

STATE OF ILLINOIS
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PRESIDENT ROCK:

The hour of nine having arrived, the Senate will please come to order. Will the Members be at their desks. Will our guests in the gallery please rise. Prayer this morning by the Reverend Frank J. O'Hara, SS. Peter and Paul Catholic Church, Springfield, Illinois. Father.

FATHER FRANK J. O'HARA:

(Prayer by Father Frank J. O'Hara)

PRESIDENT ROCK:

Thank you, Father. Reading of the Journal, Madam Secretary. Senator Hall.

SENATOR HALL:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I move that reading and approval of the Journals of Tuesday, June 16th; Wednesday, June 17th; and Thursday, June 18th, in the year 1992, be postponed, pending arrival of the printed Journals.

PRESIDENT ROCK:

You've heard the motion as placed by Senator Hall. Is there any discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and it is so ordered. Resolutions.

SECRETARY HAWKER:

Senate Resolution 1425 offered by Senator Dudycz.
It is congratulatory.

PRESIDENT ROCK:

All right. With leave of the Body, we'll add that to the Consent Calendar. Messages from the House.

SECRETARY HAWKER:

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

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concurrence of the Senate, to wit:

House Joint Resolution 153.

Adopted by the House, June 18, 1992. It is congratulatory.

PRESIDENT ROCK:

Consent Calendar.

SECRETARY HAWKER:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 1554 with House Amendment 1.

Passed the House, as amended, June 18, 1992.

I have like Messages on:

Senate Bill 1750 with House Amendments 1 and 2;

Senate Bill 1754 with House Amendment 1;

Senate Bill 1771 with House Amendment 1;

Senate Bill 1923 with House Amendment 1;

Senate Bill 1979 with House Amendment 1;

And Senate Bill 2200 with House Amendment 1.

PRESIDENT ROCK:

Secretary's Desk, Concurrence. All right. Ladies and Gentlemen, we are going to move to the Order of House Bills 2nd Reading. The plan of attack as we approach the year-end deadline is that we will, on Monday, return to Springfield at the hour of two o'clock, and deal with the appropriation bills and whatever amendments the Members feel they wish to offer. So today we will deal with the substantive bills, House Bills on 2nd Reading. And any Member who has a bill they wish to recall, please let the Secretary know. We'll deal with Recalls before we leave. So we can finish our work, I'm sure, in a couple of hours or less. I direct your attention to page 20 on the Calendar. Page 20. Middle of page 20, House Bills on 2nd Reading. 1129. Senator

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Leverenz. 1181. Senator Woodyard. We're in the middle of page 20. 1495. Senator Leverenz. 1680. Senator Palmer. Top of page 21. 1852. Senator Geo-Karis. Hello. Senator Geo-Karis, yesterday you yelled at me cause I ignored you. I'm not ignoring you. You're at the top of page 21. Are we sure?

SENATOR GEO-KARIS:

Mr. President?

PRESIDENT ROCK:

Yes. Senator Geo-Karis.

SENATOR GEO-KARIS:

Before I go on my bill, this is a matter of personal privilege: I'd like to alert everyone that remarks and -- made that I had already been gone -- I would not say that -- as Mark Twain said, that the remarks about my demise have been overly exaggerated. I am very much alive, I hope, today.

PRESIDENT ROCK:

My advice to you and to everybody is, always ignore what's in the paper. Top of page 21. On the Order of House Bills 2nd Reading is House Bill 1852. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 1852.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Are there amendments from the Floor?

SECRETARY HAWKER:

Senator Geo-Karis offers Amendment No. 1.

PRESIDENT ROCK:

Senator Geo-Karis, on Amendment No. 1.

SENATOR GEO-KARIS:

Mr. President, I would like to table Amendment No. 1.

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PRESIDENT ROCK:

Well, we can withdraw it.

SENATOR GEO-KARIS:

Withdraw Amendment No. 1.

PRESIDENT ROCK:

All right. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 2467. Senator Hall. Madam Secretary, read the bill, please.

SECRETARY HAWKER:

House Bill 2467.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Are there amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDENT ROCK:

3rd Reading. 2677. Senator Hawkinson. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 2677.

(Secretary reads title of bill)

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

PRESIDENT ROCK:

Senator Hawkinson, on Committee Amendment No. 1.

SENATOR HAWKINSON:

Thank -- thank you, Mr. President. Committee Amendment No. 1 came as a result of suggestions of Senator Berman and several

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other committee members working with the Bar Association, and it deals with the limited circumstances under which the State can seek a three-day continuance in the pretrial detention hearing for the stalking offense. I would ask for the adoption of Committee Amendment No. 1.

PRESIDENT ROCK:

Senator Hawkinson has moved the adoption of Committee Amendment No. 1 to House Bill 2677. Is there any discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDENT ROCK:

Are there amendments from the Floor?

SECRETARY HAWKER:

Senator Hawkinson offers Amendment No. 2.

PRESIDENT ROCK:

Senator Hawkinson, on Amendment No. 2.

