

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

46th Legislative Day

May 17, 1999

PRESIDING OFFICER: (SENATOR WEAVER)

Regular Session of the 91st 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 Geo-Karis.

SENATOR GEO-KARIS:

(Prayer by Senator Geo-Karis)

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Sieben, on the Pledge of Allegiance.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDING OFFICER: (SENATOR WEAVER)

Reading of the Journal.

SECRETARY HARRY:

Senate Journal of Tuesday, May 11th, 1999.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Myers.

SENATOR MYERS:

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

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Myers moves to approve the Journals just read. There being no objection, it is so ordered. Senator Myers.

SENATOR MYERS:

Mr. President, I move that reading and approval of the Journals of Wednesday, May 12th; Thursday, May 13th; and Friday, May 14th, in the year 1999, be postponed, pending arrival of the printed Journals.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Myers moves to postpone the reading and approval of the Journals, pending arrival in the -- of the printed

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transcripts. There being no objection, it is so ordered.
Resolutions.

SECRETARY HARRY:

Senate Resolutions 134 and 135, both offered by Senator Karpel.

They're both substantive, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

...Chair would remind the Members to file motions with regard to concurrences as soon as possible. On page 13 of your Calendars, Concurrences, Senate Bills. Senator Rauschenberger, on 168, do you move to nonconcur? Senator Rauschenberger, do you want to move to nonconcur on Senate Bill 168? Read the motion, Mr. Secretary.

SECRETARY HARRY:

I move to nonconcur with the House in the adoption of their Amendment No. 1 to Senate Bill 168.

The motion, by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger moves to nonconcur in House Amendment No. 1 to Senate Bill 168. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. ...Rauschenberger, on 321? Senate Bill 321? Read the motion, Mr. Secretary.

SECRETARY HARRY:

...move to nonconcur with the House in the adoption of their Amendment No. 1 to Senate Bill 321.

The motion, by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger moves to nonconcur in House Amendment No. 1 to Senate Bill 321. Those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. Senator Dudycz, on 1014, do you wish to

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nonconcur? Read the motion, Mr. Secretary.

SECRETARY HARRY:

I move to nonconcur with the House in the adoption of their Amendment No. 1 to Senate Bill 1014.

The motion, by Senator Dudycz.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz moves to nonconcur with House Amendment No. 1 on Senate Bill 1014. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. Senator Sullivan, on 1088, do you wish to nonconcur? Senator Sullivan? Senator Sullivan, do you wish to nonconcur on Senate Bill 1088? Read the motion, Mr. Secretary.

SECRETARY HARRY:

I move to nonconcur with the House in the adoption of their Amendment No. 1 to Senate Bill 1088.

The motion, by Senator Sullivan.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Sullivan moves to nonconcur in House Amendment No. 1 to Senate Bill 1088. All those in favor, signify by saying Aye. Opposed, Nay. The motion carries, and the Secretary shall so inform the House. Senator Watson, on Senate Bill 53, do you wish to nonconcur? Senator Cullerton. Senator Cullerton. Read the motion, Mr. Secretary.

SECRETARY HARRY:

I move to nonconcur with the House in the adoption of their Amendment No. 1 to Senate Bill 242.

The motion of Senator Cullerton.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton moves to nonconcur in House Amendment No. 1 to Senate Bill 242. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. On Senate Bill 171, Mr. Secretary, read the

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motion.

SECRETARY HARRY:

I move to nonconcur with the House in the adoption of their Amendment No. 1 to Senate Bill 171.

The motion of Senator Klemm.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm moves to nonconcur in House Amendment No. 1 to Senate Bill 171. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. For what purpose Senator Demuzio arise?

SENATOR DEMUZIO:

Well, thank you, Mr. President. Here at 5:18 in the evening, on this wonderful day in May, May the 17th, we have history in the making, not because we are here. One of our House Members just turned fifty years of age today, Representative Tom Ryder, who's standing behind me, and I'm sure he's embarrassed, and didn't want anybody to know, but I want to say, happy -- happy fiftieth birthday to him today.

