

83RD GENERAL ASSEMBLY

REGULAR SESSION

NOVEMBER 27, 1984

PRESIDENT:

The Senate will please come to order. Will the members be at their desks. Will our guests in the gallery please rise. Prayer this afternoon by the Reverend Charles Kyle, St. Francis Xavier Church, Chicago, Illinois. Father.

FATHER KYLE:

(Prayer given by Father Kyle)

PRESIDENT:

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

SENATOR KELLY:

Mr. President, I move that the reading and approval of the Journal of Wednesday, November 14th, in the year 1984, be postponed pending arrival of the printed Journal.

PRESIDENT:

You've heard the motion as placed by Senator Kelly. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and it's so ordered. Message from the Secretary of State.

SECRETARY:

To the Honorable members of the Senate of the 83rd General Assembly. I have nominated and...appointed the following named person to the office enumerated below and respectfully ask concurrence in and confirmation of this appointment by your Honorable Body. Signed, Senator James Edgar, Secretary of State.

PRESIDENT:

Executive Appointments. Resolutions.

SECRETARY:

Senate Resolution 778 offered by Senator Zito. It's congratulatory.

Senate Resolution 779, by Senator Vadalabene and it's congratulatory.

Senate Resolution 780, by Senator Kelly and it's congrat-

ulatory.

And Senate Resolution 781, by Senator Vadalabene and it's a death resolution.

PRESIDENT:

Consent Calendar. Senator Demuzio. Senator Demuzio, for what purpose do you arise?

SENATOR DEMUZIO:

Yes, Mr. President, on a point of personal privilege.

PRESIDENT:

State your point, sir.

SENATOR DEMUZIO:

I would like to introduce, before we get too far into the business today, a...a class of students from Girard High School and their teachers that are here with us today in the gallery, and shortly upon...adjournment I'll make the announcement to the class that I'll be in Room 400...so to come up and speak with you afterwhile. So...they're in the gallery, I'd like for them to please rise and be recognized by the Senate.

PRESIDENT:

Will our guests please rise and be recognized. Welcome to Springfield. Senator Mahar, for what purpose do you arise, sir?

SENATOR MAHAR:

Thank you, Mr. President. I would ask that Senate Bill 1870 be returned to my sponsorship. It was a bill that I had before I went to the hospital and I would ask that it be returned to my sponsorship. It's on page 13.

PRESIDENT:

All right. Middle of page 13, on the Order of Specific Recommendations for Change is Senate Bill 1870. Senator Mahar requests that he be shown as the chief sponsor. Is leave granted? Leave is granted. It's so ordered. Senator Savickas, for what purpose do you arise?

SENATOR SAVICKAS:

Yes, Mr. President, I would like the record to show that the following Senators are absent. Senator Nedza is absent due to illness, Senator Netsch is absent due to the death of her mother, Senator Bruce is in the Congressional School learning how to be a...an effective Congressman, Senator Egan is absent for personal business and so is Senator Collins.

PRESIDENT:

The record will so indicate. Senator Savickas, for what purpose do you arise?

SENATOR SAVICKAS:

Yes, Mr. President, I rise to request a Democratic Caucus in Room 212. I'm sure it shouldn't last more than about an hour.

PRESIDENT:

All right. I have discussed this with Senator Philip. The Democratic Caucus will be held immediately in Room 212. The Senate will reconvene at two-thirty. Two-thirty. Senator Davidson, for what purpose do you arise, sir.

SENATOR DAVIDSON:

There will be a Republican Caucus in Senator Philip's office immediately on Recess.

PRESIDENT:

All right. The Senate will stand in Recess until the hour of two-thirty.

RECESS

AFTER RECESS

PRESIDENT:

The Senate will come to order. Messages from the House.

SECRETARY:

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

Mr. President - I am directed to inform the Senate

the House of Representatives adopted the following joint resolutions, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Joint Resolution 182 and 183, both congratulatory.

PRESIDENT:

Consent Calendar.

SECRETARY:

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

Mr. President - I am directed to inform the Senate the House of Representatives has accepted the Governor's specific recommendations for change which are attached to a bill with the following title, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Bill 2502, together with the Governor's objections.

PRESIDENT:

Resolutions.

SECRETARY:

Senate...excuse me, Senate Resolution 782 offered by Senators Hall, Rock and all Senators. It's congratulatory.

Senate Resolution 783 offered by Senator Lechowicz and all Senators. It's congratulatory.

