and who's working and what...and what records they have...what...what they are doing. What...what's the staff doing? What's their functions? And let them come up and explain to us, and let it rise and fall on every...every time their budget comes up, but I think...I think right now, if we're going to get rid of the commission system, then every commission could...should be abolished because they are not needed because there's hidden people on those commissions, even on the ones they want to save, and I think that should...each person should be...should be given a function what those commissions do, even the ones we're going to save. We want to know what they're doing. What is Economic Development doing? What are the employees doing? What did it...employees on...on Intergovernmental and what are they doing? Put out and lay out their network and find out where the travel is going and who's traveling and what's going on, 'cause that's what's important. If we get accused of doing something wrong, it's our fault because we have failed to review the appropriation process and use our power and the power that the people have given to us...that have elected it, and that's what's most important. If we have failed, then fine, but when a man from Channel 5 can send a letter to a

Vietnam Veteran and tell him, when he writes the letter, that Agent Orange...if he...they shouldn't have any kids and they should...use prophylactics, 'cause they shouldn't have kids if they're afraid of Agent Orange, I mean, that's the kind of mentality you're using with a channel...with a...with a radio network. This is the same network that tried to ban religious broadcasting on radios. Are they the dictators? Are they the important people? We should stand up...if we have to take criticism, I'll take criticism if I do something wrong, but if I do something right that...that particular station should also publish the truth; and when I sit and give an interview to somebody, and I had leaders from the ethnic community there and he refused to talk to them and he refused...he made misquotes, this is the kind of man that the State of Illinois is going to listen to on a system of commissions? That's wrong. If we are going to abolish commissions, then let's do like Daniels' and abolish them all and forget about it. Let's not have commissions; but if we are, let's not try to hide it in other branches of government. Let's do a function we're supposed to be doing and that's the function of making these commissions report every year as to what they're doing, what their employees are doing and then the record subject to...inspection by any legislator that's elected and by the public. That's what's important, and if you do something wrong, then you take the heat for it; but if you do something right, the press should print what you do right and not just print wrong. Everybody is at fault if this is not functioning in the way of government, not just us and not just anybody...and not just chairmen of commissions but the press and everybody has not done their function. They have not reviewed the budgets. They have not...looked...asked for what the employees are doing, and we have failed to do our job, but let's not abolish something...some things that are good just for the sake of abol-

ishing. If we are going to abolish them, let's get rid of them all, because there's none that deserve saving if one doesn't...deserve saving. I ask for a No vote.

PRESIDING OFFICER: (SENATOR BRUCE)

I have Senators Jones, Mahar and Collins. Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR BRUCE)

Yes. Can we clear the area in front of Senator Rock's desk. Senator Jones is recognized for a question.

SENATOR JONES:

Senator Rock, would you mind taking this out of the record and redrafting this amendment, because there's some matters I discussed with you and I feel that in order to be supportative of this, which I would like to, but these matters have not been addressed in this amendment?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

Senator Jones, the matters which we discussed, particularly concerning personnel and affirmative action, I think...I, frankly, felt were dealt with in that the legislative support committee which will be comprised of the four leaders is in a position, if this proposal is approved, to establish uniform hiring and personnel practice, rules and regulations, and I thought that would be the appropriate place to ensure proper affirmative action. I would prefer, frankly, sir, given the lateness of the hour and the fact that tomorrow is the deadline, I would prefer, frankly, not to pull it out of the record. I would prefer to proceed and I would ask for your support with the full assurance that that matter will be dealt with and as I indicated.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Jones.

SENATOR JONES:

Well, the language as it appears...according to the Digest, establishes uniform hiring procedures was that language that we had discussed earlier and, in my opinion, that language was really not sufficient to deal with the serious problem as it relates to our present legislative commissions. I felt...I feel that if we are really sincere about dealing with the problem, we would have put the proper language in there because different words mean different things to different people; and to me, judging from the past and looking at the present, the...the...the language is really not sufficient. I know you are sincere, but I'm quite certain that you would probably be President next Session, but I'm looking at those individuals who will come behind you who may interpret it a little different. So sometimes things have to be spelled out, and I would wish, Mr. President, that you would do that and this...and draft another amendment, because I would like to vote for this.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Eock.