SENATOR HAWKINSON:

Thank -- thank you, Mr. President. This amendment has been worked on by several of our State's attorneys, together with Representative Homer's staff, Representative Daniels' staff, and our staff in the Senate. It cleans up language in the -- the offense itself. Requires a connection between the -- the threat that is made and the actions that are done in furtherance of the threat. It changes -- deletes some of the language in the aggravated stalking area, concerning the use of a weapon and sexual assault, because there are already more serious offenses that deal with the use of a weapon and sexual assault, and we didn't want to be inadvertently lowering any penalties. And it is general clean-up language. It also includes the language that was incorporated in Committee Amendment No. 1, suggested by Senator

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Berman and others. I believe with the adoption of this amendment, which has already been placed on Senate Bill 1555 in the House, that this bill will be in final shape. I would ask for the adoption of Floor Amendment No. 2.

PRESIDENT ROCK:

Senator Hawkinson has moved the adoption of Amendment No. 2 to House Bill 2677. Is there any discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Middle of page 21. 2697. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 2697.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDENT ROCK:

3rd Reading. Top of page 22. Page 22. 2711. Senator Marovitz. 2714. Senator Leverenz. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 2714.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

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SECRETARY HAWKER:

No Floor amendments.

PRESIDENT ROCK:

3rd Reading. 2737. Senator Leverenz. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 2737.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDENT ROCK:

3rd Reading. 2758. Senator Carroll. Middle of page 22, Ladies and Gentlemen. 2758. Senator Carroll. Read the bill, please.

SECRETARY HAWKER:

House Bill 2758.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDENT ROCK:

3rd Reading. 2767. Senator Dart. 2825. Senator Schaffer. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 2825.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

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PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDENT ROCK:

3rd Reading. Turn, if you will, please, to page 24 on the Calendar. Page 24. Bottom of page 24. 2947. Senator Schaffer. Read the bill, please.

SECRETARY HAWKER:

House Bill 2947.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDENT ROCK:

3rd Reading. 2949. Senator Schaffer. Top of page 25. 2950. Senator Schaffer. Read the the bill, Madam Secretary, please. 2950. Ladies and Gentlemen, we're at the top of page 25.

SECRETARY HAWKER:

House Bill 2950.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Schaffer offers Amendment No. 1.

PRESIDENT ROCK:

Senator Demuzio, for what purpose do you arise?

SENATOR DEMUZIO:

Mr. President, it's my understanding that there were a number

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of amendments that were just filed to this bill. We just now got copies of them. We would wonder whether or not -- before we really actually got started on this particular bill, since our staff has some concerns about it, whether or not we might take a look at this and have leave to come back to it a little later.

PRESIDENT ROCK:

We can get back to it in an hour or so. All right. Take it out of the record. We'll get -- with leave of the Body, we'll get back to that bill before we conclude our business. 2954. Senator Cullerton. 2994. Senator Collins. 3005. Senator Cullerton. On the Order of House Bills 2nd Reading, at the top of page 25, is House Bill 3005. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 3005.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Public Health, Welfare and Corrections offers Committee Amendment No. 1.

PRESIDENT ROCK:

Senator Cullerton, on Committee Amendment No. 1.

SENATOR CULLERTON:

Yes. This was adopted in committee. It represents a compromise between the clinical social workers and the Illinois Hospital Association, just clarifying the clinical social workers provision of the bill. I move for its adoption.

PRESIDENT ROCK:

Senator Cullerton has moved the adoption of Committee Amendment No. 1 to House Bill 3005. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HAWKER:

Committee Amendment No. 2.

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PRESIDENT ROCK:

Senator Cullerton, on Committee Amendment No. 2.

SENATOR CULLERTON:

I wish to table Committee Amendment No. 2.

PRESIDENT ROCK:

Gentleman has moved to table Committee Amendment No. 2 to House Bill 3005. Discussion on the Motion to Table? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and Amendment No. 2 is tabled. Are there further amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDENT ROCK:

Are there amendments from the Floor?

SECRETARY HAWKER:

Senator Cullerton offers Amendment No. 3.

PRESIDENT ROCK:

Senator Cullerton, Amendment No. 3.

SENATOR CULLERTON:

Yes. This amendment also is an agreed amendment, clarifying that the clinical social workers cannot conduct any medical diagnosis. And it was the request of the Illinois State Medical Society, and move for its adoption.

PRESIDENT ROCK:

Senator Cullerton has moved the adoption of Amendment No. 3 to House Bill 3005. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HAWKER:

Amendment No. 4 offered by Senator Cullerton.

PRESIDENT ROCK:

Senator Cullerton, on Amendment No. 4.

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SENATOR CULLERTON:

Yes. This amendment deals with the really only controversial issue that arose, and the -- the bill that passed out of the House represents a compromise with the Illinois Sheriffs' Association, dealing with the transportation of mentally ill patients, and I move for its adoption.

PRESIDENT ROCK:

Senator Cullerton's moved the adoption of Amendment No. 4 to House Bill 3005. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HAWKER:

Amendment No. 5 offered by Senator Cullerton.

PRESIDENT ROCK:

Senator Cullerton, on Amendment No. 5.

SENATOR CULLERTON:

Thank you, Mr. President. This amendment allows the Inspector General -- it says that the Inspector General is not permitted to subpoena union documents. This is a request of the AFSCME union, and I move for its adoption.

PRESIDENT ROCK:

Senator Cullerton's moved the adoption of Amendment No. 5 to House Bill 3005. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 3045. Senator Vadalabene. Madam Secretary, read the bill, please.

SECRETARY HAWKER:

House Bill 3045.

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(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Are there amendments from the Floor?

SECRETARY HAWKER:

Senators Vadalabene and Smith offer Amendment No. 1.

