

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

May 28, 1997

PRESIDING OFFICER: (SENATOR DONAHUE)

...regular Session of the General -- 90th General Assembly will come to order. Will the Members please be at their desks, and will our guests in the gallery please rise? Our prayer today will be given by Senator Carl Hawkinson, from Galesburg. Senator Hawkinson.

SENATOR HAWKINSON:

(Prayer by Senator Hawkinson)

PRESIDING OFFICER: (SENATOR DONAHUE)

Pledge of Allegiance, by Senator Todd Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDING OFFICER: (SENATOR DONAHUE)

Reading of the Journal. Senator Butler.

SENATOR BUTLER:

Madam President, I move that reading and approval of the Journals of May -- Friday, May 16th; Monday, May 19th; Thursday {sic} (Tuesday) May 20th; Wednesday, May 21st; Thursday, May 22nd; Friday, May 23rd and Tuesday, May 27th, in the year 1997, be postponed pending arrival of the printed Journals.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Butler moves to postpone the reading and approval of the Journal pending arrival of the printed transcripts. There being no objection, it is so ordered. If I could have the attention of the Membership, we are -- I would urge each and every Member within the hearing of my voice to move the paper. We're actually waiting for paper to be filed and we will urge you all to get your conference committees going, get 'em filed. And we will stand in recess until the hour of 2 o'clock. Senate is in recess till the hour of 2 p.m.

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(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DUDYCZ)

...come to order. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Referred to the Committee on Environment and Energy - the motion to concur with House Amendment 1 to Senate Bill 54; to the Committee on Judiciary Conference Committee Report 1 to House Bill 297; and Be Approved for Consideration - the Motion to Recede from Senate Amendment 3 to House Bill 1881.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senate will stand in recess until the hour of 2 p.m.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DONAHUE)

Senate will reconvene. Committee Reports.

SECRETARY HARRY:

Senator Hawkinson, Chair of the Committee on Judiciary, reports Senate Bill 341, the motion to concur with House Amendment 1, Be Approved for Consideration; Senate Bill 1024, the motion to concur with House Amendments 1 and 2 Be Approved for Consideration; and House Bill 297, the First Conference Committee

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report also Be Approved for Consideration.

PRESIDING OFFICER: (SENATOR DONAHUE)

Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 5

We have a like Message on House Joint Resolution 15.

Both passed the House -- or were adopted by the House, May 23rd, 1997.

Also House Joint Resolution 20.

A Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to recede from their Amendment No. 1 to a bill of the following title, to wit:

Senate Bill 101

I am further directed to inform the Senate that the House of Representatives requests a first committee of conference.

We have like Messages on Senate Bills 172, 271, 317, 381, 454, 473, 547, 574, 681 and 1109.

PRESIDING OFFICER: (SENATOR DONAHUE)

Without objection, the Senate accedes to the request of the House for conference committees on those bills just read by the Secretary. Is leave granted? Leave is granted. Those of you that are within hearing of my voice, Supplemental Calendar No. 1 is being distributed. We will be going to that Order of Business, Secretary's Desk, Concurrence. First on the list is Senate Bill 341. Senator Cronin. So those of you, please come to the Floor. ...I could have your attention, we're going to go to the Order of

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Resolutions.

ACTING SECRETARY HAWKER:

Senate Resolution 86, offered by Senator Demuzio.

It is a death resolution.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio moves to suspend the rules for the purposes of the immediate consideration and adoption of Senate Resolution 86. Those in favor, say Aye. Opposed, Nay. The Ayes have it. The rules are suspended. Senator Demuzio moves the adoption of Senate Resolution 86. Those in favor, say Aye. Opposed, Nay. The Ayes have it. And the resolution is adopted. If I could have your attention one more time, we're -- we will go to Secretary's Desk, Concurrences, but on the regular Calendar. So if you will turn to page 8 of your regular Calendar. Senate Bill 285. Senator Dillard. Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1 and 3 to Senate Bill 285.