SENATOR EOCK:

Well, let me just say, Emil, I...I...or Senator Jones, I will do one of two things. I would like to get this amendment adopted. If we can have it redone in time for tomorrow to recall it and put on a different...I'll...I'll try to do that. In...in the event that time and mechanics are such that we don't get it done, I can assure you that when it gets to the House, I don't foresee this piece of legislation, frankly, as winding its way through the House unscathed. I think...I think that's a fair observation. I would suggest to you, sir, that this matter probably will come back with some House amendments, some of which we probably will not like. That one if...and I will make sure it is put on in the House, that one I will support.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. I noticed that the Legislative Council is being split into two parts, and in the years that I've served here and served in the council, I have not known that organization to do other than very fine work, very important work to each and every one of us, and I'm just wondering why it's being split up because I see some very important ones staying like the Status of Women and Mississippi River Parkway and things like that. I would think that the...the Legislative Council would be important enough to be retained and I would like to know why we are not retaining it.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Rock.

SENATOR ROCK:

Well, quite to the contrary, we are recognizing its growing importance. When you and I first started down here the council was engaged in no printing whatever, and now printing is a fairly responsible operation down there. What we are doing is recognizing the fact that that operation has grown so...so much in the past couple of years that we are now separating the two, so that you will have a member...a board comprised of members to oversee the research arm and you will have a board comprised of members to oversee the printing operation. I...I think, quite to the contrary, it is not in...in any respect giving the short shrift to the council, it's recognizing their importance and establishing two entities so that one can concentrate on research and the other can concentrate and fulfill the members wishes with respect to printing. And...and let me just address the other two that were brought up. The Mississippi River Parkway Commission as was brought to the attention of our members

is...is one that we are...we, as the State of Illinois, are involved in with virtually every state on both sides of the Mississippi River and two provinces in Canada; and I am told by Senator Vadalabene that that commission has, in fact, been responsible for the infusion of otherwise unavailable federal monies to this State and to the others who are members of that commission. Commission on the Status of Women has been the subject of some lengthy discussion every year since it was enacted in this Assembly. Fact of the matter is, they have some very active members on that commission who make a valuable contribution at their own expense to the process, and they have recommended to this Assembly, I think, some very valid proposals and they are probably as active a commission as we have. They have more meetings, frankly, than sometimes I think they really need. They meet sometimes for the sake of meeting, I believe, but they do, in fact, meet quite often, and to...to just excise the...that...that commission for no other reason just seems to me...not to be the responsible thing to do.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Collins. Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and members of the Senate. First I would like to say...I was listening to Senator Lemke and several other people feel that this action came about as a result of the press, and I would just like to say that if you had anything to do with this, it is better late than never, and I personally thank you for whatever contributions you made to this date. Last year when I...I think I was one of the ones who was responsible for...at least I got accused of being responsible for holding up the Senate after we had worked so hard to get whatever little measure of income tax passed that we did get passed and then only to find out much of that money was cut up into unnecessary commissions and

committees, some of which had not even met on a year's time. Although there are some committees on this list, commissions, are very good and very hard working, and I would like to commend the leadership for their selection of those committees and commissions that is, in fact, contributes to the overall quality of this Legislature. I think that if, in fact, this bill passed, we can get about the business and the reorganization next year to establish for the first time a very strong standing committees in this Senate, because Illinois probably has the weakest standing committees in most...throughout the United States. If, in fact, we can put this money and a lot of the money in those commissions where the money was wasted and not all into the standing committees and...and form joint task force between the House and the Senate, I think we will serve the people of the...Illinois well. I'm sure that that...it was very difficult for the leadership to decide and make a decision between some of the committees. Some that's on the list may not necessary should be there and some that were left out maybe should be on there, but whatever they had done and whatever they had chosen, we would still be someone in this audience dissatisfied, but at least they've made a good beginning, and I ask for support of 1850.

