

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

100th Legislative Day

May 5, 1998

PRESIDENT PHILIP:

The regular Session of the 90th General Assembly will please 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 the Reverend Daryl Fansler, United Methodist Church, Petersburg, Illinois. Reverend Fansler.

THE REVEREND DARYL FANSLER:

(Prayer by the Reverend Daryl Fansler)

PRESIDENT PHILIP:

Please remain standing for the Pledge of Allegiance. Senator Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

Reading of the Journal. Senator Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journal of Monday, May 4th, in the year 1998, be postponed, pending arrival of the printed Journal.

PRESIDENT PHILIP:

Senator Butler moves to postpone the reading and the approval of the Journal, pending the arrival of the printed transcript. There being no objections, so ordered. Committee Reports.

SECRETARY HARRY:

Senator Rauschenberger, Chair of the Committee on Appropriations, reports House Bill 2091 Do Pass.

Senator Burzynski, Chair of the Committee on Licensed Activities, reports House Bills 349, 2391, 2818, 3383, 3494 and 3710 Do Pass; and House Bill 2589 Do Pass, as Amended.

Senator Hawkinson, Chair of the Committee on Judiciary, reports House Bills 1368, 3170, 3280 and 3652 Do Pass; and House Bills 2257, 2367, 2400, 2446 and 2899 Do Pass, as Amended.

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Senator Fawell, Chair of the Committee on Transportation, reports House Bills 2295, 2466, 3292 and 3612 Do Pass; and House Bills 3374 and 3415 Do Pass, as Amended.

And Senator Cronin, Chair of the Committee on Education, reports House Bills 2493 and 2614 Do Pass; House Bills 2560, 2565, 2802, 2844 and 3749 Do Pass, as Amended; and Senate Joint Resolution 61 Be Adopted, as Amended.

PRESIDENT PHILIP:

Resolutions.

SECRETARY HARRY:

Senate Resolutions 203 and 204, both offered by Senator Demuzio.

They're both death resolutions, Mr. President.

PRESIDENT PHILIP:

Consent Calendar. House Bills 1st Reading.

SECRETARY HARRY:

House Bill 688, offered by Senator Myers.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDENT PHILIP:

Senator Walsh, for what purpose do you rise?

SENATOR L. WALSH:

Point of personal privilege, Mr. President.

PRESIDENT PHILIP:

State your point.

SENATOR L. WALSH:

Mr. President and my colleagues, it's an honor to have individuals from my district with us today. Trip to Springfield. In the President's Gallery behind us, retired Lieutenant Colonel William Miller and his wife, Loretta, and his daughter, Debbie, are with us, and Debbie's three children, Deacon, Tess and Evan, who are serving as Honorary Pages for the Day. I would like to

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have them join us. And welcome them to Springfield.

PRESIDENT PHILIP:

If they'd please rise and be recognized by the Senate. Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

Mr. President, on a point of personal privilege. I feel very honored today to have two of my constituents here from Antioch, Illinois. The father is John Q. Haley, who's a great businessman in our community. And he's sitting up in the President's Gallery. I would like you to welcome him, and his son, Pat, is our Honorary Page today. And Patrick is in the back.

PRESIDENT PHILIP:

If they'd please rise and be recognized by the Senate. In the middle of page 6, House Bills 2nd Reading. House Bill 1612. Senator Parker. Take it out of the record, Mr. Secretary. House Bill 2503. Senator Karpziel. Senator Karpziel? Take it out of the record. House Bill 2700. Senator Dillard. Take it out of the record, Mr. Secretary. House Bill 3162. Senator Dillard. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 3162.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Judiciary adopted Amendment No. 1.

PRESIDENT PHILIP:

Have there been any other Floor amendments that have been approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. House Bill 3254. Senator Tom Walsh. Senator Walsh. Take it out of the record, Mr. Secretary. House Bill