Senate Resolution 784 offered by Senators Keats and Kustra and it's congratulatory.

PRESIDENT:

Consent Calendar. Message from the Governor.

SECRETARY:

A Message from the Governor by Kirk Dillard, Director of Legislative Affairs.

Mr. President - The Governor directs me to lay before the Senate the following Message.

To the Honorable members of the Senate, the 83rd General Assembly, I have nominated and appointed the follow-

ing named persons to the offices enumerated below, respectfully ask concurrence in and confirmation of these appointments by your Honorable Body.

PRESIDENT:

Committee on Executive Appointments. Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

Yes, that last announcement, that message, was that from the Secretary of State?

PRESIDENT:

No, that was from the Governor.

SENATOR VADALABENE:

From the Governor. Okay.

PRESIDENT:

Senator Savickas, for what purpose do you arise?

SENATOR SAVICKAS:

Well, while we're a little at ease, Mr. President, I would ask that we go out of the daily order of business, go to the Secretary's Desk on Nonconcurrence and move that I would refuse to recede from Senate Amendments 1, 2 and 3 on House Bill 1563 and ask that a Conference Committee be appointed.

PRESIDENT:

All right. There's been a request to move to page 7 on the Calendar. Can I have the attention of the membership. There's been a request to move to page 7 on the Calendar to the Order of Secretary's Desk Nonconcurrence on House Bill 1563. Senator Savickas has moved that the Senate refuse to recede from Senate Amendments 1, 2 and 3 and that a Conference Committee be appointed. Is that the motion, Senator? Is leave granted? Leave has been granted. Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President, I would move that the Senate refuse to recede from Senate Amendments 1, 2 and 3 on House Bill

SB 1935  
Specific recommendations  
for change

1563, and I ask that a Conference Committee be appointed.

PRESIDENT:

All right. Senator Savickas moved that the Senate refuse to recede from Amendments 1, 2 and 3 to House Bill 1563 and that a Conference Committee be appointed. All in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you. On another order of business, we did get the Message in regard to the Department of Personnel by the Secretary of State; and I wonder if it would be in order, since we're going to hear his confirmation tomorrow, if I could waive the rule where we would not have to send a notice to the members of the committee? Pardon? I can't hear... (machine cutoff).

PRESIDENT:

Senator Vadalabene has moved to waive the posting notice on the Message of the Secretary of the State. Is leave granted? Leave is granted. All right. If you'll move to page 13 on the Calendar. As the motions are filed, the Secretary will place them on the Calendar and we'll take them in the order in which they are filed. Page 13 on the Calendar. On the Order of Motions in Writing to Override Total Vetoes, Senate Bill 1491, Senator Bloom. Senator Bill 1727, Senator Marovitz. Senate Bill 1798, Senator Joyce. Top of page 14, Senate Bill 1945, Senator Luft. Senate Bill 1554, Senator Hall. Senate Bill 1550, Senator D'Arco. Senate Bill 1664, Senator D'Arco. Senate Bill 1925, Senator Bloom. Senate Bill 1935, Senator Marovitz. All right. On page 14 on the Calendar, on the Order of Motions in Writing to Accept the Specific Recommendations for Change, a motion has been filed with respect to Senate Bill 1935. Mr. Secretary.

SECRETARY:

I move to accept the specific recommendations of the Governor as to Senate Bill 1935 in the manner and form as follows. Signed, Senator Marovitz.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1935 is the Nursing Home Reform Bill of 1984. It is the model bill for the country and is probably the toughest bill in licensing and enforcement that has ever been passed certainly in the State of Illinois and perhaps the country. The Governor amendatorily vetoed the bill leaving in all the substantive language with the tough enforcement provisions and...vetoing...amendatorily making changes regarding the percentile reimbursement for nursing homes. This has been a negotiated settlement between all members of the nursing home industry which unanimously have joined to accept the changes that the Governor made in his amendment. They attended a press conference this morning with the Governor and announced their...their acceptance of the changes made by the Governor. In addition to that there will be approximately nine million dollars of new money for the QIP program, the quality incentive program, for Fiscal 1985 which will reward those homes which provide the highest quality of care to the residents of the State of Illinois. There will be a supplemental appropriation coming down the pike for the additional reimbursement that has been allowed by the Governor over and above the sixty-three million dollars that we passed in the original legislation. And I would ask for a unanimous Aye vote for this model legislation which now has the...has the support of everyone throughout the State of Illinois, from the Governor's staff and from the providers and from those watchdog groups that are concerned about the quality of care

in the...in the nursing home industry.