PRESIDING OFFICER: (SENATOR DEMUZIC)

All right, further discussion? Senator Fawell.

SENATOR FAWELL:

I move for the previous question.

PRESIDING OFFICER: (SENATOR DEMUZIC)

We'll, if you would just hold that motion, we have two additional speakers and...further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Very briefly, Senator...President Rock, I happen to think the effort has merit. I would only make one suggestion and I

know this is moving through a process. Some of the commissions have had a number of public members on who have served at no compensation and have made significant contributions, in fact, in candor, a couple I am involved, with many times it was the public members who showed up and the legislative members never did, and if we hadn't had the public members we'd have never had a quorum. I know with interest that this draft deletes those people. I don't think they should control the commission, but I think they're...we can...we can be well served by people like that, and it is a tradition in this State of citizen involvement that I...I for one would regret seeing passing. I'm...I'm still with you. I think it's a step in the right direction with or without it, but I think it would be a mistake to reject some of these super people that have done such an outstanding job over the last ten years I've been here.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Further discussion? Senator Eruce.

SENATOR ERUCE:

Thank you, I...I believe that we've made a good first start on these commissions, but I...I think that part of the difficulty I see in this whole process is our cooperative effort with the Illinois House of Representatives. I hope that this bill gets out of here. I think that the only thing I see wrong with it is it...we ought to see it as first step, but we ought to treat ourselves civilly. All those on Group B I think ought to go next year and we ought to commit ourselves to doing that. We ought to also commit ourselves to strengthening this Body. Part of the difficulty I've always seen with serving the Illinois General Assembly is we get blamed for nearly all the problems that happen and we spend nearly none of the money. About one percent of the total budget is spent on us, a very little bit on the Judiciary and a great deal on the Executive Branch. A lot of the problems

they create or the problems that are out there we are supposed to handle. I would like to see all of this money returned to us in the legislative body to strengthen. Senator D'Arco talked about some of the commissions that were kept. Some of the commissions that are going to be kept this year ought to be folded into his committee, other committees in the State Legislature. I believe that if we, in fact, took this money and did not disburse our authority over so many different commissions and committees and started the process of making our strength known, then we've done something good. If all we're doing today is going to abolish a few commissions that don't have the clout to stay in business and the...and the B group stays in and we just linger on and we start creating new commissions, then we really haven't done very much for the process. I believe that we ought to take a very close look at all of those on the F list, including the Status of Women, including Economic Development. All those functions are presently done by somebody else, and to the extent we divide that up, it makes all of us a great deal weaker. And for the leadership, I would tell the joint leaders that to the extent that we can as committee chairmen have our own independent budgets and our own independent staff, I believe that would also be healthy for this body that people would have sources of authority outside the leadership, and I think that would be a good thing for the Illinois Senate to develop also.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, Senator Pawell has moved the previous question. Senator Rock may close.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. It's been said many times, particularly in this body, that nothing is ever easily accomplished. It's also been said, that if it ain't broke, don't fix it. Well, the

system, I think, has been somewhat broken and it deserves mending. Senator Schaffer, I was a little concerned about your...your concern in that at the top of page 3 of the amendment, we specifically call for continued participation by public members in such studies and call for their reimbursement for reasonable and necessary expenses; and more than that, with respect to the commissions that are subject to the sunset in June 30, there is no change whatever in their current make-up, deliberately so, because I, too, as do we all, recognize and applaud the valuable contribution that some of those public members have made. This is, as Senator Bruce indicated, a first step, perhaps a long overdue one, perhaps one that was caused in part by some publicity from Channel 5 and its report. More than that, it's been something that we have talked about as a group for the last six or seven years. Some years ago Senator Philip had a bill to abolish, as I recall, a...a good number of these commissions. It did not meet with majority approval when called for passage. There have been innumerable bills in the House so...over the years, and I think it's just time, this time, to reassess where we are. I think the amendment is a first step. I have...although Senator Philip and I have discussed it at some length with the House leadership, I have at this moment no way of knowing how they're going to react, but I think this is a responsible amendment and one that I urge you to support. I urge the adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIC)

All right, Senator Rock moves the adoption of Amendment No. 1 to Senate Bill 1850. Those in favor signify by saying Aye. Opposed Nay. The Ayes have it. The amendment is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIC)

SB 1889
Recalled

3rd reading. Senate Bill 1889, Senator Berman. Senator Berman seeks leave of the Body to...to return Senate Bill 1889 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. Order of 2nd Reading, Mr. Secretary, Senate Bill 1889.

