

**State of Illinois  
91st General Assembly  
Final Senate Journal**

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SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIRST GENERAL ASSEMBLY

86TH LEGISLATIVE DAY

THURSDAY, MARCH 9, 2000

10:00 O'CLOCK A.M.

No. 86

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The Senate met pursuant to adjournment.  
Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.  
Prayer by Father Eugene Costa, St. John Vianney Church, Sherman,  
Illinois.

Senator Radogno led the Senate in the Pledge of Allegiance.

Senator Myers moved that reading and approval of the Journal of  
Wednesday, March 8, 2000 be postponed pending arrival of the printed  
Journal.

The motion prevailed.

**REPORTS FROM STANDING COMMITTEES**

Senator Klemm, Chairperson of the Committee on Executive to which

was referred **House Bills numbered 739, 861, 1407, 2109, 2346 and 2855** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Klemm, Chairperson of the Committee on Executive to which was referred **House Bills numbered 1853, 1854 and 4043** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Klemm, Chairperson of the Committee on Executive, to which was referred **Senate Resolution No. 296** reported the same back with amendments having been adopted thereto, with the recommendation that the resolution, as amended, be adopted.

Under the rules, **Senate Resolution 296** was placed on the Secretary's Desk.

Senator O'Malley, Chairperson of the Committee on Financial Institutions to which was referred **House Bills numbered 3293 and 3431** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Burzynski, Chairperson of the Committee on Licensed Activities to which was referred **House Bills numbered 3455 and 4280** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

#### **READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME**

**House Bill No. 2717**, sponsored by Senator Sullivan was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 2985**, sponsored by Senator Luechtefeld was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 3138**, sponsored by Senator Geo-Karis was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 3192**, sponsored by Senator Rauschenberger was

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taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 3288**, sponsored by Senator Sieben was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 3324**, sponsored by Senator Burzynski was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 3423**, sponsored by Senator Link was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 3852**, sponsored by Senator Watson was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 4045**, sponsored by Senator O'Malley was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 4124**, sponsored by Senator Luechtefeld was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 4263**, sponsored by Senator del Valle was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 4336**, sponsored by Senator Hendon was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 4611**, sponsored by Senator Hendon was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 4632**, sponsored by Senator Link was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 4703**, sponsored by Senator O'Malley was taken up, read by title a first time and referred to the Committee on Rules.

At the hour of 10:26 o'clock a.m., Senator Geo-Karis presiding.

#### **PRESENTATION OF RESOLUTION**

Senator Trotter offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

#### **SENATE JOINT RESOLUTION NO. 62**

WHEREAS, The State of Illinois, at the time of its acceptance into the Union in 1818 and for a long time thereafter, practiced de facto slavery masqueraded as "indentured servitude"; the census of 1840 enumerated slaves in Illinois in violation of the Ordinance of 1787, which outlawed slavery in the Northwest Territories; and

WHEREAS, The State of Illinois passed the infamous and unjust Black Laws (1819), otherwise known as the Black Codes, which were a denial of human rights designed to cover up slavery and the slave trade within the borders of the State; and

WHEREAS, The State of Illinois supported the Black Codes for more than forty-six years until they were finally repealed; and

WHEREAS, In the State of Illinois the majority of Illinois citizens favored closing the State to African-American residents and withholding the right of citizenship from those African-American

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residents already living in the State; and

WHEREAS, The State of Illinois passed dehumanizing laws stating that slaves were not persons, but property, and as property the ownership of enslaved Africans was to be fully protected by Illinois law; and

WHEREAS, For many years, Black people, free or otherwise, had no legal status as citizens in the State of Illinois; and

WHEREAS, The East St. Louis massacre on July 2, 1917 was the scene of violent attacks on the Black populace; a bitter and destructive riot ran on for nearly a week; 312 buildings were destroyed; some reports claimed 39 African-Americans were killed, while another source reported 200 to 300 deaths, including women and children; and

WHEREAS, On August 14 and 15, 1908, a riot broke out in the State Capital of Springfield; Scott Burton was lynched during the riot and Joe James was lynched after the riot; there were lootings, buildings and property were destroyed, and Walter Donegan was hung in a tree, his throat slit open, and his body mutilated; and

WHEREAS, Chicago faced a riot in the week of July 27 through August 2, 1919; one of the country's most violent and racially motivated attacks on Blacks occurred; 38 people were killed, 537 were injured, and 1,000 people found themselves homeless; and

WHEREAS, The Chicago Commission on Race Relations rendered a full report studying the Black Community (The Negro in Chicago) and ignored studies of the white offenders and their communities; and

WHEREAS, The racial altercations throughout the State of Illinois during the turbulent decade of the 1960's resulted in the Kerner Commission Report, or The Report of the National Advisory Commission on Civil Disorders; and

WHEREAS, There is a need for special investigations into the unknown number of African-Americans killed during race riots in the State of Illinois; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that a special commission, to be known as the Illinois Riot Commission, be formed to study historical events in the State of Illinois, particularly those events that resulted in the loss of African-American lives and property; and that if the study presented by the Commission warrants a second commission be formed to look into the payment of reparations to the survivors and their descendants; and be it further