PRESIDENT:

Senator Marovitz has moved to accept the specific recommendations of the Governor as to Senate Bill 1935. Discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Yeah, thank you, Mr. President. As the hyphenated sponsor, I concur with Senator Marovitz. However, in the past there has been a lot of disagreement on what some of these bills do; and I would like, if the Body would just bear with me, read a couple of lines into the record that clearly indicate what the intent of this legislation and some of the substantive parts of that legislation are. The support component of the reimbursement rate would be modified to represent the following changes; a, there would be a floor established at the thirty-fifth percentile, and any home at or below the thirty-fifth percentile would get cost plus fifty percent of the difference between the thirty-fifth percentile and the fiftieth percentile; item b, homes between the thirty-fifth percentile and the sixty-fifth percentile would get cost plus fifty percent of the difference between the cost and the sixty-fifth percentile; c, homes above the sixty-fifth percentile will receive the sixty-fifth percentile. Item 3, the Senn Park lawsuit would be settled for all nursing homes during the fiscal year. This would be accomplished through a supplemental appropriation. Four, there is no commitment to consider any revision of the capital component during this year. And last, the industry would not propose any changes in the reimbursement system until after Fiscal '86. And I hope that we don't have to come back here again and disagree on points that have been agreed on in the past. Thank you, Mr. President.

PRESIDENT:

Further discussion? Senator Hall. Okay. Any further

discussion? Further discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 1935 in the manner and form just stated by Senators Marovitz and DeAngelis. 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? (machine cutoff)...all voted who wish? Senator Hall. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 50 Ayes, 1 Nay, none voting Present. The specific recommendations of the Governor as to Senate Bill 1935 having received the required constitutional majority vote of Senators elected are declared accepted. Senator Bloom on...no, I guess we're through with the Calendar. Senator Bloom, do you wish to proceed on 1925?

SENATOR BLOOM:

Yes, I do.

PRESIDENT:

All right. On the Order of Motions in Writing to Accept the Specific Recommendations for Change there has been a motion filed with respect to Senate Bill 1925. Mr. Secretary.

SECRETARY:

I move to accept the specific recommendations of the Governor as to Senate Bill 1925 in the manner and form as follows. Signed, Senator Bloom.

PRESIDENT:

Senator Bloom.

SENATOR BLOOM:

Yeah, thank you. Senator...Senate Bill 1925 was drafted basically as an omnibus bill to address some glitches in the Administrative Procedure Act insofar as they affected the Department of Public Health and the Department of Law Enforcement. It had several things added to it in the legis-

lative process. In the waning days in June another amendment was sent over from the House that basically decided a jurisdictional dispute, if you will, between the Department of Public Health and the Department of Public Aid concerning the inspection of nursing homes. The Governor's Office then reviewed that portion of the bill and essentially instead of saying that Public Health shall have primary...jurisdiction in certain areas he felt that the Federal law required Public Health to perform inspections only for certain purposes such as certification and not for other purposes such as inspections related to rate setting and quality of care and so on. Therefore, he changed the "shall" back to "may." That ends the jurisdictional dispute between the two agencies. I would recommend that this Body accept his specific recommendations for change. I will answer any questions; otherwise, urge a favorable vote. Thank you.

PRESIDENT:

All right. Senator Bloom has moved to accept the specific recommendations of the Governor as to Senate Bill 1925. Is there any discussion? Any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 1925 in the manner and form just stated by Senator Bloom. 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 50 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to Senate Bill 1925 having received the required constitutional majority vote of Senators elected are declared accepted. Senator Demuzio, for what purpose do you arise?

SENATOR DEMUZIO:

Yes, Mr. President, Senator Bruce has asked me to pick up the...Senate Bill 1958 which is the revisionary bill. It is

in Rules. I have filed a motion asking that it be discharged and that Senate Bill 1958 be brought to the Order of 2nd Reading.

PRESIDENT:

All right. On the Order of Motions, Mr. Secretary, Senator Demuzio has filed a motion with respect to Senate Bill 1958. Mr. Secretary.

SECRETARY:

A motion in writing. I move to discharge the Committee on Rules from further consideration of Senate Bill 1958 and the bill be placed on the Calendar on the Order of 2nd Reading. Signed, Senator Demuzio. Dated 11/27/84.