PRESIDENT ROCK:

Senator Keats, can I move you a little bit? Senator Vadalabene.

SENATOR VADALABENE:

Yes. Thank you, Mr. President and Members of the Senate. The amendment to No. 1 -- Floor amendment to House Bill 3045 is an agreement with Senator Topinka and Senator Raica and Chairman Margaret Smith of Public Health Committee for this amendment. It permits other forms of security for the funds of nursing homes -- residents in a nurse -- and -- what's that -- and secure surety bonds, and I move for its adoption.

PRESIDENT ROCK:

Senator Vadalabene has moved the adoption of Amendment No. 1 to House Bill 3045. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 3135. Senator Maitland. 3139. Senator Cullerton. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 3139.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

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Any amendments from the Floor?

SECRETARY HAWKER:

Senator Cullerton -- Senators Cullerton, Luft and Hawkinson offer Amendment No. 1.

PRESIDENT ROCK:

Senator Cullerton, on Amendment No. 1.

SENATOR CULLERTON:

Yes. Thank you, Mr. President. This amendment deals with the number of associate judges allowed in Cook County and in the 10th Judicial Circuit. Because of the loss in population, there would have to be, if this bill didn't pass, a loss in associate judges. This simply says that they are allowed to keep the same number of associate judges that they have right now. Move for its adoption.

PRESIDENT ROCK:

Gentleman's moved the adoption of Amendment No. 1 to House Bill 3139. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 3185. Senator Dart. Read the bill, Madam Secretary, please. 3185.

SECRETARY HAWKER:

House Bill -- House Bill 3185.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Are there amendments from the Floor?

SECRETARY HAWKER:

Senator Dart offers Amendment No. 1.

PRESIDENT ROCK:

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Senator Dart, on Amendment No. 1.

SENATOR DART:

Thank you, Mr. President. Amendment No. 1 merely would allow a court to require that the restitution be made out of the cash bond received prior to court costs being taken out of there, and I'd ask for its adoption.

PRESIDENT ROCK:

Senator Dart's moved the adoption of Amendment No. 1 to House Bill 3185. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Top of page 26. We're at the top of page 26. On the Order of House Bills 2nd Reading is House Bill 3187. Senator Jacobs. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 3187.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Are there amendments from the Floor?

SECRETARY HAWKER:

Senator Jacobs offers Amendment No. 1.

PRESIDENT ROCK:

Senator Jacobs, on Amendment No. 1.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment No. 1 strictly clarifies the bill and provides that an Illinois law enforcement officer may travel to an adjoining state where a person has been transported for medical care to compete --

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complete an investigation of a motor vehicle accident that occurred in Illinois, and it provides for standards for the withdrawal of a blood sample of that person. I know of no known opposition. Ask for your support.

PRESIDENT ROCK:

Gentleman has moved the adoption of Amendment No. 1 to House Bill 3187. Is there discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 3266. Senator Marovitz. 3288. Senator Dart. Read the bill, Madam Secretary, please. 3288. We're in the middle of page 26, Ladies and Gentlemen.

SECRETARY HAWKER:

House Bill 3288.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Dart offers Amendment No. 1.

PRESIDENT ROCK:

Senator Jacobs, can I -- yeah. Senator Dart.

SENATOR DART:

Thank you, Mr. President. Amendment No. 1 merely asks the pre-sentence reports in criminal matters involving sexual acts to be filed within thirty days of the -- the -- the filing of the judgment, and I'd ask for its adoption.

PRESIDENT ROCK:

Senator Dart's moved the adoption of Amendment No. 1 to House

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Bill 3288. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 3315. Senator Marovitz. 3374. Senator Cullerton. 3385. Senator Berman. 3394. Senator Cullerton. 3410. Senator Philip. With leave of the Body, Senator Weaver will handle that. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 3410.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Are there amendments from the Floor?

SECRETARY HAWKER:

Senator Philip offers Amendment No. 1.

PRESIDENT ROCK:

Senator Weaver, on behalf of Senator Philip, with Amendment No. 1.

SENATOR WEAVER:

Thank you, Mr. President. This amendment is patterned after Rule 68 of the Federal Rules of Civil Procedure, a rule which is designed to encourage reasonable settlements of disputes by penalizing parties that reject reasonable settlement offers, and I'd move its adoption.

PRESIDENT ROCK:

Senator Weaver's moved the adoption of Amendment No. 1 to House Bill 3410. Discussion? If not -- Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. Question of the sponsor, if he'll

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yield.

PRESIDENT ROCK:

Indicates he will yield, Senator Dunn.

SENATOR T. DUNN:

Would the sponsor please tell me how many cases there have been in his district arising out of abuses -- alleged abuses of this?

PRESIDENT ROCK:

Senator Weaver.

SENATOR WEAVER:

Right now, I think there's probably over two hundred and fifty pending in the circuit court.

PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

You're -- you're telling me that in -- in your district, there are two hundred and fifty of these cases pending in your local courthouse over alleged fraud involving automobiles?

PRESIDENT ROCK:

Senator Weaver.

SENATOR WEAVER:

No. I think this would be Statewide, Senator Dunn.

PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. I would like to suggest to the Body that, in effect, what this bill does is -- is to put a chilling effect on the right of individuals to seek redress for wrongs involving automobiles, with dealers. And what this, in effect, does is to try to discourage attorneys from representing individuals who have had no success in their complaints with the particular automobile dealer involving a motor vehicle. And of

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course, if you take away the citizen's right to an attorney, he is then faced with prosecuting a case against a lawyer. So in essence is -- what you're doing, by taking away his ability to pay the attorney, you're taking away his attorney. He's left there pro se, and he's fighting a defense attorney who's going to beat him up, basically. What this bill also does is it basically denies the principle that when there is a fraud involved, that an individual is entitled to recover attorneys' fees. And that's because that when there's a fraud involved against a citizen, it's more than a negligent act. It's a deliberate attempt to take the money from the individual in some manner. And that's why attorneys' fees are awarded, to attempt to send a message to people who are going to defraud. Now I'm not suggesting that automobile dealers do this as a rule, because I personally know they don't. I represent a dealer as an attorney, and I know they do their damn best to treat people fairly. But there are people out there who do not. And to take away this ability of individuals to hire a lawyer is the wrong message to send.

PRESIDENT ROCK:

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I also stand in opposition. I think -- let -- let me first of all clarify a misprint in the letter that was distributed under my authorization, from the Illinois Trial Lawyers. In the second from last paragraph, there is a sentence that says, "Under the amendment to House Bill 3410, plaintiff would receive nothing." That is in error, and I want the record to reflect that. What it would be, as Senator Dunn has indicated, is that there would be no recovery for attorneys' fees or costs incurred after the date of offer. But let me tell you even a more basic problem with this. If you read the amendment, the offer of judgment is not a settlement. And I want to spell

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out what I'm talking about. In usual discussions and negotiations, if you come into a settlement discussion and you settle a case, the case is settled. There's an exchange of a release for a check. That's not what is offered in this amendment. The offer is an offer of judgment, which means that if the defendant has -- is of shaky financial status, or his insurance company is of shaky financial status, all that the plaintiff is getting here is not a cash settlement, but a judgment. Now if you want to talk about settlement, change that word "offer of judgment" to an "offer of settlement," and you've got yourself something that's worth talking about. Otherwise, you're exchanging a piece of paper, which may not have much value, to giving up the balance of a lawsuit. That's just not fair. Under this language in the amendment, I would have to stand and oppose it.

PRESIDENT ROCK:

Question is the adoption of Amendment No. 1. Further discussion? Senator Jacobs.

SENATOR JACOBS:

Yes. Thank you, Mr. President, Ladies and Gentlemen of the Senate. It's my understanding -- would the -- would the Senator yield for a question?

PRESIDENT ROCK:

Indicates he will yield, Senator Jacobs.

SENATOR JACOBS:

Senator, it's my understanding -- that whenever these negotiations start, usually the person who has been harmed will come to the dealer and will say, "I've got a problem." It's my understanding that the new car dealers have been very interested in trying to settle these issues. And the problem normally appears to be that whenever they try to settle them, the attorneys tell them, "No, don't settle them. Let's take this thing a little

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bit further." And then when they end up, all the money goes to the court -- I mean to -- to the attorney, rather than to the plaintiff. Is that pretty much the way you understand this procedure to work?

PRESIDENT ROCK:

Senator Weaver.

SENATOR WEAVER:

You're exactly right, Senator Jacobs.

PRESIDENT ROCK:

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. The lawyers on the Floor, I think, have addressed all the legal issues, but as Chair of the Consumer Affairs Committee, where this bill was presented as a -- as a vehicle, I have to say that I'm disappointed that this did not get a hearing. And I stand in opposition to this amendment, because I'm concerned that, with the growing number of people going to used car dealers and the growing number of people relying on dealers that many times are -- or in some cases are unscrupulous, we are limiting the rights of individuals here to pursue redress. So I stand in strong opposition to this amendment.

PRESIDENT ROCK:

Further discussion? Senator Weaver, you wish to close?

SENATOR WEAVER:

Well, thank you, Mr. President. Well, this concept is working very well in several states, and it's been affirmed by the U.S. Supreme Court. It's an effort to try to get reasonable settlement offers. If the settlement is rejected and the judgment ultimately obtained is less than the offer, then the party that rejected the offer may not be awarded attorney fees and costs incurred after the offer. That's -- that's what it does, and it's an effort to -- to resolve these disputes in an equitable manner. And I'd move

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adoption.

PRESIDENT ROCK:

Question is the adoption of Amendment No. 1. Senator Weaver has moved the adoption of Amendment No. 1 to House Bill 3410. Those in favor of the amendment will vote Aye. Opposed will vote 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 32 Ayes, 23 Nays, none voting Present. Amendment No. 1 is adopted. Are there further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 3437. Senator DeAngelis. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 3437.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDENT ROCK:

3rd Reading. 3445. Senator Berman. Bottom of page 26, Ladies and Gentlemen. Okay. Ladies and Gentlemen, I would ask the staff to please take their conferences off the Floor. We have a special guest, and the Chair will yield to Senator John Davidson for an introduction.

SENATOR DAVIDSON:

Thank you, Mr. President. Members of the Senate, it's my pleasure to present to you this morning the Chief of the Field

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Operations Bureau for the Federal Communications from Washington, D.C. - in other words, he's in charge of federal communications for United States - Richard Smith, on his first visit to Illinois. Richard, would you like to say a few words, please?