SECRETARY:

Amendment No. 5 offered by Senator Berman.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. This is the Compensation Review Board bill. This amendment does the following things. Number one, it provides that the members of...of the Compensation Review Board that will be appointed next February will have staggered terms and the time line for the report of the...of the board for this year, 1984, will be within ninety days of the effective date of this...of this Act. That allows the board to properly be appointed, set up its operations and to hold the...the public hearings that are required under this bill. Move the adoption of Amendment No. 5.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Berman moves the adoption of Amendment No. 5 to Senate Bill 1889. Is there any discussion? Any discussion? If not, those in favor signify by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 5 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIC)

3rd reading. Senate Bill 1897. Senator Sangmeister seeks leave of the Body to return Senate Bill 1897 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of 2nd

Reading, Senate Bill 1897, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Sangmeister and DeAngelis.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, your day would not be complete after talking about hospitals and the Art Council and the commissions without having a discussion on workmen's compensation. The background of this bill, if you recall, last year we passed Senate Bill 1070 and at the time we passed that we knew there were problems with that bill, and I stated on the Floor of this Senate at that time that we would meet with business and labor and we would attempt to put together a bill that would resolve some of these differences or anything else that the two groups would like to talk about.

PRESIDING OFFICER: (SENATOR DEMUZIC)

Pardon me, Senator Sangmeister. Could we have order in the Senate, please. Senator Sangmeister.

SENATOR SANGMEISTER:

Subsequent to that time, I talked with Speaker Madigan who also made the same statement over in the House that they were going to do something, and I then deferred to him and he has been trying to get labor and management together on an agreed bill and as I understand it, as usually happens, I guess the process has fallen apart. As a result, on a bipartisan basis, Senator DeAngelis and I have been discussing some of the workmen's comp. problems and have put together for you an amendment for your consideration. You should understand that like everything in this General Assembly, certainly nothing is in concrete and neither is this bill, but this bill also was not put together in a frivolous manner. We tried to discuss some problems, and of course,

you understand that there's no way you can do anything in this area without somebody feeling they're getting hurt. It reminds me a little bit about when you practice divorce law, and after the divorce is over and the husband and the wife are separated and they're cussing each of the respective attorneys, the attorneys usually think they struck a pretty good deal. I presume when you hear what's in this bill, business will be unhappy, as will labor; and if that's so, maybe we have done something worthwhile. I will try to be brief because I know time is of the essence. This amendment does the following things. The original bill which I proposed which originally started out in 1970 as nothing more than an asbestosis extension of the Statutes of Limitations to twenty-five years, we failed to put in there that not only are we talking about an injury from asbestosis but also as far as death was concerned. So, if the Statute of Limitations is good for twenty-five years on injury claims, it ought to be good for twenty-five years on a death claim and we are putting that into the amendment. I don't think anybody can argue with that. The second item is that current law permits an employer to receive credit on his workmen's compensation liability for benefits paid by group insurance; however, the group insurance company is never reimbursed for his payments. Some of the hesitancy by the group carriers for the payment of medical benefits in questionable cases is that it fears getting stuck for the payments with no hope of recoupment. This proposal would promote early payment of medical costs, giving the injured worker access to more complete and prompt medical care. The theory being is, if the group carrier knows that they're going to be reimbursed from the work comp. carrier for benefits they should not have been paid, they'll pay them up-front, the injured worker will be getting those bills paid and the group...carrier will be properly reimbursed; I think, a very fair proposition. The third item is