PRESIDENT:

Senator Demuzio. Any discussion? Is there any discussion? If not, all in favor of the motion indicate by saying Aye. All opposed. The Ayes have it. The motion carries. It's so ordered. Senator Lechowicz. On the Order of Motions in Writing there is a motion filed by Senator Lechowicz. Mr. Secretary.

SECRETARY:

Motion in writing. I move to discharge the Rules Committee from further consideration of House Bill 2597, the bill be read a second time and placed on the Calendar on the Order of 2nd Reading.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The motion is quite explicit. I move to discharge the Rules Committee on 2597...on House Bill 2597 and be read a second time and placed on the Calendar on the Order of 2nd Reading. And it's my intent to move with an adoption of an amendment today which has been discussed in leadership of both sides and cleared by the leadership and reviewed by the

staff and asked that the membership then have an opportunity to read the amendment and peruse it and possibly move on this bill tomorrow.

PRESIDENT:

All right. You've heard the motion as placed by Senator Lechowicz. Any discussion? Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Senator Lechowicz, can you describe what you're trying to do and what this bill is?  
I...

PRESIDENT:

Senator Lechowicz.

SENATOR WEAVER:

Forget it...

SENATOR LECHOWICZ:

I believe the...Minority Leader just explained it to Senator Weaver. It's a matter that I discussed with him, it has the approval of the Governor. Also it's at the request of IHDA and the Cook County Board. That's what the amendment will do and I'll be more than happy to amplify on the amendment or...or in that stage of the proceedings.

PRESIDENT:

All right. Senator Lechowicz has moved that House Bill 2597 be discharged from further consideration by the Rules Committee, read a second time...well, that...all in favor of the motion indicate by saying Aye. All opposed. The Ayes have it. The motion carries. On the Order of House Bills 2nd Reading is House Bill 2597, Mr. Secretary.

SECRETARY:

House Bill 2597.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the Floor?

**SECRETARY:**

Amendment No. 1 offered by Senator Lechowicz.

**PRESIDENT:**

Senator Lechowicz.

**SENATOR LECHOWICZ:**

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment No. 1 will do four things. First matter, it will allow Cook County to sell an additional eleven million dollars in single-family mortgage bonds before December 31st. These mortgages will go to first time buyers in suburban Cook County. The second item will provide technical amendments to a provision which permitted the board to delegate contract execution authority to the director or deputy director. The original language permitted bonds to be issued bearing interest within a one percent range. That language through oversight did not include flexibility with respect to maturities...bond principal amounts within each maturity. This is necessary since the market fluctuates from day to day and it requires flexibility within the stated limits. The third matter that it takes care of, it makes a technical change which clarifies the variable rate bonds issued by IHDA which have no interest ceiling. The fourth matter that it takes care of, it removes bonds issued for single-family purposes when the...total bond authorization limitation. This reflects legislative history and market realities since most single-family mortgages are covered by private mortgages and mortgage pull insurance. The existing Statute...contemplates about a hundred and fifty million dollars and IHDA's authority would be used for single-family purposes. Currently, three hundred and fifty million has been used for these purposes and it is not available for multifamily use. This change is necessary or else the authority will not have any bonding authority until after April. I would ask that the adoption of Amendment No. 1 for your consideration at this

time. If you have any questions, I'll be more than happy to answer them.

PRESIDENT:

All right. Senator Lechowicz has moved the adoption of Amendment No. 1 to House Bill 2597. Is there any discussion? If I can have the attention of the Body, Channel 2 has requested leave to film. Is leave granted? Leave is granted just in time. Senator Demuzio.

SENATOR DEMUZIO:

Yes, Mr. President. I'd like to ask the sponsor a question if I might. The sponsor has indicated that this amendment has two hundred and fifty million dollars of additional bond authorization for the City of Chicago or for Cook County only. Is that exclusive and...and...is that what I understood?

PRESIDENT:

...Senator Lechowicz.

SENATOR LECHOWICZ:

No, sir, the three hundred and fifty million dollars is for IHDA, the Illinois Housing Development Authority, is a...for the purpose of a Statewide program. The City of Chicago has its own program, the County of Cook has its own program, and IHDA has a State program which has authority within the jurisdictions that are non-home rule units. The County of Cook is a home rule unit and the City of Chicago is a separate home rule unit. So the three hundred and fifty million dollars is for IHDA alone.