RESOLVED, That the Commission be made up of four members of the Illinois Senate, two to be chosen by the President of the Senate, and two to be chosen by the Senate Minority Leader; four members of the Illinois House of Representatives, two to be chosen by the Speaker of the House, and two to be chosen by the House Minority Leader; the Executive Director of the Illinois Human Rights Commission, or his or her designee, and the Director of the Illinois State Historical Society, or his or her designee; all of whom shall serve without compensation but shall be reimbursed for their reasonable and necessary expenses; and be it further

RESOLVED, That the Commission shall meet at the call of the President of the Senate, and shall make a report of its findings to the General Assembly no later than January 10, 2001, and upon making

its report shall be dissolved; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Executive Director of the Illinois Human Rights Commission and the Director of the Illinois State Historical Society.

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#### REPORT FROM RULES COMMITTEE

Senator Weaver, Chairperson of the Committee on Rules, during its March 9, 2000 meeting, reported the following House Bills have been assigned to the indicated Standing Committees of the Senate:

Appropriations: **House Bills numbered 3550, 4345, 4355, 4356, 4357, 4359, 4362, 4364, 4365, 4366, 4372, 4373, 4379, 4380, 4381, 4382, 4383, 4384, 4385, 4386, 4387, 4388, 4391, 4392, 4393, 4394, 4397, 4398, 4399, 4401, 4402, 4435, 4437, 4438, 4439, 4440, 4441, 4442, 4443, 4444, 4445, 4446, 4447, 4562, 4564, 4565, 4572, 4573, 4576, 4582, 4583 and 4584.**

Commerce and Industry: **House Bills numbered 2980 and 3037.**

Education: **House Bills numbered 1568, 2904, 2917, 2940, 2977, 3406, 3435, 3993 and 4181.**

Environment and Energy: **House Bills numbered 50, 100, 3093, 3478, 4466, 4481 and 4482.**

Executive: **House Bills numbered 1284, 1493, 2770, 2909, 3073, 3256, 3621, 3640, 3699, 3872, 3873, 3875, 3876, 3880, 3939, 4182, 4369, 4374, 4450, 4587 and 4588.**

Financial Institutions: **House Bill No. 3944.**

Insurance and Pensions: **House Bills numbered 4176 and 4433.**

Judiciary: **House Bills numbered 730, 3119, 3465, 4231 and 4348.**

Licensed Activities: **House Bills numbered 3046, 3926 and 3928.**

Local Government: **House Bills numbered 2130, 3131, 3225, 4092 and 4228.**

Public Health and Welfare: **House Bills numbered 2965, 3271, 4021, 4047 and 4396.**

Revenue: **House Bills numbered 665, 3428, 3485, 3990, 3995, 4020 and 4431.**

State Government Operations: **House Bill No. 4022.**

Transportation: **House Bills numbered 1326, 2870, 3032, 3176, 3420, 3476, 3936, 3951, 4352.**

Senator Weaver Chairperson of the Committee on Rules, to which was referred **House Bills Numbered 1534 and 2261**, on June 27, 1999, pursuant to Rule 3-9(b), reported that the Committee recommends that the bills be approved for consideration and returned to the calendar in their former position.

The report of the Committee was concurred in.

And **House Bills Numbered 1534 and 2261**, were returned to the order of third reading.

Senator Weaver Chairperson of the Committee on Rules, to which was referred **House Bill No. 2574**, on June 27, 1999, pursuant to Rule

3-9(b), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **House Bill No. 2574**, was returned to the order of second reading.

#### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Noland, **House Bill No. 486** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Public Health and Welfare, adopted and ordered printed:

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#### AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 486 as follows:  
by replacing the title with the following:

"AN ACT concerning organ transplants."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Civil Administrative Code of Illinois is amended  
by adding Section 2310-260 as follows:

(20 ILCS 2310/2310-260 new)

Sec. 2310-260. Payments for post transplant maintenance and retention.

(a) The Department shall establish and administer a program to pay recipients for drugs and other costs prescribed exclusively for post transplant maintenance and retention when those costs are not otherwise reimbursed. The Department shall establish eligibility standards and an application process by rule. Notwithstanding any other provision of this Code to the contrary, the Department may, by rule, require participants to pay a co-payment for the drugs covered under this program.

(b) Participation in the program shall be limited to persons whose household income is not greater than 400% of the federal poverty level as established by the federal Office of Management and Budget. The program shall be available only to eligible Illinois residents who have resided in Illinois for at least 12 months; however, a person shall not be excluded because that person received the transplant outside of the State of Illinois.

(c) The Department shall pay a maximum amount per transplant recipient based on the following:

(1) Available moneys in the Post Transplant Maintenance and Retention Fund.

(2) Covered immunosuppressive drugs.

(3) The terms of any contract between the Department and the provider.