RICHARD SMITH:

(Remarks by Mr. Richard Smith)

SENATOR DAVIDSON:

Also, for those of you here in Illinois, a person who is important to us standing over - back of Senator Philip, is Joe Mooney, the Regional Director of Federal Communications for Illinois and the Midwest. Joe, please wave. Then, one of -- which all the males will -- will respond, and all you women can be jealous, but Jennifer Browning, who's Miss Illinois American Coed, will be competing for the title in Hawaii in July, who's from Springfield. Jennifer. Our loss, their gain. Particularly interested is Senator Luft, and to Senator Hawkinson, the new Executive Director of the Greater Peoria Economic Development Council, Bill Browning, as of August 31st. Bill, wherever you are. Thank you very much.

PRESIDENT ROCK:

Ladies and Gentlemen, we're at the top of page 27. On the Order of House Bills 2nd Reading. 3454. Senator Cullerton. Top of page 27. No. 3479. Senator Carroll. 3483. Senator Severns. 3493. Senator Marovitz. 3495. Senator Jacobs. Senator Jacobs, for what purpose do you arise?

SENATOR JACOBS:

Just a point of personal privilege. First, before we get to this bill, Mr. President, it has been brought to my attention that there is a young man in this Body that was not expected to live to be fifty-one years old. In fact, his mother had said, whenever he was born, she probably should have done something else with him but did not do it. But we would like to take this opportunity to

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wish Teddy Leverenz his happy fifty-first birthday. Happy birthday, Ted.

PRESIDENT ROCK:

Ted, happy birthday. Now you want your bill too? Holy smoke. On the Order of House Bills 2nd Reading, Ladies and Gentlemen - we're in -- the top of page 27 - is House Bill 3495. Read the bill, please.

SECRETARY HAWKER:

House Bill 3495.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Are there amendments from the Floor?

SECRETARY HAWKER:

Senator Madigan offers Amendment No. 1.

PRESIDENT ROCK:

Senator Madigan, on Amendment No. 1.

SENATOR MADIGAN:

Thank you, Mr. President and Members of the Senate. First of all, I want to thank Senator Jacobs for allowing me to offer this amendment to House Bill 3495. It's a very simple amendment. It just clarifies existing law to ensure that the fines collected are distributed in the manner originally intended by legislation passed last year. I'd be glad to answer any questions. I don't know of any opposition to this, and I would ask for its adoption.

PRESIDENT ROCK:

Senator Madigan's moved the adoption of Amendment No. 1 to House Bill 3495. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

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PRESIDENT ROCK:

3rd Reading. Page 30. If I can direct your attention to page 30, Ladies and Gentlemen. On the Order of House Bills 2nd Reading is House Bill 3587. Senator Cullerton. Yes. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3587.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Davidson offers Amendment No. 1.

PRESIDENT ROCK:

Senator Davidson, on Amendment No. 1.

SENATOR DAVIDSON:

Mr. President and Members of the Committee, this is agreed with the sponsor of the bill. What this adds to is the other of us who are taking care of the health services of the people of Illinois. It adds the automatic interest penalty coverage on services furnished by physicians under the Illinois Medical Practice Act - the podiatrists, optometrists and physical therapists. Move the adoption of committee -- excuse me -- Floor Amendment No. 1.

PRESIDENT ROCK:

Senator Davidson has moved the adoption of Amendment No. 1 to House Bill 3587. Discussion? Senator Welch.

SENATOR WELCH:

I had a question of the sponsor.

PRESIDENT ROCK:

Sponsor indicates he'll yield, Senator Welch.

SENATOR WELCH:

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Do you have an estimate what the cost would be for adding this amendment to this bill - how much this will add to the State deficit?

PRESIDENT ROCK:

Senator Davidson.

SENATOR DAVIDSON:

If the State of Illinois pays their bills on time within sixty days, there will be none. If they don't, it'll be someplace between ten and twelve million dollars. But as one of those providers, and as you have providers in your district of all the health services, particularly to Public Aid recipients or State employees, when they're running six, seven, eight months behind and they're making them pay up front, that's not fair. This will hopefully solve that.

PRESIDENT ROCK:

Further discussion? If not, Senator Davidson's moved the adoption of Amendment No. 1 to House Bill 3587. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 3605. Senator Welch. 3607. Senator Raica. 3633. Senator DeAngelis. We're in the middle of page 30. Read the bill. You don't wish to have that. Okay. Senator DeAngelis.

SENATOR DeANGELIS:

Yeah. If you'd like, I'd move it to 3rd. We're going to change sponsorship, and there's going to be an amendment coming in Tuesday. Whatever your choice is.

PRESIDENT ROCK:

Week from Tuesday will be fine, thank you. 3638. Senator Cullerton. 3674. Senator Luft. 3692. Senator DeAngelis. 3695.

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Senator Berman. 3707. Senator Schuneman. Which one do you want moved now? 3692. On the Order of House Bills 2nd Reading, the bottom of page 30, Ladies and Gentlemen, is House Bill 3692. Read the bill, please.

SECRETARY HAWKER:

House Bill 3692.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDENT ROCK:

3rd Reading. Middle of page 31. 3754. Senator Woodyard. 3807. Senator Berman. 3882. Senator Munizzi. 3884. Senator Cullerton. 3902. Senator Dudycz. Read the bill, Madam Secretary, please. On the Order of House Bills 2nd Reading, bottom of page 31, is House Bill 3902. Read the bill, please.