an offset for workmen's comp. benefits that are improperly...paid to an employee. For example, if medical and rehabilitation benefits and temporary total compensation paid to employee are later determined to be in excess of the amount for which the employee is eligible, obviously, that should be credited against any total award that he may get. I think that is ultimately fair. If the employee has been over-paid, then he ought to pay back what he's been over-paid. Certainly we don't sit here and legislate windfalls for anyone, and that is the whole purpose of that particular provision. Probably one of the most meaningful things, I think, for both labor and management is to get into the area of preexisting injuries which has always been a sore subject for both sides. I don't know how many times you've talked to employers, but I've talked to a lot of them who tell me about all the good workers that are out there that they would like to hire. They'd like to hire Joe or Sam because he's got these particular abilities that they could use, but they're not going to hire that worker for one reason, he's got a bad back or he's got a heart condition and they're not going to take on the liabilities of a workmen's comp. claim if that particular injury is with that particular worker. Now it's important for you to understand that we're getting started in this area, and I say as to benefit to both labor and to business, we are locking in all the present employees, don't let anybody tell you anything different, no present employee is going to be involved in a preexisting injury controversy on his workmen's comp. claim. However, as an incentive to get our people back to work, we have structured this amendment...we have structured this amendment...

PRESIDING OFFICER: (SENATOR BRUCE)

Can we take the conference behind Senator Sangmeister and move it there, please. Senator Sangmeister.

SENATOR SANGMEISTER:

...we have structured this amendment so that any employee that has been unemployed for sixty days or any of that work force that's out there now what was going to be called back, we're talking about new employees, we're not talking about presently employed employees, that they would obviously be given a physical by the employer and then if there was an existing back injury, if there was an existing heart injury would be noted on that medical record and then, yes, if later on there is a workmen's comp. claim that that portion that would be attributed to the...to the preexisting injury, of course, would not be awarded to the employee. I really think that is fundamentally sound and fundamentally fair, and I think it's a way to get some people back into our manufacturing and business plants, and like I say, it doesn't affect any existing employee. The next item was to increase the size of the Industrial Commission from six to seven members. There would be two business, two labor and three neutrals. We also propose in this bill a pay raise for the arbitrators, for the members of the commission and the chairman. I understand from Senator DeAngelis on your side and I heard from people over on this side that they'd like to consider the amendment. They don't want to get involved in any pay raises. Shortly, Amendment No. 4 will be forthcoming to take out all pay raises for the arbitrators. I think somewhere along the line that issue is going to have to be faced, but we're not going to face it in this particular piece of legislation. However, we are going to make the arbitrators accountable. Every six years the commission is going to review their...their performance and then a majority of the commission can vote to either continue with the arbitrator or to let him go if he has not satisfactorily performed. The seventh item in this bill is what 1070 originally tried to do. Labor wanted and labor should expect to have a very

good expedited system on 19-B petitions. For those of you that don't know what a 19-E is, that's where an emergency...exists and there has to be a quick hearing. We did not have the expertise to figure out exactly what those time limits should be, so we went to a former chairman, Rebecca Schneiderman, who now works for Governor Thompson, and we got Rebecca's input as to what she thought was a reasonable timetable to expedite a 19-B petition. We accepted her timetable. It's in the resumes that you got or it's in the bill. I would say to you that we ought to accept that timetable, and it will certainly do as labor wants and that is to expedite those hearings. Further, it was requested that additional evidence taken by the commission, which is presently, as I understand it, their rules that the commission rules currently permit the taking of additional testimony if the testimony relates to the condition of the employee since the date of the last arbitration hearing or if it relates to matters that occurred on conditions that occurred or conditions that developed after the date of the last arbitration. Their rule is that can go in. We're merely placing it in the Statute. We've decided it would be beneficial if we had two three-member panels of the commission to hear the appeals; therefore, instead of having everything go to the commission as a whole, let's have two panels which will have broken out business, labor and one neutral person so it's an even board and then they can hear it and on...we got appeal provisions beyond there if it becomes necessary, but that will, again, help expedite hearings and clear up the backlog. One of the matters in 1070 which we are also addressing here is the interest rate on appeals. Presently the interest rate is six percent. Senate Bill 1070 extended that to one percent over prime. That was a contention between both groups. I think the fairest way to do it is to put it at the most recent T-bill rate. That means that