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3279. Senator Karpiel. Senator Karpiel. Take it out of the record, Mr. Secretary. Now, the Order of House Bills 3rd Reading. Page 4, about the middle of the page. House Bill 1151. Senator Cullerton. Senator Cullerton. Take it out of the record, Mr. Secretary. House Bill 1217. Senator Sieben. Senator Sieben. Take it out of the record, Mr. Secretary. House Bill 1422. Senator Hawkinson. Take it out of the record, Mr. Secretary. House Bill 1640. Senator Cronin. Senator Cronin. Take -- take it out of the record, Mr. Secretary. House Bill 1685. Senator Cronin. Take -- take it out of the record, Mr. Secretary. House Bill 2306. Senator Mahar. Senator Mahar. Take it out of the record. House Bill 2326. Senator Molaro. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2326.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President and Members. Currently, there -- currently, there is a law that you cannot give out information about foster parents. So you cannot go out there and give out where they live or what they do. DCFS cannot do that, nor can anybody who has that information release that information. That is against the law. Well, apparently, a couple people did this, and when we looked at the law, there was really no penalty. And what this bill does, it makes it a Class A misdemeanor to give out this confidential information. And basically what it was, is there was a disgruntled parent that found out information, and when DCFS, as well as the foster parents, decided it wasn't time for him to have his children back, he went and gave out all -- all

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this information out, in violation of the law. So all this does is make what's already the law; it puts in a penalty to divulge this already important confidential information. Thank you.

PRESIDENT PHILIP:

Any further discussions? Any further discussions? Senator Molaro, to close.

SENATOR MOLARO:

I'd ask for a favorable roll call. Thank you, Mr. President.

PRESIDENT PHILIP:

All right. The question is, shall House Bill 2326 pass. Those in favor will signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the -- take the record. On the question, there are 55 Ayes, no Nays. The bill, having received the constitutional -- required constitutional majority, is declared passed. House Bill 2370. Senator Parker. Take it out of the record. House Bill 2411. Senator Mahar. Senator Mahar. Take it out of the record. House Bill 2729. Senator Weaver. Senator Weaver. Take it out of the record, Mr. Secretary. House Bill 2887. Senator Karpel. Senator Karpel. Take it out of the record, Mr. Secretary. House Bill 3000. Senator Hawkinson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 3000.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. House Bill 3000, as amended in the Senate, is simply a vehicle bill. It's designed to accommodate the eventual agreement on corrections reform. Those meetings are

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currently going on, and we want to have this bill available in case agreement is reached. I would ask for a favorable vote.

PRESIDENT PHILIP:

Any questions? And discussions? If not, the question is, shall House Bill 3000 pass. All those in favor will signify by saying Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question: 57 Ayes, no Nays. House Bill 3000, having received the required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR DONAHUE)

House Bill 3048. Senator Shaw. Senator Shaw. Out of the record. Senator Luechtefeld, on House Bill 3129? Out of the record. Senator Hawkinson, on Senate Bill -- or, House Bill 3248. Senate -- read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 3248.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. House Bill 3248 creates a new license plate category. It will be a "Mammograms Saves Lives" license plate, on behalf of the Susan G. Komen Foundation. This Saturday, in Peoria, Illinois, will be the annual Race for the Cure. Over twenty thousand women, ladies and girls will be walking for breast cancer research in Peoria. The idea behind this bill is that we'll sell enough of 'em to raise some money to further the great cause of breast cancer research. There are other efforts, other bills also in the pipeline dealing with this, but the Susan G. Komen Foundation is a real pioneer and leading

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the effort. Very important in central Illinois, the Quad Cities, Decatur, Peoria. And I would ask for passage of House Bill 3248.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Shadid.

SENATOR SHADID:

Yes. Thank you, Madam Chairman. I just rise in support of this legislation. It's a very good piece of legislation and well-deserved and well -- and needed very badly. So I rise in support, and ask you to support it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Is there further discussion? Seeing none, the question is, shall House Bill 3248 pass. 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 55 Ayes, no Nays, none voting Present. House Bill 3248, having received the required constitutional majority, is declared passed. Senator Mahar, on House Bill 3256. Out of the record. Senator Butler, on House Bill 3257. Out of the record. Senator Lauzen, on House Bill 3463. Senator Lauzen. Out of the record. Senator Maitland, on House Bill 3481. Out of the record. Senator Cronin, on House Bill 3484. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 3484.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin.

SENATOR CRONIN:

Thank you, Madam President. House Bill 3484 does three things, essentially. Number one, it revises the makeup of the Advisory Council on the Education of Children with Disabilities.