PRESIDING OFFICER: (SENATOR WEAVER)

Happy birthday. It's 4:15, Senator Demuzio. For what purpose does Senator Wendell Jones arise?

SENATOR W. JONES:

Mr. President, Members of the Senate, a point of personal privilege.

PRESIDING OFFICER: (SENATOR WEAVER)

State your point.

SENATOR W. JONES:

I have five people in the audience I'd like to introduce, in the President's Gallery. I'd like to introduce Marion and George Lingel - George is the business manager in District 15 in Palatine; Donna Baiocchi, who is Chairman of ED-RED; and my brother and his wife, Norm and Pat Jones.

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PRESIDING OFFICER: (SENATOR WEAVER)

Welcome to Springfield. On Senate Bill 73, Senator Sieben, do you wish that acted on? Read the motion, Mr. Secretary.

SECRETARY HARRY:

I move to nonconcur with the House in the adoption of their Amendment No. 1 to Senate Bill 73.

The motion filed by Senator Sieben.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Sieben moves to nonconcur in House Amendment No. 1 to Senate Bill 73. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. On Senate Bill 965, Mr. Secretary, do you have a motion? 965.

SECRETARY HARRY:

I move to nonconcur with the House in the adoption of their Amendment No. 1 to Senate Bill 965.

The motion of Senator Syverson.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Syverson moves to nonconcur in House Amendment No. 1 to Senate Bill 965. All those in favor, signify by saying Aye. Opposed, Nay. The motion carries, and the Secretary shall so inform the House. For what purpose Senator Shaw arise?

SENATOR SHAW:

A -- thank you, Mr. President. A point of inquiry of the Chair. Would you check that Jones family and see if they are any relatives to our Minority Leader, Senator Emil Jones?

PRESIDING OFFICER: (SENATOR WEAVER)

They're just cousins.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Chair would remind the Members to file motions with regards to concurrences as soon as possible. As you know, we are scheduled to adjourn this coming Friday. We'd like to have the paper flow

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so we can file the motions and -- and conclude our business on time. Turn your attention to the top of page 15, in the Order of Secretary's Desk, Concurrence on Senate Bill, is Senate Bill 441. Senator Cronin. Mr. Secretary, read the motion:

SECRETARY HARRY:

I move to nonconcur with the House in the adoption of their Amendments 1, 2 and 3 to Senate Bill 441.

The motion, by Senator Cronin.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin moves to nonconcur in House Amendments No. 1, 2 and 3 to Senate Bill 441. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. For the information of the Membership, we will be going to final action on Motions to Concur. Will Senators Dillard, Fawell, Radogno and Sieben be prepared? We will be going to Secretary's Desk, Concurrence, on Motions to Concur with House Amendments on -- we will begin in the middle of page 15. The middle of page 15, in the Order of -- in the Order of Secretary's Desk, Concurrence in Senate Bills, is Senate Bill 541. Senator Dillard. Out of the record. Middle of page 16, in the Order of Secretary's Desk, Concurrence, Senate Bills, with a Motion to Concur with House Amendments on Senate Bill 734. Senator Fawell. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 734.

Offered by Senator Fawell.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is merely clarifying language for the amendment. I'll be glad to answer any questions.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? This is final action, Ladies and Gentlemen. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 734. All those in favor will vote Aye. 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 58 Ayes, no Nays, none voting Present. And the Senate does concur in House Amendment No. 1 to Senate Bill 734, and the bill, having received the required constitutional majority, is declared passed. In the middle of page 19, in the Order of Secretary's Desk, Concurrence on Senate Bills, is Senate Bill 1107. Senator Radogno. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1107.

Filed by Senator Radogno.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President. This amendment deletes the effective date on this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any -- is there any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Maybe the sponsor would just give a brief explanation of what the bill, as it left this Chamber, did so that the Members would understand the effect of the amendment.