there's no encouragement to the employer to hang on and delay the case because they can invest that money in better funds someplace else. It's right at the T-bill rate. That's what the current rate for the funds are, and on that basis...and labor is going from six percent to a...probably...what is the T-bill rate today? I don't know. Eleven, twelve percent, whatever it may be and I think that's fair. Like I say, this is a very difficult area, one that I do not stand here enthusiastically and like to deal in, but was given an assignment to try to do something, something that the business community could feel good about, something that labor has been wanting to get done. I, frankly, think the amendment does it. We give it to you for your consideration.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt Amendment No. 1. Discussion?
Senator Fuzlee.

SENATOR FUZZEE:

Well, I heard Senator Sangmeister...say that he had...that there was going to be an amendment, and I understand Senator Hall has it to take the pay increase out. So, I want the record to reflect at this time that I plan to vote for Senator Sangmeister's...amendment, but in the event that Senator Hall's amendment does not prevail, that I'm going to ask to reconsider the vote by which Senator Sangmeister's amendment passes because I don't want to see anybody get a pay raise until the General Assembly gets one, and I intend to vote that way.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President. I...I...as chairman of the Labor Committee, we...I...I think I had a very good relationship...working relationship with all of the members and the Minority Leader on that committee, and we agreed to allow

this bill out of committee with the understanding that it would be a vehicle to provide for some necessary changes in the bill passed by Senator Sangmeister last year in order to ensure that the Industrial Commission did not come to a grinding halt. The...the amendment before us right now is one that I have not seen. I have...do have an explanation of it here before me which I just received not long ago that I have not had an...an opportunity to...to analyze and to read. I personally don't know...it has most certainly gone beyond the scope of the necessary changes need for the implementation of the legislation we passed last year, and for that reason, I would vote present on the bill...on the amendment.

PRESIDING OFFICER: (SENATOR EBUCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President. Senator Sangmeister, you mentioned an issue which does get to be a problem that...and that is the question of who pays the medical expenses for an employee who is injured and it may not...at a time when it may not have yet been determined whether that injury is compensable. But I didn't understand for sure how you said this would be handled or changed under the bill and I wonder if you'd review that for me.

PRESIDING OFFICER: (SENATOR EBUCE)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, very simply, if the group carrier pays for the medicals up-front and it's later determined the group carrier shouldn't have paid it, that it's really a workmen's compensation claim, that the group carrier will then be reimbursed for money he should not have paid to begin with, and the theory behind that is it will get...perhaps the group carrier will come in there immediately and start paying these expenses because he knows he's going to be reimbursed. Right

now, as I understand it, there's a great reluctance for him to do that because he wants to say, hey, it's not me, it's the workmen's comp. carrier, don't bother me with it.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

Yeah, I...I think you're right and I think that problem needs a solution. My question to you then, Senator, is, does the bill provide that the worker's compensation carrier must reimburse the group carrier? Is that the...is that the...mechanics of it?

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sangmeister.

SENATOR SANGMEISTER:

That is correct.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, I'd simply say that I think the...the people that work on issues like this have a very difficult job and I certainly am going to support the amendment at this time. It ought to be adopted, and if we decide on 3rd reading that we've changed our mind, that's another thing, but we ought to at least support the amendment to get it before the Ecdy.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I think Senator Sangmeister has said everything real well. I want to commend the two staffs who have worked most diligently. I don't know that there wasn't an issue in worker's comp. that wasn't discussed at one time or another. The draft is exceedingly difficult 'cause a lot of the stuff is new in regard to the old 1070

bill, and I urge its support. Thank you.

PRESIDING OFFICER: (SENATOR BRUCE)

Further discussion? Senator Sangmeister, did you wish to close?