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Number two, it equalizes the reimbursement rates for the educational costs of children with and without disabilities from orphanages and children's homes. And three, it provides that the reimbursement rate for the educational costs of special ed students who are wards of the State or are living in orphanages and children's homes shall be the same, whether the students are placed in public, private or out-of-state facilities. I know of no opposition to the bill. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall House Bill 3484 pass. 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 57 Ayes, no Nays, none voting Present. House Bill 3484, having received the required constitutional majority, is declared passed. Senator O'Malley, on House Bill 3500. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 3500.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President. Ladies and Gentlemen of the Senate, House Bill 3500 reauthorizes the provisions of the Truth-in-Sentencing bill which was struck by the Fourth District Appellate Court. It -- approximately fifteen hundred inmates are currently affected, including nearly three hundred murderers, who still have their sentence -- who will have their sentence cut in the absence of this legislation. I'd be happy to answer any

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questions there may have. I think we're all familiar with truth-in-sentencing, but again, I'm -- I'm prepared to answer questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there any discussion? Seeing none, the question is, shall House Bill 3500 pass. 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 56 Ayes, no Nays, none voting Present. House Bill 3500, having received the required constitutional majority, is declared passed. Senator Burzynski, on House Bill 3631. Senator Burzynski? House Bill -- out of the record. Senator O'Malley, on House Bill 3790. Out of the record. Senate -- Senator Fitzgerald. House Bill 3793. Out of the record. Senator Shadid. Senator Shadid, on House Bill 3843. Out of the record. Senator Dudycz, for what purpose do you rise?

SENATOR DUDYCZ:

Thank you, Madam President. A point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR DUDYCZ:

Ladies and Gentlemen, today marks a milestone in the life of one of our colleagues. He may not only be one of the oldest Members of the Senate, he is also one of the tallest. Senator Dick Klemm is celebrating his -- I'm not sure if I'm reading it right. It's either ninety-ninth or sixty-sixth birthday today. But whichever one it is, happy birthday, Senator Klemm. And there's a cake up front for all Members and staff to partake. And happy birthday, Senator Klemm.

PRESIDING OFFICER: (SENATOR DONAHUE)

Happy birthday, Senator. Senator Geo, for what -- Geo-Karis,

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for what purpose do you rise?

SENATOR GEO-KARIS:

Thank you, Madam President and Ladies and Gentlemen of the Senate. In the President's Gallery, and to the right, is one of our distinguished Mayors of Lake County, Mayor Tom Adams, from Green Oaks, whose State Senator is Senator Terry Link. And we welcome Tom Adams.

PRESIDING OFFICER: (SENATOR DONAHUE)

Will you please rise and be recognized by the Illinois Senate? Welcome to Springfield. On page 10 of your Calendar, we will be going to the Order to Accept Specific Recommendations of Change. On Senate Bill 363, Senator Hawkinson. Mr. Secretary, read the motion.

SECRETARY HARRY:

I move to accept the specific recommendations of the Governor as to Senate Bill 363, in manner and form as follows:

Amendment to Senate Bill 363.

The motion filed by Senator Hawkinson.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. I would move to accept the Governor's recommended changes on Senate Bill 363. They are primarily technical changes conforming the bill to the intent of the sponsors in the first place. But a couple of them I would bring to the Body's attention because we had debate on them on the original passage of Senate Bill 363. One of the issues that was raised - it might have been by Senator Molaro; I am not certain - was the -- the issue of technical violations...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson, just a second, please. I'm going to have to ask the staff, Senators to be in your seat. Take your

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discussions off the Floor. Senator Hawkinson.

SENATOR HAWKINSON:

One of the items in Senate Bill 363, our reform of the juvenile justice system, dealt with extended jurisdiction for the juvenile court, the system by which certain felony offenders would have a juvenile sentence imposed, and then, if they failed to meet the conditions of their probation, an adult sentence that would be simultaneously imposed would -- would then be imposed by the court. There was questions that arose as to whether technical violations of probation, such as an inadvertent failure to appear for a meeting with a probation officer, would automatically cause the revocation of that juvenile probation. The Governor has clarified that so that where there are non-willful or technical violations of a probation, the court will have discretion and need not impose that adult sentence. It would still be imposed upon conviction of a later crime. But for those technical violations, there would -- the judge would still have discretion. And that was clarified in the bill. Also in the bill, there were several instances where best interests of the child were left in, and those changes are clarified by this bill. I'd be happy to answer any questions. This will be final passage of the Juvenile Justice Reform Act. It's very important legislation. If there are questions about the original bill that Members want me to reiterate, I'd be happy to do that as well.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Obama. Please keep your conversations down, please, and listen to the discussion. Senator Obama.