PRESIDENT:

All right. No further discussion? If not, Senator Lechowicz has moved the adoption of Amendment No. 1 to House Bill 2597. All in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. If I can have the attention of the members and can I ask the staff to take the conferences off the Floor for a moment. The Chamber is today graced with a very special guest. The lady is under somewhat of a time constraint in order to get back to her family in Chicago, but we would be remiss if we did not recognize the fact that she is here and I would recognize Senator Chew.

SENATOR CHEW:

Thank you, Mr. President and members of the Senate. On last week in the City of Chicago a tragedy occurred that not only shook this State but the nation. Needless to say that all of us, all citizens of the State felt the shock that occurred. The expiring of one of our star basketball players in the State, the name of Wilson was a star athlete, attended Simeon High School. Mrs. Wilson, the mother of the deceased, is here. Mr. President, I propose a resolution for the Wilson family that will be introduced on the 28th of this month and will be your signature. I'd like permission to personally hand deliver it to the family. Ladies and Gentlemen, the mother is here with us in the Senate and with your permission I shall turn you back over to the President of the Senate.

PRESIDENT:

All right. With leave of the Body, will the members please rise and greet Mrs. Mary Wilson.

MRS. MARY WILSON:

(Remarks given by Mrs. Wilson)

PRESIDENT:

Mrs. Wilson, thank you, very much. If I can have your attention, Supplemental Calendar No. 1 has been distributed. If I can direct your attention to and with leave of the Body we'll move to the Order of Supplemental Calendar No. 1. It

is a matter, I'm sure, as Senator Hall will explain of some urgency and I have been requested by the Speaker to expedite our consideration. On the Order of Senate Calendar Supplemental No. 1, on the Order of Specific Recommendations for Change, a motion has been filed with respect to House Bill 2502. Mr. Secretary.

**SECRETARY:**

I move to accept the specific recommendations of the Governor as to House Bill 2502 in the manner and form as follows. Signed, Senator Hall.

**PRESIDENT:**

Senator Hall.

**SENATOR HALL:**

Thank you, Mr. President and Ladies and Gentlemen of the Senate. What this simply does, that House Bill 2502 was to permit two or more fire districts to form a single consolidation district when the boundaries of the districts are contiguous with the same municipality and are served by the same fire department. The bill passed both Houses and when they checked they found out that there was no effective date and it was January 1, 1985. The sponsor of the bill, Representative Flinn, asked the Governor to amendatorily veto this bill so it could be...December 1, 1984. Now the question to be on the ballot on 4/2/85 a petition must be filed by 12/14/84. Changing the effective date from 1/85 to 12/1/84 would permit the consolidation question to be voted upon at the 4/1/85 election. If we don't get this done at this time it will not be able to have the vote and therefore would cost the expense of a special election. I ask your most favorable support of this...of this change.

**PRESIDENT:**

All right. Senator Hall has moved to accept the specific recommendations of the Governor as to House Bill 2502. Is there any discussion? Any discussion? If not, the question

is, shall the Senate accept the specific recommendations of the Governor as to House Bill 2502 in the manner and form just stated by Senator Hall. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, there are 47 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to House Bill 2502 having received the required constitutional majority vote of Senators elected are declared accepted. Messages from the House.

SECRETARY:

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

Mr. President - I am directed to inform the Senate the House of Representatives has accepted the Governor's specific recommendations for change which are attached to a bill with the following title, in the adoption of which I am instructed to ask concurrence of the Senate, to-wit:

House Bill 2345 together with the Governor's objections.

PRESIDENT:

Resolutions.

SECRETARY:

Senate Resolution 785 offered by Senator Buzbee. It's congratulatory.

Senate Resolution 786, by Senators Marovitz, Carroll, Berman, Rock and all Senators and it's a death resolution.

Senate Resolution 787, Senator Chew, Dawson and all Senators and it's a death resolution.

Senate Joint Resolution 136 offered by Senators Philip, Rock, Maitland and all Senators and it's congratulatory.

PRESIDENT:

Consent Calendar. All right. On page 13 on the Calendar...page 13 on the Calendar, on the Order of Specific

Recommendations for Change there has been a motion filed with respect to Senate Bill 1385, Mr. Secretary. Top of page 13 on the Calendar.

SECRETARY:

I move to accept the specific recommendations of the Governor as to Senate Bill 1385 in the manner and form as follows. Signed, Senator Luft.