SENATOR SANGMEISTER:

No, I would just move for the adoption of the amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Motion is to adopt Amendment No. 1. Those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY:

Amendment No. 2 offered by Senators Sangmeister and DeAngelis.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sangmeister.

SENATOR SANGMEISTER:

Well, in drafting Amendment No. 1 which, of course, was the bulk of everything that we said, there were some mistakes made and Amendment No. 2 just straightens those out. Move for its adoption.

PRESIDING OFFICER: (SENATOR BRUCE)

Motion is to adopt Amendment No. 2. Discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY:

Amendment No. 3 offered by Senators Sangmeister and DeAngelis.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Sangmeister on Amendment No. 3.

SECRETARY:

Amendment No. 3 which should have been in Amendment No. 1 is we do not want to extinguish a 19-B emergency proceeding because the employee has gone back to work. The matters that are in that still ought to be determined and that's what

Amendment No. 3 does.

PRESIDING OFFICER: (SENATOR BRUCE)

The motion is to adopt Amendment No. 3. Discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 3 is adopted. Further amendments, Mr. Secretary?

SECRETARY:

Amendment No. 4 offered by Senator Hall.

PRESIDING OFFICER: (SENATOR BRUCE)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This amendment simply cuts it back since the commission seems to be the game in town. So, what this is going to do is going to delete fifty-five thousand back to forty-two thousand five hundred and, in lieu of that, the other fifty-two thousand back to thirty-eight thousand. So it just brings it back to where it is because the commission is going to be formed and let them all come in one bill.

PRESIDING OFFICER: (SENATOR BRUCE)

All right...

SENATOR HALL:

...I ask for adoption of this amendment.

PRESIDING OFFICER: (SENATOR BRUCE)

...motion is to adopt Amendment No. 4. On the motion, those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 4 is adopted. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR BRUCE)

3rd reading. Senate Bill 1924. Senator DeAngelis asks leave...leave of the Senate to return the bill to the Order of 2nd Reading. Is there leave? Leave is granted. Are there amendments, Mr. Secretary?

SECRETARY:

Amendment No. 1 offered by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR EBUCE)

Senator DeAngelis is recognized.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 1524 is like being ordered by your doctor to take an upper GI and what this amendment does is make sure he stays around so you don't have the plug forever. It puts a sunset provision into the bill as it...it repeals it as of June 30th, 1985.

PRESIDING OFFICER: (SENATOR EBUCE)

Motion is to adopt Amendment No. 1 to Senate Bill 1524. Discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR EBUCE)

3rd reading. If I might have the attention of the Senate, we have added, by leave of the Eddy, Senate Bill 1524, Senator Coffey. Is Senator Coffey on the Floor? Senator Coffey. All right. Senator Coffey, you'd...you'd sought leave earlier today on 1524, and I'd call the attention of the membership that it is not on your printed list. 1524. Senator Coffey asks leave of the Senate to return the bill to the Order of 2nd Reading for the purpose of amendment. Is there leave? Leave is granted. Are there amendments, Mr. Secretary?

SECRETARY:

Amendment No. 2 offered by Senator Coffey.

PRESIDING OFFICER: (SENATOR EBUCE)

Senator Coffey is recognized.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. We would like to add this amendment to this bill. This is a

compromise dealing with the motor fuel tax use decal that we passed here a few days ago into 3rd reading. We tried to get a compromise between the trucking industry and the Illinois Petroleum Dealers in a...cost of that sticker and we have...earlier the bill addressed that at seven dollars and fifty cents for that sticker, we've brought that down to five dollars and that's for the administrative cost of the sticker, and then we've also put a two-year...made this a two-year program. At the end of two years this whole program will be eliminated at five dollars one-time cost over that two years. We tried to come up with this compromise. We've been working with Representative Leverenz over in the House and trying to come up with something that was an agreement and was reasonable to put this bill into force, and we'd ask for your acceptance of this amendment.