SECRETARY HAWKER:

House Bill 3902.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDENT ROCK:

3rd Reading. 3986. Senator Dart. Top of page 32. 4022. Senator Kelly. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 4022.

(Secretary reads title of bill)

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2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Berman offers Amendment No. 1.

PRESIDENT ROCK:

Senator Berman, on Amendment No. 1.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Floor amendment to House Bill 4022 calls on the State Board of Education to develop rules and regulations regarding corporal punishment in the schools. Be glad to respond to any questions. Ask for affirmative -- adoption.

PRESIDENT ROCK:

Gentleman has moved the adoption of Amendment No. 1 to House Bill 4022. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 4030. Senator Mahar. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 4030.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Are there amendments from the Floor?

SECRETARY HAWKER:

Senator Mahar offers Amendment No. 1.

PRESIDENT ROCK:

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Senator Mahar, on Amendment No. 1.

SENATOR MAHAR:

Thank you, Mr. President. If the LRB number ends in 04 on Amendment No. 1, I would seek to withdraw it.

PRESIDENT ROCK:

Amendment's been withdrawn, Madam Secretary. Further amendments?

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Mahar.

PRESIDENT ROCK:

Senator Mahar, on Amendment No. 1.

SENATOR MAHAR:

Thank you, Mr. President. Amendment No. 1 now becomes the bill. There's nothing in the previous bill which would be part of this amendment. The two new items that are added: the first is a technical correction, which is sought by the Legislative Reference Bureau. The second item is a proposal of the Illinois Criminal Justice Information Authority, the State Police and the Circuit Clerks' Association to remove a redundant reporting requirement of court dispositions to the State Police by the circuit clerks, and I would move its adoption.

PRESIDENT ROCK:

Gentleman has moved the adoption of Amendment No. 1 to House Bill 4030. Is there any discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 4037. Senator Karpziel. 4119. Senator Palmer. 4124. Senator Severns. 4160. Senator Severns. 4188. Senator Dart. All right. Ladies and Gentlemen, the Recall List is being

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distributed. The Secretary informs me there's been a late entry. Also at the bottom of the list, indicate 4168. 4168. We'll do the Recall List and then, as promised, we will move to page 40 on the Calendar and go to the Order of Motions in Writing, for those of you who have motions in writing. Messages from the House.

SECRETARY HAWKER:

A Message from the House by Mr. O'Brien, 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 148.

It is congratulatory.

And I have a like Message on House Joint Resolution 152.

PRESIDENT ROCK:

All right. With leave of the Body, we'll add those to the Consent Calendar. Resolutions.

SECRETARY HAWKER:

Senate Resolution 1426 offered by Senator Topinka.

It is a death resolution.

PRESIDENT ROCK:

Consent Calendar. All right. Ladies and Gentlemen, if I can turn your attention to the Recall List, these are bills on the Order of House Bills 3rd Reading that Members have -- if the sponsor requests, we will move back for the purpose of amendments. Direct your attention to page 10 on the Calendar. Senator Macdonald. 2741. Does not wish that returned. 2987. Senator Cullerton. Not to be found. 3252. Senator Ralph Dunn. Page 13 on the Calendar, Ladies and Gentlemen. Bottom of page 13. Senator Ralph Dunn seeks leave of the Body to return House Bill 3252 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd

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Reading is House Bill 3252, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Topinka.

PRESIDENT ROCK:

Senator Topinka, on Amendment No. 2.

SENATOR TOPINKA:

Yes. Mr. President, Ladies and Gentlemen of the Senate, Amendment No. 2 is basically what was House Bill 3347. It was a Citizens' Assembly initiative, and it would have the Board of Higher Education develop a comprehensive international educational policy to facilitate international academic programming to make us more competitive.

PRESIDENT ROCK:

Senator Topinka's moved the adoption of Amendment No. 2 to House Bill 3252. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 3610. Senator Savickas. 4027. Senator Welch. Finally, 4168. Senator Raica, you wish that called back? All right. Bottom of page 19, on the Order of House -- Senator Berman in the House? It's his amendment. Senator Raica seeks leave of the Body to return House Bill 4168 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, is House Bill 4168, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senators Berman and Raica.

PRESIDENT ROCK:

Senator Berman.

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SENATOR BERMAN:

Thank you, Mr. President. In discussing this bill, there was a question as to whether the background criminal checks would influence a judge to prevent justified adoptions. And the language that we are offering, by agreement with the sponsor, is to indicate that the discretion of granting the adoption is still within the court, notwithstanding any of the -- any of the information on the background check. I move adoption of Amendment No. 2.

PRESIDENT ROCK:

Senator Berman has moved the adoption of Amendment No. 2 to House Bill 4168. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. All right. Ladies and Gentlemen, with leave of the Body, we will move as promised -- I'm sorry. Senator Schaffer, for what purpose do you arise?

SENATOR SCHAFFER:

Mr. President, we earlier -- I earlier...

PRESIDENT ROCK:

Yes.

SENATOR SCHAFFER:

...deferred to Senator -- on a bill -- House Bill 2950. I think we're ready to proceed.

PRESIDENT ROCK:

All right. Earlier we gave leave to get back to -- to House Bill 2950. It was on the Order -- is on the Order of House Bills 2nd Reading at the top of page 25. If I can direct your attention to page 25 on the Calendar - right at the top. On the Order of

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House Bills 2nd Reading is House Bill 2950, Madam Secretary. Read the bill, please.