Offered by Senator Dillard.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

Thank you, Madam President and Ladies and Gentlemen of the Senate. I'm going to move to concur with Amendments No. 1 and 3, as this bill comes back over here from the House. House Amendment No. 1 authorizes a road district to use money in its district road fund to pay for all or part of the direct cost of senior citizen transportation programs or senior citizen mass transportation programs. And House Amendment No. 3 authorizes the Chicago Transit Authority Board to designate certain officers, positions, and grades of employment as exempt positions not to exceed three percent of its total CTA employees. Concerning the last part, the

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CTA part, I know the union is in agreement -- is in agreement with the board so there's no opposition to it. I'd be happy to answer any questions. And again, Madam President, I want to concur with Amendments 1 and 3 to Senate Bill 285.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, this is final action. The question is, shall the Senate concur in House Amendments 1 and 3 to Senate Bill 285. Those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. The Senate does concur in House Amendments No. 1 and 3 to Senate Bill 285. And the bill, having received the required constitutional majority, is declared passed. Senator Dillard, do you want to do Senate Bill 709? Out of the record. ...we will go to the Order of Secretary's Desk, Non-concurrence. The first motion is House Bill 228. Senator Lauzen. House Bill 228. Madam Secretary.

ACTING SECRETARY HAWKER:

I move to refuse to recede from Senate Amendment No. 1 to House Bill 228 and request that a conference committee be appointed.

Offered by Senator Lauzen.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

I would just like to make that motion.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Senator Lauzen moves that the Senate refuse to recede and that an -- adoption of a Senate Amendment No. 1 to House Bill 228 and that a conference committee be appointed. All those in favor, say Aye.

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Opposed, Nay. The Ayes have it. The motion carries and the Secretary shall so inform the House. Senator Cronin, on House Bill 1651. Madam Secretary.

ACTING SECRETARY HAWKER:

I move to refuse to recede from Senate Amendment No. 2 to House Bill 1651 and request that a conference committee be appointed.

Offered by Senator Cronin.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin. Okay. Senator Cronin moves that the Senate refuse to recede from House Amendment No. 1 to -- or Senate Amendment No. 1 to House Bill 1651. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion carries and the Secretary shall so inform the House. Now we will go to the Order of Secretary's Desk, Concurrence on Supplemental Calendar No. 1. Senate Bill 341. Senator Cronin. Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 347 {sic} (341).

Offered by Senator Cronin.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin.

SENATOR CRONIN:

Thank you, Madam President. The -- the bill, when it left the Senate, amended the Juvenile Court Act to require a court, upon application, to waive liability for support or legal fee if the person who's liable shows that full payment would result in financial hardship. A House amendment that was added removes the provision that the county must first seek payment from possible third party payors. We have agreed and I ask for your support in this concurrence motion.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Is there discussion? Is there discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator Cronin, this says that if an individual is liable for child support, if they can establish they're indigent, the court can waive complete liability for that individual. Is that -- is that correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin.

SENATOR CRONIN:

Senator Welch, the intent of this bill, and I believe the language of the bill bears out the intent, that this does not apply to a child support situation. This is juvenile court and in the case of juveniles who are adjudicated and they are sentenced or -- they're sentenced to a term that contemplates some sort of counseling. Quite often the -- the juvenile, or the family of the juvenile, can't afford the counseling then judgments are entered against these individuals.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

Senator Cronin, we have a different interpretation over here. It looks like it's in the Section on child support and it -- it looks like it refers to us under enforcement of liability of parents and others, where there's a parentage issue. So if it's a -- if -- if a parentage case is filed, a person's determined to be the father, there may be back child support due from the date of birth of the child. It looks like, what this says is that that person can then say, "Oh well, I don't have any money", and then

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the court can say, "You don't owe any child support", for how ever many years the parentage went on. Would it be possible to take this out of the record so the staff can get together? Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Out of the record. Senator Severns, on Senate Bill 1024. Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 1024.

Offered by Senator Severns.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Severns.