PRESIDING OFFICER: (SENATOR DUDYCZ)

A good -- good suggestion, Senator Hawkinson. Senator Radogno.

SENATOR RADOGNO:

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Thank you. This was an administration bill. It simply clarified that individuals over -- only individuals over eighteen who are entering a nursing home facility must be prescreened.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1107. All those in favor will vote Aye. 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 57 Ayes, no Nays, none voting Present. And the Senate does concur in House Amendment No. 1 to Senate Bill 1107, and the bill, having received the required constitutional majority, is declared passed. On the top of page 20, in the Order of Secretary's Desk, Concurrence on Senate Bills, is Senate Bill 1183. Senator Sieben. Madam Secretary, read the motion, please.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1183.

Filed by Senator Sieben.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sieben.

SENATOR SIEBEN:

Thank you very much, Mr. President. This is the legislation initiative through the Attorney General's Office to codify the tobacco settlement. This puts into place the requirements of that lawsuit that will bring 9.1 billion dollars to the State of Illinois over the -- over the next twenty-five years. In the final analysis, once it got to the House and everybody proofread it, they found, I think, about three or four very technical, minor corrections that needed to be in there to satisfy the attorneys for the tobacco industry. I know of no objection, and I ask for

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an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Welch. Patrick Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Welch.

SENATOR WELCH:

Senator Sieben, my analysis says that the bill establishes a new tax on tobacco product manufacturers who choose not to participate in the Master Settlement Agreement. Are we imposing a new tax here on -- on individuals, and if so, what is it?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sieben.

SENATOR SIEBEN:

Certainly, we're not with the amendment. Just -- we're just doing the technical corrections necessary in the bill. The underlying bill that left the Senate did -- the underlying bill that left the Senate did have some provisions for a company that chose not to participate in the Settlement Agreement. And they were put in there, it's my understanding, to act as a -- a very strong incentive for each of the tobacco companies to participate in this Settlement Agreement. But that -- that was in the underlying bill that we voted on some time ago.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Cullerton.

SENATOR CULLERTON:

Senator, in this bill do we say anything at all about the

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legal fees that are to be paid to the law firms that represented the State of Illinois or the County of Cook in the lawsuit?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sieben.

SENATOR SIEBEN:

No.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

If you know, could you tell me when those decisions and how those decisions as to legal fees are to be made?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sieben.

SENATOR SIEBEN:

Staff advises me that that's being handled by the Attorney General's Office.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Well, what if the Legislature disagreed with the Attorney General with regard to how much and to whom the legal fees should be paid -- not to whom, but rather how much legal fees should be paid? Would a statute like this have to be drafted in order to change that, or, if you know, is there some kind of arbitration that determines the amount of the legal fees?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sieben.

SENATOR SIEBEN:

I understand -- I understand your question. I -- I don't believe that is the -- the -- the fees and schedules are embodied in the underlying bill that deals with the settlement agreement, and I believe that issue would have to be discussed by the

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Attorney General, himself. And how they would handle legislatively or the appropriation process to -- to make those payments to the fees, I think that's another issue, not relevant to what, obviously, what the amendment's dealing with here. But your -- your -- your question is -- is pertinent, but I think it's a matter to be discussed with the Attorney General's Office.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Well, Senator, I just want -- I want to kind of put us all on notice that we should be very careful when we look at how much money is to be paid to the law firms with regard to this settlement, because I have heard that it's -- it's a -- it's a -- it's a fee that's to be paid based on a contingency basis, which is an enormous fee, which is not -- in any way related to the amount of work that was done on the case. And if there's anything in this statute, and you've assured me that that's not the case, but I want to be very clear on this, that there's nothing in this bill that we are at final passage on, which ratifies or authorizes those fees to be paid. I want to make real clear that that's the case, because this is very important.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sieben.