SECRETARY HAWKER:

House Bill 2950.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Schaffer.

PRESIDENT ROCK:

Senator Schaffer, on Amendment No. 1.

SENATOR SCHAFFER:

This -- this amendment adds that special deputies may also serve notices required and permitted by the Revenue Act. I believe there's no controversy on this.

PRESIDENT ROCK:

Senator Schaffer has moved the adoption of Amendment No. 1 to House Bill 2950. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator DeAngelis.

PRESIDENT ROCK:

Senator DeAngelis, on Amendment No. 2.

SENATOR DeANGELIS:

Thank you, Mr. President. Amendment No. 2 simply states that those things that are allowed outside of Cook County, in terms of those people eligible to deliver notices, should be allowed in Cook County as well.

PRESIDENT ROCK:

Senator DeAngelis has moved the adoption of Amendment No. 2 to

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House Bill 2950. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Schaffer.

PRESIDENT ROCK:

Senator Schaffer, on Amendment No. 3.

SENATOR SCHAFFER:

Amendment No. 3 comes at the request of the Bar Association, and clears up some language in terms of the requirement that the joiner in a -- of a tax buyer be present at certain adjudication hearings. What we are trying to do is avoid the situation, in those counties that have large volumes of delinquent property, where the State's attorney may fail to be physically present at a hearing. We don't want to see the taxpayer's rights waived, but the Bar Association wanted the wording changed. And I believe this is a compromise all sides can live with.

PRESIDENT ROCK:

Senator Schaffer has moved the adoption of Amendment No. 3 to House Bill 2950. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 4 offered by Senator Keats.

PRESIDENT ROCK:

Senator Keats, on Amendment No. 4.

SENATOR KEATS:

Amendment No. 4 - this is one of those topsy-turvy years where Speaker Madigan's cutting the budget and we're restoring it, and I'm offering low-income housing and subsidized housing amendments. One of those years. It is a nine-line amendment, and what it essentially does is adds a housing component to the Enterprise

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Zone Act. We're trying to find a way to subsidize low-income housing without the State having to come up with any of the money. So we tie it to they must be working with a local community group - not-for-profit local community group. It's got to be low-income housing, has to be in an enterprise zone. And it allows them essentially to get a credit against their federal income tax. There's no State cost; there's no local cost. And it's strictly enterprise zones. But it gives them the equivalent to a deduction against the federal income tax, but not State and local. If there are any questions, I'd be glad to answer.

PRESIDENT ROCK:

Gentleman has moved the adoption of Amendment No. 4. Discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. Somehow or other, we were under the illusion that you were going to withdraw this amendment, Senator Keats. That's what I was told. As I understand this, if you build a home in an enterprise zone, then that -- the amount that you spend is then subtracted from your tax liability, and therefore you could end up paying no State income tax -- no State taxes.

PRESIDENT ROCK:

Senator Keats.

SENATOR KEATS:

That would be accurate. But if you look at the -- line three up from the bottom, which is really the seventh line of the amendment, it says that no refund shall be made. So what it's saying is that in order for it to be deductible against your federal taxes, it has to be called a State tax. What we're saying is, "You don't get the money back; the State owes you nothing." But it's deductible against the Feds, because we call it a tax. This is the kind of thing that right now Secretary Kemp at Housing

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and Urban Development, within enterprise zones, is trying to find ways to come up with pilot programs. And if you notice, the wording specifically says, in the second line, "Pilot Housing Units." They specifically want pilot programs. And this would allow them to deduct it on the federal end of their taxes, not at the State level. If this lost any money at the State level, I wouldn't be in favor of it either.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

I have drafted an amendment to Senator DeAngelis' bill - I can't recall the number - that makes the entire State of Illinois an enterprise zone - if he decides to call it. Because I don't know why we allow ourselves to be locked into thirteen communities per year and whoever's got clout and whoever's got the political connections around this place gets an enterprise zone. The entire State of Illinois ought to be an enterprise zone. And it seems to me that if this applies -- if this is going to be applicable Statewide, maybe nobody will be paying taxes.

PRESIDENT ROCK:

Further discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. Would the sponsor yield for a question?

PRESIDENT ROCK:

Indicates he will yield, Senator Severns.

SENATOR SEVERNS:

Senator Keats, has this been distributed? Because we don't see any evidence of distribution over here.

PRESIDENT ROCK:

Senator Keats.

SENATOR KEATS:

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My understanding is Yes. I've just been working with your staff on it. I -- I -- it's my understanding it has. Again now, could you please check with your guys to be sure? I think it has been.

PRESIDENT ROCK:

Senator Severns.

SENATOR SEVERNS:

In -- in checking a dozen desks over here, it has not been distributed on this side, and I expect it's because they were working with the impression, based on what you said, that you would withdraw it. I think given the subject of the enterprise zones and given the unknown -- fiscal impact, regardless of what you say where that fiscal impact will rest, I would hope that the sponsor -- would withdraw the amendment.

PRESIDENT ROCK:

Further discussion on Amendment No. 4? Senator Keats, to close.