SENATOR SEVERNS:

Thank you, Madam President, Members of the Senate. House Amendments 1 and 2 is language from the...

PRESIDING OFFICER: (SENATOR DONAHUE)

Can we please have your attention. Take your conferences off the Floor and keep your voices down, please, so we can pay attention. Senator Severns.

SENATOR SEVERNS:

House Amendment 1 and 2 is language submitted by the Department of Employment Security to assure that the language will allow us to appropriately capture the federal funds...

PRESIDING OFFICER: (SENATOR DONAHUE)

Just a second, Senator Severns. Will the Senators please be in their seats. Keep your voices down and pay attention, please. Thank you. Senator Severns.

SENATOR SEVERNS:

Thank you, Madam President, Members of the Senate. House Amendment 1 is language submitted by the Department of Employment Security, primarily geared toward allowing Illinois to capture federal funds in the New Hire Directory Program. House Amendment

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No. 2 is a technical amendment to guarantee that rehired employee language is identical to a new hire employee language. I know of no opposition and would urge adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there a discussion? Is there a discussion? Seeing none, this is final action. And the question is, shall the Senate concur in House Amendments 1 and 2 to Senate Bill 1024. Those in favor will vote Aye. Opposed, Nay. And 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 59 Ayes, no Nays, none voting Present. The Senate does concur in House Amendments No. 1 and 2 to Senate Bill 1024. And the bill, having received the required constitutional majority, is declared passed. Senator Parker, on Secretary's Desk, Non-concurrence, on House Bill 1881. Madam Secretary.

ACTING SECRETARY HAWKER:

I move to recede from Senate Amendment No. 3 to House Bill 1881.

Offered by Senator Parker.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. This amendment was actually requested by the PKU people that we do agree to recede on this, and that we will meet with them during the summer and try to come to some resolution where we can help the PKU on this particular concern that they have as being part of the program with the insurance companies.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the

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Senate. I concur with the comments made by Senator Parker. I do hope, however, that we really do take a good hard look at this. I thought whenever Senator Karpel brought this bill before us, it was an excellent bill. Doesn't have -- doesn't have really a lot of cost to it. I'm really amazed that the insurance company took the position they did. And I want to thank you for -- for being willing to look at this over the summer and come up with something that can take care of these kids and the problem they have.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Further discussion? Seeing none, this is final action. And the question is, shall the Senate recede from Senate Amendment No. 3 to House Bill 1881. Those in favor will vote Aye. Opposed, Nay. And 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 51 Ayes, 4 Nays, 1 voting Present. The Senate does recede from House -- or, Senate does recede from -- Senate Amendment No. 3 to House Bill 1881. And the bill, having received the required constitutional majority, is declared passed. Now we will proceed to Conference Committee Reports. We're still on the Supplemental Calendar No. 1. We're on House Bill 297. Senator O'Malley. Senator O'Malley. Madam Secretary.

ACTING SECRETARY HAWKER:

First Conference Committee Report on House Bill 297.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President and Ladies and Gentlemen of the Senate. House Bill 297, the -- the Conference Committee Report No. 1, embodies the agreement of all interested parties who have come forward concerning the dramshop rewrite. And if I could just summarize it for you; give me a moment. It establishes the

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recovery caps for personal injury and property damage at forty-five thousand and for loss of support or society at fifty-five thousand. It includes a statutory definition for "loss of society", which includes members of families, such as spouses, children, parents, brothers and sisters. It also adds a recovery limit increase, based on a consumer price index, beginning in -- in FY -- or, with 1999 - January, 1999. And last, but not least, it includes an effective date of July 1, 1998. This -- this is a -- a -- really, an agreed process, and I don't want to take a lot of your time, today, but I do want the record to show that George Murphy, who has worked on this for over a decade, is present with us today. And it just shows the efforts that one single individual can -- can put forth to really make a difference and improve lives in Illinois. I'd be happy to answer any questions there may be.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall the Senate adopt the Conference Committee Report on House Bill 297. Those in favor will vote Aye. Opposed, Nay. And 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 58 Ayes, no Nays, none voting Present. The Senate does adopt the Conference Committee Report on House Bill 297. And the bill, having received the required constitutional majority, is declared passed. Senator Obama, for what purpose do you rise?