PRESIDENT:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. We passed a bill last year, it was a Revenue Committee bill that decoupled the State of Illinois from taxing...retirement and...retirement income, and part of that bill was not at the quality that the Governor liked and, as a matter of fact, in some cases in the partnership retirement income those that were under age and were not retired could have been receiving nontaxable income. The Governor has simply recommend narrowing the language concerning the exemption for partnership income so that it applies clearly and only to the retired. And I would move to accept the recommendations of the Governor on Senate Bill 1385.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft moves to accept the specific recommendations. The question is, shall the Senate accept those specific recommendations of the Governor as to Senate Bill 1385 in the manner and form just stated by Senator Luft. 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 Yeas are 51, the Nays are none, those voting Present are none. The specific recommendations of the Governor as to Senate Bill 1385 having received the required majority vote of Senators elected are declared accepted. For what purpose does Senator D'Arco

arise?

SENATOR D'ARCO:

Mr. President, we were on the Order of Motions to Discharge Rules Committee and all of a sudden we got sidetracked and I had a motion on that order of business.

PRESIDING OFFICER: (SENATOR SAVICKAS)

That seems to have been...placed on the side here, Senator. Sounds a good deal, Senator. Resolutions.

SECRETARY:

Senate Resolution...Senate Joint Resolution 137 offered by Senators Rock and DeAngelis.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Joint Resolution 137 is a matter of some urgency, and Senator DeAngelis and I have agreed to be the principal sponsors and we invite all members to join with us. It is a memorial to the...the members of our congressional delegation to pay particular attention to a method of establishing hospital reimbursement rates under the prospective payment system that will be fair and equitable. The system first proposed as we understand it would appear to cost the State of Illinois an inordinate amount of money in favor of lesser populated states and we simply don't think the formula is fair. We discussed this at some length when we met in Boston, Massachusetts with the National Conference of State Legislatures. I discussed it with a number of legislative leaders from across the country and have since contacted individually members of our congressional delegation including the Chairman of the Ways and Means Committee, Mr. Rostenkowski. But I think it's important that this Body and hopefully the House also go on record in alerting our congressional delegation to suggest that whatever formula is

adopted it had better be fair and treat fairly the people of Illinois. And I would invite Senator DeAngelis to also comment and move to suspend the rules for the immediate consideration and adoption of Senate Joint Resolution 137.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis, on the motion.

SENATOR DeANGELIS:

Thank you, Mr. President. Senator Rock...President Rock has said it real well. I would urge support from our side of the aisle for the suspension of the rules to consider this resolution.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The motion by Senator Rock and Senator DeAngelis...Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President and fellow Senators. As you know, from time to time we've had and I personally have had policy differences with the Illinois Hospital Association to say the very least. However, I would join the two sponsors in...in concurring and urging support of this resolution because it does indeed do...does indeed memorialize Congress, and there are some problems with the way the prospective payment system would be implemented and it would indeed provide an inordinate amount of money to those states with smaller populations and, might I add, parenthetically those states...do not have the clusters of teaching institutions that the State of Illinois does. Therefore, I would not only urge all of us to support this but I would ask, Mr. President, that my name be added as a sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is leave granted? You've heard the motion. Is leave granted? Leave is granted. Senator Rock and Senator DeAngelis move that the rules be suspended for the immediate consideration and adoption of Senate Joint Resolution 137.

Is leave granted? Leave is granted. The rules are suspended and now for the adoption. Senator Rock and Senator DeAngelis move the adoption of Senate Joint Resolution 137. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Senate Joint Resolution 137 is adopted. (Machine cut-off)...Senator Geo-Karis arise?

SENATOR GEO-KARIS:

With leave, Mr. President, I would like to add myself as a cosponsor of that Resolution 137.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is leave granted? Leave is granted. Introduction of bills.

SECRETARY:

Senate Bill 1959 introduced by Senators Berman, Rock, Savickas, Hall and others.

(Secretary reads title of bill)

1st reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Senate Bill 1959...Mr. President, I would move to suspend the appropriate rules so that Senate Bill 1959...it bypasses committee and will be...appear on the Order of 2nd Reading on the Calendar on tomorrow. The reason for my motion, Mr. President, Senate Bill 1959 as it has been introduced is an appropriation of eight million one hundred thousand dollars. The appropriation represents that portion of the monies collected as of yesterday by the Department of Revenue under the Tax Amnesty Program that this General Assembly passed in June of 1984. Under that Tax Amnesty Program we stated that all monies collected under the Tax Amnesty Program would be earmarked for distribution to the schools of the State of Illinois. This amount of money in this bill is eight million one hundred thousand dollars.