SENATOR OBAMA:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Obama.

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SENATOR OBAMA:

I just want to make a few brief comments about this legislation. I do think, actually, that the Governor's suggestions are sound ones, and -- and will be supporting the bill. I did want to mention that Senator Hawkinson, along with Senator Rauschenberger and Senator Trotter, have been very diligent in working on an issue that I was concerned about at the time of original passage, and that was the issue of funding for some of the prevention issues that are going to be raised by this. We're -- we're currently in the process of negotiating on those issues. I think we'll have some more information for Members in the upcoming weeks. And I just wanted to thank Senator Hawkinson, Senator Rauschenberger, Senator Trotter, for working on those issues, and I'm glad to support this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Collins.

SENATOR COLLINS:

Thank you, Madam President. I, too, rise in support of the Governor's recommendation to this bill. He did, in fact, make the bill better with those recommendations. And I hope that with the Governor's recommendations, as well, that we are going to move forward on providing the necessary funding so that we can accomplish the original intent in this legislation. So I will also vote in the affirmative, and would hope that the Members on this side of the aisle all would support this initiative.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Hendon.

SENATOR HENDON:

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Senator Hawkinson, are there any prevention dollars for the -- to fund the prevention programs in this legislation?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

This is not an appropriations bill, Senator. The answer's no.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hendon.

SENATOR HENDON:

I've seen some other legislation come through this Chamber, especially recently, that were not appropriations legislation per se, but they still had some funding apparatus in there. In fact, I remember Senator Rauschenberger, the Chairman of Appropriations objecting to that. So why didn't we take that additional step and include some funding in -- in -- in this piece of legislation?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

As I spoke with the Governor when we were working on the amendatory veto, we need dollars, Senator - Senator? - we need dollars for prevention whether we have this bill or not. And I have been meeting with Senator Obama. We're going to meet with Senator Trotter. We're scheduling meetings for next week, for all Senators, to try and educate the Members so that we can push for prevention dollars in the budget that we're going to be voting on in a couple weeks. I made that pledge when we had this bill the first time, and I'm continuing to diligently work for prevention dollars, as well as probation dollars and detention dollars.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hendon.

SENATOR HENDON:

Oh. In conclusion, Madam President, let me say that while I,

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certainly in my six years of being in this Chamber, find Senator Hawkinson to be clearly one of the most honorable and decent gentlemen in this Chamber, and while I have confidence in Senator Obama and Senator Trotter, I must say that I am going to reluctantly vote Yes for this legislation, because without the prevention dollars, we're just playing games with -- with the children. And this legislation, while it may be what we need to do and quite worthy and well-drafted, does not have any money in there to keep these children from going to the penitentiary in the first place, and -- and, therefore, that is my reluctance. But I will vote for it, hoping that the commitments that you made are kept. I know they'll be attempted to be kept on your part, but that other Members of the Chamber will support the necessary appropriations. Thank...

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Madam President. I just wanted to note that we don't have this veto analysis on our computers. At least, I couldn't find it. So I was just looking for that.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Is there further discussion? Seeing none, Senator Hawkinson, to close.

SENATOR HAWKINSON:

Well, I'm certainly willing to take it out of the record, or postpone, while Senator Burzynski gets his analysis, if he would like. All right. Senator Karpel says it's on her screen. So with that, I would ask that we vote in the affirmative and pass Senate Bill 363, with the Governor's recommendations for change.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson has moved to accept the specific recommendations of the Governor as to Senate Bill 363, in the

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manner and form just stated by Senator Hawkinson. Those in favor will vote Aye. Those opposed will vote 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 57 Ayes, no Nays, none voting Present. The specific recommendations of the Governor as to Senate Bill 363, having received the required constitutional majority of Senators elected, is declared passed. Resolutions.

SECRETARY HARRY:

Senate Resolution 205, offered by Senators Fawell, Philip and others.

It's a death resolution, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Consent Calendar. Is there any further business to come before the Senate? Is there any further business? Seeing none, Senator Bomke moves that the Senate stand adjourned until 1 o'clock - 1 o'clock - on Wednesday, May 6th. The Senate stands adjourned.

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