PRESIDING OFFICER: (SENATOR ERUCE)

On this motion...move the adoption of Amendment No. 2. Discussion? Those in favor say Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR ERUCE)

3rd reading. Senator Rock, we had one concurrence what we would like to get to. Leave to go to the Order of Messages from the House? Leave is granted. Messages from the House, Mr. Secretary.

SECRETARY:

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

Mr. President - I am directed to inform the Senate the House of Representatives has concurred in...with the Senate in the passage of a bill with the following title:

Senate Bill 1585.

Together with the following amendments, in the adoption

of which I am instructed to ask concurrence of the Senate,
to-wit:

House Amendment No. 1.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Senator Smith, did you wish to make a motion concerning Amendment No. 1?

SENATOR SMITH:

Thank you, Mr. President and members of the Senate. You just received a communication on...on your desk and I merely want to stand just to make a motion that the Senate will concur with the Amendment 1 on Senate Bill 1585.

PRESIDING OFFICER: (SENATOR BRUCE)

All right, Senator Smith moves to suspend the rules so that the Senate might consider the matter of concurrence with House Amendment No. 1 to Senate Bill 1585. Is there leave to suspend the rules? Leave is granted. Now Senator Smith has moved that the Senate concur with House Amendment No. 1 to Senate Bill 1585. Is there discussion of that motion? Discussion? The question is, shall the Senate concur with House Amendment No. 1 to Senate Bill 1585. 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 54, the Nays are none, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 1585, and the bill having received the required constitutional majority is declared passed. Resolutions.

SECRETARY:

Senate Resolution 647, it's...commendatory, Senator Carroll.

Senate Resolution 648, it's congratulatory, Senators Bloom and all...Senator Bloom and all Senators.

PRESIDING OFFICER: (SENATOR BRUCE)

Resolution Consent Calendar.

SECRETARY:

And Senate Resolution 649, by Senator Vadalabene.

PRESIDING OFFICER: (SENATOR EBUCE)

Executive Committee. Senator Rock, for what purpose do you arise?

SENATOR ROCK:

Thank you, Mr. President. I, too, have a Senate resolution with respect to those three bills that I've asked that we hold on the Calendar until this Senate directs that we have a Committee of the Whole at eleven o'clock next Thursday, and we await the recommendations of the World's Fair Task Force. I'd ask that we immediately consider that and then we'll prepare to adjourn until tomorrow morning.

PRESIDING OFFICER: (SENATOR EBUCE)

Senate Resolution 650 is before the Body. Is there discussion? Question is on the suspension of rules for the immediate consideration and adoption of resolution...Senate Resolution 650. On the motion to suspend, those in favor say Aye. Opposed Nay. Ayes have it. The rules are suspended. On the motion to adopt, discussion of the motion? Those in favor say Aye. Opposed Nay. The Ayes have it. Since...since there may be a requirement of expenditure of funds, it will require a roll call. The question is on the adoption of...Senate Resolution 650 which brings us into Committee of the Whole on May 31st. Those in favor vote Aye. Those opposed vote Nay. The voting is open. All right. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none. The Senate does adopt Senate Resolution 650. Senator Rock, I believe we've concluded the work that we need to do down here. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. We have all worked long and hard today. I would suggest that the Rules Committee will

meet in the Senate President's Office at nine o'clock tomorrow morning and we will promptly begin the Session at nine-thirty. Tomorrow is the deadline day and it's, obviously, Friday. We will conclude as quickly as humanly possible. We will begin...and I ask everybody to be prompt at nine-thirty and we'll go right through the Calendar and, hopefully, get out of here early.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Senator...announcements? Senator DeAngelis.

SENATOR DeANGELIS:

Yes, I've been asked on behalf of the Press Corps to announce that Gridiron tickets for the show next Wednesday are still available. You can purchase them from any member of the press and Senator Lemke.

PRESIDING OFFICER: (SENATOR BRUCE)

All right. Senator Rock has moved that the Senate stand in adjournment until nine-thirty tomorrow morning. On the motion to adjourn, those in favor say Aye. Opposed Nay. The Ayes have it. The Senate stands adjourned until nine-thirty tomorrow morning. Rules Committee at nine.