In fact, we have collected as of today twenty-eight million one hundred thousand dollars. The first twenty million was utilized in the school aid appropriation that we made in June anticipating collections under the amnesty program. This appropriation is for those funds over and above the twenty million dollars that has already been appropriated to our schools. Now the reason that I am making this motion today...Ladies and Gentlemen, the reason I am making this motion today...is because I think that it is incumbent upon us to live up to our word that we made to the public and to the schools of the State of Illinois in June when we passed the Tax Amnesty Program. We are going to be here three days this week, today, tomorrow and Thursday. It is my intent to bypass committee by this motion, have the bill appear on 2nd reading tomorrow and to be considered for final passage in the Senate on Thursday. That would allow the bill to be considered on Thursday and then on December 11th or 12th or 13th, if necessary, by the House, so that before we leave in our Veto Session the monies that we promised to the schools when we passed the amnesty program will, in fact, be appropriated to the schools by our action on Senate Bill 1959. The bill is only in the amount that we have collected to date; it would be anticipated that it would be amended in the House to reflect the exact dollars that we will have collected through Friday night, midnight, which is the deadline for the Tax Amnesty Program. I think this question of the motion to bypass is strictly a question of whether we, as part of the General Assembly, keep our word to the schools of the State of Illinois. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Before we have further discussion on the motion, would the Secretary please read the motion into the Journal for our record.

SECRETARY:

I move to suspend Senate Rule 5 and that Senate Bill 1959 be advanced to the Order of 2nd Reading without reference to committee. Signed, Senator Berman. Dated 11/27/84.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in support of the motion to suspend and would point out the membership that this appropriation is to the Common School Fund which as you know is distributed according to the Common School Formula. So the distribution will be to every school district in the State of Illinois and I have not heard, frankly, from any school districts saying please don't give us any more money this fiscal year. Now when we passed the Tax Amnesty Program, which I was proud to sponsor, contained therein was a provision earmarking the receipts of that program to elementary and secondary education. So the question really is not where else can we use the money. We are bound by law to use the money for elementary and secondary education in whatever amount we finally realize by the close of business on Friday. The point is, do the schools get it sooner or later. And our suggestion, very strong suggestion, is they ought to get it sooner. The program will culminate on Friday night and thus far in my conversation with the director of Revenue as late as yesterday, already some seven thousand applications for amnesty have been filed. As Senator Berman pointed out, as of Wednesday of last week the amount collected was twenty-eight million dollars. This week we expect frankly a significant amount more. As you well know in Massachusetts better than three-quarters of the amount ultimately collected was due to applications filed within the last week or the last four or five days and we accept...expect the same experience here in Illinois. So the question is not where else can we use the money, we can't use

it anywhere else. The question really is, do the schools get it sooner or later and I opt for sooner. And I would urge support for the motion to suspend.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise to oppose this motion for a couple, I think, good reasons. Number one, this is a brand new bill being introduced today which takes three days in this Body, three days in the other House and quite frankly I'm not sure there's enough time. Secondly, we have plenty of appropriation bills sitting around here that we can put this amendment on, if we so desire. Thirdly, as you know, the program runs out as of December 1. So very honestly, we don't know how much money we're talking about today or tomorrow, we won't know till after December 1. Also, as you realize, we've collected about twenty-eight million. Twenty of that million has already gone into the fund already, so you're talking about eight million dollars and the City of Chicago schools would get about one-third of that so you're talking a little over two million dollars. Everything I've seen, read or heard, they've got about a thirty-six million dollar to a forty million dollar problem. Now, you tell me how a two...a little over two million dollar appropriation from the General Assembly is going to bail the City of Chicago school system out. And quite frankly, until we have better information and perhaps an alternative to their problem in the City of Chicago, quite frankly, I think we ought to wait.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. I rise in opposition to the motion.

I support in total what we are trying to do. I'm fully cognizant of the Holmberg amendment that was put on the amnesty bill last year and I supported that strongly. What bothers me, as Senator Philip has indicated, there is an excellent chance that mechanically this particular bill won't make its way through the General Assembly. We...there are a number of appropriation bills that can be amended and amended very quickly and moved through the Chamber very rapidly. I support this very strongly and I don't want it to go down in flames. Senator Berman, I think there is a better way and I think we should defeat this motion, wait and see how much money we're going to have, amend the bill and allow the schools to get the money that they rightfully deserve. I rise in opposition to the motion.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Buzbee.