SENATOR OBAMA:

Thank you, Madam President. My button seems to be sticking. So I was recorded as not voting on that; I would have voted Aye.

PRESIDING OFFICER: (SENATOR DONAHUE)

The record will so reflect. Senator Klemm, for what purpose do you seek recognition?

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SENATOR KLEMM:

For purposes of an announcement.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your announcement.

SENATOR KLEMM:

Thank you. The Senate Executive Committee will meet Thursday, that's tomorrow, May 29th, at 2 p.m. in Room 212, rather than at 9 a.m. as originally scheduled. So members of the Exec. Committee please change your Calendar to 2 p.m., tomorrow on Thursday. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senate Exec. at 2 p.m., May 29th. Room 212. ...have your attention please? We're going to return to Secretary's Desk, Concurrence on Senate Bill 341. If we could take your conferences before we even begin. If you'd just take your conferences, get in your seats. Senator Cronin. 341. Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 347.

Offered by Senator -- pardon me, 341, offered by Senator Cronin.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin.

SENATOR CRONIN:

Thank you, Madam President. Having had an opportunity for the staffs to confer about the motion to concur, I would just explain -- offer this explanation of the -- of my motion. There is a provision that was added to this bill that provides that the county must first seek payment from possible third parties. That provision has been removed, and we now have the bill as it left the Senate, having received 54 votes. And I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Is there discussion? Senator Welch.

SENATOR WELCH:

Thank you. Yes, I just want to say that after talking with Senator Cronin we understand this only applies to juvenile court proceedings, it doesn't apply to normal domestic relation child support orders. That was the question that I had, and Senator Cronin assured me it doesn't apply to those domestic relation court orders. So I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Further discussion? Seeing none, this is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 341. Those in favor will vote Aye. Opposed, Nay. And 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 59 Ayes, no Nays, none voting Present. And the Senate does concur in House Amendment No. 1 to Senate Bill 341. And the bill, having received the required constitutional majority, is declared passed. Senate will stand at ease for just a few minutes.

(SENATE STANDS AT EASE)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Petka, for what reason do you rise?

SENATOR PETKA:

Point of personal privilege, Madam President.

PRESIDING OFFICER: (SENATOR KARPIEL)

State your point.

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SENATOR PETKA:

On the Floor of the Senate, on the Republican side, are seated next to one another two love birds who are today celebrating their 25th Wedding Anniversary. I'm referring to the distinguished Senator from Cook County and the City of Chicago, Walter Dudycz, and his very charming bride, Oksana. And I would like for the entire Senate to extend our very best wishes and also may they have another 25 years "solat".

PRESIDING OFFICER: (SENATOR KARPIEL)

Congratulations.

PRESIDING OFFICER: (SENATOR DONAHUE)

...leave, WICS-TV would like to have permission to shoot video this afternoon in the Senate Chambers. Leave granted? Leave is granted. Senator Karpziel, for what purpose do you rise? Senator Karpziel.

SENATOR KARPIEL:

Thank you, Madam President. I would like to announce a Republican Caucus in Senator Philip's office, immediately.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senate Republicans will meet in Senator "Pate" Philip's office for a caucus. Senator Jones -- Demuzio. Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Can we ask how long the caucus might last?

PRESIDING OFFICER: (SENATOR DONAHUE)

Well, Senator Demuzio, I'm about ready to call our business to an end and adjourn. So -- Senator Demuzio.

SENATOR DEMUZIO:

That sounds good to me.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further business? Senator DeLeo. ...further business to come before the Senate? If not, Senator Walsh moves

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the Senate stand adjourned until 9 a.m. Thursday, May 29th. The Senate is adjourned.

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