The reimbursement rates shall be the same as the Medicaid reimbursement rate for the drug, minus any co-payment and other medical services.

(d) Payment shall be made under the program to or on behalf of a

program-eligible recipient only for costs not reimbursed or eligible for reimbursement by any other third party or governmental entity, including, without limitation, private or group insurance, Medicaid, Medicare, and the Veterans Administration. The Director may, however, waive this requirement in individually considered cases if the Director determines that its enforcement will deny services to a class of post transplant patients because of conflicting State or federal laws or regulations.

(e) The Director may restrict or categorize reimbursements to meet budgetary limitations.

(f) The Director shall maintain an immunosuppressive drug formulary that shall include all drugs eligible for reimbursement by the program. The Director shall establish an internal review procedure for updating the formulary; the procedure shall allow the addition and deletion of allowable drugs to the formulary. The internal review procedure shall take place at least quarterly during a fiscal year.

(g) Payments made under the program established under this Section shall be made, subject to appropriations, from the Post Transplant Maintenance and Retention Fund, a special fund that is hereby created in the State Treasury. The following shall be deposited into the Fund: (i) amounts appropriated to the Department for that purpose, and (ii) gifts, grants, and donations for that purpose from public and private sources. Interest accruing on moneys

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in the Fund shall remain in the Fund. Moneys in the Fund may be used only by the Department to make payments for post transplant maintenance and retention under the program established under this Section.

(h) Moneys remaining in the Post Transplant Maintenance and Retention Fund at the end of the fiscal year may be used in the following fiscal year.

Section 10. The State Finance Act is amended by adding Section 5.541 as follows:

(30 ILCS 105/5.541 new)

Sec. 5.541. The Post Transplant Maintenance and Retention Fund.

Section 99. Effective date. This Act takes effect on July 1, 2000."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Radogno, **House Bill No. 1597** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sieben, **House Bill No. 1822** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Noland, **House Bill No. 2885** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sieben, **House Bill No. 3558** was taken up,

read by title a second time and ordered to a third reading.

On motion of Senator Cronin, **House Bill No. 3840** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cronin, **House Bill No. 4266** was taken up, read by title a second time and ordered to a third reading.

#### **RESOLUTIONS CONSENT CALENDAR**

##### **SENATE RESOLUTION NO. 304**

Offered by Senator Smith and all Senators:  
Mourns the death of Myrtle Perry of Chicago.

##### **SENATE RESOLUTION NO. 305**

Offered by Senators Link - Parker - Geo-Karis - Peterson - Cullerton, and all Senators:  
Mourns the death of Herbert "Hub" Lyman Stern, Jr., husband of former State Senator Grace Mary Stern.

##### **SENATE RESOLUTION NO. 306**

Offered by Senator Link and all Senators:  
Mourns the death of Wilbur Stratton of Park City.

##### **SENATE RESOLUTION NO. 307**

Offered by Senator Link and all Senators:  
Mourns the death of Roy Lawrence Stanger of Riverwoods.

##### **SENATE RESOLUTION NO. 308**

Offered by Senator Link and all Senators:  
Mourns the death of Carol Ann Stebic of Highland Park.

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##### **SENATE RESOLUTION NO. 309**

Offered by Senator O'Malley and all Senators:  
Mourns the death of Blanche Janes of Palos Park.

##### **SENATE RESOLUTION NO. 310**

Offered by Senator Demuzio, E. Jones and all Senators:  
Mourns the death of Reverend Doctor Rudolph S. Shultz of Springfield.

##### **SENATE RESOLUTION NO. 311**

Offered by Senator Demuzio and all Senators:  
Mourns the death of Vera L. Price of Gillespie.

##### **SENATE RESOLUTION NO. 312**

Offered by Senator E. Jones and all Senators:  
Mourns the death of Jefferson P. Hightower of Chicago.

##### **SENATE RESOLUTION NO. 313**

Offered by Senator Ronen and all Senators:  
Mourns the death of Jacob Ginsburg of Evanston.

Senator Geo-Karis moved the adoption of the foregoing resolutions.

The motion prevailed.

And the resolutions were adopted.

#### PRESENTATION OF RESOLUTION

Senator Donahue offered the following Senate Joint Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

#### SENATE JOINT RESOLUTION NO. 63

RESOLVED, BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the two Houses adjourn on Thursday, March 9, 2000, the Senate stands adjourned until Wednesday, March 22, 2000, at 12:00 o'clock noon; and the House of Representatives stands adjourned until Wednesday, March 22, 2000, at 1:00 o'clock p.m.

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Senator Karpziel announced that there will be a Republican caucus immediately upon adjournment.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of the following joint resolution, to-wit:

#### SENATE JOINT RESOLUTION NO. 63

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Concurred in by the House, March 9, 2000.

ANTHONY D. ROSSI, Clerk of the House

At the hour of 10:43 o'clock a.m., on motion of Senator Noland, and pursuant to **Senate Joint Resolution No. 63**, the Senate stood adjourned until Wednesday, March 22, 2000 at 12:00 o'clock noon.

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