SENATOR BUZBEE:

Well, I'm...I'm a little confused by the rhetoric that's going on here, Senator Maitland. If your idea is such a good one, let's do both, because after all we're...the final decision will not be made until two weeks from now. Senator Berman has made a legitimate request to go ahead and get this bill though the process. The final decision will not be made until we get all of the figures in from the Department of Revenue. We know it will have to be amended in the House. If it should get hung up we can always find a Conference Committee report those last three days. There's one thing I've learned around here in twelve years is everything is possible. We can...we can always do that in the last day or two if we have to, but in the meantime, what's wrong with your supporting a concept that you philosophical agree with, and let's go ahead and get Senator Berman's motion and...and get the bill out on the Floor and get it on its way.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator...Senator Berman.

SENATOR BERMAN:

To close? Thank you, Mr. President. I want to just pick up where Senator Buzbee left off. I have...in response to Senator Philip, if there's not enough time let's resurrect another bill in addition. The way I count we have enough time if your side of the aisle supports this motion. We need three days to pass a bill here, they need three days to pass a bill in the House. If the bill passes out of here on Thursday, it can be read a first time in the House and it can be acted on starting on December 11th and passed and concurred in. I want to underline that we are not appropriating anything in this bill, Senate Bill 1959, which isn't already in the coffers of the State of Illinois. And when we take final action in the week of December 11th there will not be an appropriation of any money that we don't already have in the coffers of the State of Illinois. We have 28.1 million dollars, this is an appropriation of 8.1 million dollars. I think this...the vote on this measure, and you can use all of the technical arguments you want, the question...that's here, today, on this motion is whether this Body and each of us are willing to say that we are people of our word. We said the schools would get the money that is collected by amnesty. We have given them already twenty million, do we give them eight million or ten million or whatever millions more that's going to be collected? If you vote No, you're saying you're reneging on that commitment. If you vote Yes, we're saying that we are holding to that commitment and we can address any technical problems that may arise either through this bill or through any of a number of other parliamentary procedures. But this is a commitment on this vote as to whether we are a people that are keeping our word. It disturbs me greatly when the Minority Leader talks about Chicago's problems. The

appropriation here and the distribution of money is according to the School Aid Formula; Chicago isn't getting one penny extra than what was pledged to every school district in the State of Illinois. Its distribution is under the same School Aid Formula that we approved in June, and the first twenty million and all of the billion and a half...dollars that we appropriated in June goes to every school district. There isn't a penny difference in this appropriation than what we've already appropriated. This is not a Chicago bill, this is a bill for every school district in the State of Illinois. I urge an Aye vote on our motion to bypass committee.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman moves to suspend...Senate Rule 5 and moves that Senate Bill 1959 be advanced to the Order of 2nd Reading without reference to committee. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. The motion carries. There's been a request for a roll call. Will all the members please be in their seats and...and the question is, shall the motion of Senator Berman's carry. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 27, the Nays are 16, 7 voting present. The motion having failed to receive the 30 votes is declared lost. Senate Bill 1959 will now be referred to the Rules Committee. Introduction of bills.

SECRETARY:

Senate Bill 1960 introduced by Senators Marovitz, Zito, Luft and others.

(Secretary reads title of bill)

PRESIDING OFFICER: (SENATOR SAVICKAS)

Rules Committee. For what purpose does Senator VadalaBene arise?

SENATOR VADALABENE:

Yes, in the form of an announcement, the Committee on Executive Appointments and Administration will meet at ten o'clock tomorrow morning in Room 212. We have a long list and I would appreciate it if you would get there on time.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Yes, thank you, Mr. President. If there is no further business or any further announcements, I would move that we stand adjourned until noon tomorrow, twelve o'clock noon.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You heard the motion. The Senate does stand adjourned until twelve o'clock Wednesday the 28th of November. Senator DeAngelis.

SENATOR DeANGELIS:

A question of the Chair.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The Chair has officially closed business but...

SENATOR DeANGELIS:

You know...I think there was a Revenue Committee meeting scheduled for this afternoon. Is it still scheduled?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

My understanding is that that meeting has been postponed until next...till we return in December.