SENATOR SIEBEN:

Yes. That is correct. Your comments, Senator Cullerton, are correct, and I certainly share your concern about the size of the fees that will be paid for the work that was done to deal with this settlement. A point well made.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1183. All those in favor will vote Aye. Opposed will vote Nay. The voting

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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. And the Senate does concur in House Amendment No. 1 to Senate Bill 1183, and the bill, having received the required constitutional majority, is declared passed. ...leave, we will return back to the middle of page 15, in the Order of Secretary's Desk, Concurrence, House Bills, to -- excuse me, Senate Bills, to Senate Bill 541. Senator Dillard. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 541.

Filed by Senator Dillard.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. As this bill left this Chamber, and even as it was amended by the House, it's a bill dealing with hospital record retention and confidentiality of those records and, in limited instances, where the information can be disclosed. It's an initiative of the Illinois Hospital Association and codifies recommendations by the American Hospital Association for holding on to records. The House of Representatives added one technical amendment, and that just says that any person who, in good faith, somehow inadvertently gives out these records, there is no type of civil or criminal liability. So the House amendment is technical in nature, and I think this bill is noncontroversial.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 541. All those in favor will vote Aye. Opposed will vote Nay. The voting

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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 57 Ayes, no Nays, none voting Present, and the Senate does concur in House Amendment No. 1 to Senate Bill 541. And the bill, having received the required constitutional majority, is declared passed. Committee Reports.

ACTING SECRETARY HAWKER:

Senator Weaver, Chairman of the Committee on Rules, reports that the following Legislative Measures have been assigned: Refer to Commerce and Industry Committee - Motion to Concur with House Amendment No. 1 to Senate Bill 79; refer to Education Committee - Motion to Concur with House Amendments 1 and 2 to Senate Bill 648; refer to Environment and Energy Committee - Motion to Concur with House Amendment No. 1 to Senate Bill 496; refer to Insurance and Pensions Committee - Motion to Concur with House Amendment No. 1 to Senate Bill 778; refer to Judiciary Committee - Motions to Concur with House Amendment No. 1 to Senate Bill 749, House Amendments 1, 2, 3 and 4 to Senate Bill 849, and House Amendment No. 2 to Senate Bill 1112; refer to Licensed Activities Committee - Motion to Concur with House Amendment No. 2 to Senate Bill 287; refer to Local Government Committee - Motion to Concur with House Amendment No. 1 to Senate Bill 958; refer to Public Health and Welfare Committee - Motion to Concur with House Amendment No. 1 to Senate Bill 458; refer to Revenue Committee - Motion to Concur with House Amendments 1, 2, 3 and 4 to Senate Bill 1118; refer to State Government Operations Committee - Motion to Concur with House Amendment No. 1 to Senate Bill 567; refer to Transportation Committee - Motions to Concur with House Amendments 1 and 2 to Senate Bill 203, and House Amendment No. 1 to Senate Bill 737; and Be Approved for Consideration - Motions to -- Motions to Concur with House Amendment No. 1 to Senate Bill 746, and House Amendment No. 1 to Senate Bill 1115.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

For the information of the Membership, tomorrow morning, at 9 o'clock, committees are scheduled to meet. If you wish to learn of your specific committee meeting, go before the -- the bulletin board in front of the Senate Chamber. Listed on the bulletin board will be all the committee schedules, what time your committee will be meeting. But they will be beginning at 9 o'clock tomorrow morning. Committees' meeting times have not been posted, but they will be posted shortly, and before you leave the Chamber -- or, as you leave the Chamber this afternoon, stop by the front of the -- the bulletin board and your committee assignments will be posted. Ladies and Gentlemen, due to the fact that JCAR is meeting tomorrow morning at 9, committees will begin at 10 o'clock tomorrow morning instead of 9 o'clock. JCAR at 9. Committees begin at 10. Please check the front bulletin board for the time schedule of your committees. Is there any further business to come before the Senate? If not, Senator Noland moves that the Senate stands adjourned until the hour of 12:30 p.m., Tuesday, May 18th.

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