SENATOR KEATS:

I'd be more than happy to distribute the amendment. I'm sorry. Having just worked with your staff, I had thought it had been distributed. There seems to be a misunderstanding. If someone would just read it, it's only nine -- it's only nine lines long. I'd be more than happy to read the thing or be more than happy to distribute it. It is not a problem either way. But if this were a revenue-loser for the State, I wouldn't be in favor of it either. This is not a year the State can afford to lose any revenue. All it's attempting to do is add a housing component to the Enterprise Zone Act so that we can find a way for those people willing to build low-income housing. And right now, we've got two developers on the West Side of Chicago - one right near Providence St. Mel; the other near the old Sears Homan Facility - trying to build low-income housing. And I -- I won't kid you, they -- I

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don't think they can do it. I think we all know the problem.

PRESIDENT ROCK:

Senator Keats.

SENATOR KEATS:

Let's just vote and see what happens. I mean, I'm glad to distribute it, if -- I mean, if -- really, if you want it, I'm glad to distribute it. It's no problem.

PRESIDENT ROCK:

Further discussion? Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. I'm sorry, if he was closing, but I had one question that I thought was very important, that I believe that Senator Keats responded to Senator Demuzio. Would you please tell me the tax implication, the write-off, the deduction, on this bill -- amendment?

PRESIDENT ROCK:

Senator Keats.

SENATOR KEATS:

Okay. Let me explain it again. There -- this deals only with pilot housing projects. Okay. This is not Statewide; it's pilot housing projects in enterprise zones working with not-for-profit groups. Okay. Technically, the way it works is, the money spent is considered a tax; but, in working with the Reference Bureau, the way we made sure it would not be a money loser is, they are not eligible for a refund. It specifically says, "No refund shall be made." No refund. But in order for them to deduct it against their federal return, you got to call it a tax. I mean, if I could come up with another word - and we've been with the Reference Bureau on it - if I could come up with a word other than "tax," we'd come up with the word. But in order to deduct it from your federal taxes, you need to use the word "tax." That's why it says, "No refund shall be made." It says very clearly that, so

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that there's no revenue loss for the State.

PRESIDENT ROCK:

Senator Luft.

SENATOR LUFT:

Is there a revenue loss to the Federal Government? I mean, are you -- is this a deduction on the federal tax?

PRESIDENT ROCK:

Senator Keats.

SENATOR KEATS:

Oh, yes.

PRESIDENT ROCK:

Senator Luft.

SENATOR LUFT:

Then I would suggest that it's a revenue loss to the State, because your adjusted base income would be -- your income would be lowered at the federal level, which would then mean a lower number that's applied to your State taxes; so there, in fact, is a revenue loss to the State of Illinois.

PRESIDENT ROCK:

Might I suggest, Senator Keats, that we get copies of this gem distributed? Senator Schaffer. Senator Keats.

SENATOR KEATS:

Senator Schaffer has said he will call it back from 3rd. Let's go forward with it, and then we'll call it back to do it.

PRESIDENT ROCK:

If he's -- if he's gentleman enough to call it back, why don't you just withdraw it, and then we'll get back to it once we get a chance to read it?

SENATOR KEATS:

I'm sorry. That's what I -- that's what I did.

PRESIDENT ROCK:

All right. Fine. Amendment's withdrawn. Further amendments?

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SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. All right. Ladies and Gentlemen, if I can turn your attention to page 40. 40 on the Calendar. There are a number of Members who have filed Motions in Writing, and I had indicated that we would indeed get to these before the end of the week, and the moment is now. That's Senators Jacobs, Berman, Berman, Kelly, Dudycz and Brookins. In the meantime, Senator Demuzio, you want to handle the adjournment resolution? We will be moving out of here very shortly. Resolutions, Madam Secretary.

SECRETARY HAWKER:

Senate Joint Resolution 175 offered by Senator Demuzio.

(Secretary reads SJR No. 175)

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. The adjournment resolution calls for us to come back on Monday, June the 22nd, at the hour of two o'clock. Apparently the President has afforded us the opportunity to have a nice lunch, which normally he does not do, and so we are coming back at two o'clock on Monday. I would move to suspend the rules for the immediate consideration and adoption.

PRESIDENT ROCK:

The Gentleman has moved to suspend the rules for the immediate consideration and adoption of Senate Joint Resolution 175, the adjournment resolution. All in favor of the Motion to Suspend, indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. Senator Demuzio now moves the adoption of Senate Joint Resolution 175. It calls for us to return Monday, next -- Monday next at two o'clock. All in favor, indicate by saying Aye. All opposed. The Ayes have it. And the resolution

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is adopted.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Page 40. Motions in Writing. House Bill 2016. Senator Jacobs. I beg your pardon. Madam Secretary.

SECRETARY HAWKER:

I move to waive Rule 5C in relation to House Bill 2016, so that the bill may be ruled exempt and read a third time this Session.

Filed by Senator Jacobs.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. This is a bill that deals with the potential amendment of terms of credit card agreements. This was in the works last year. It was on 3rd Reading. There was a change of sponsorship, and during that procedure, we -- I erroneously thought that this was going to be heard this year, and didn't need to go through Rules. I was wrong, and I'm asking that it be exempt from Rules.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, you've heard the motion as posed by Senator Jacobs. All in favor of the motion will vote Aye. Those opposed, 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 43, the Nays are none, none voting Present. The motion carries. The Motions in Writing is House Bill 2433, Madam Secretary.

SECRETARY HAWKER:

I move that the Committee on Rules be discharged from further consideration of House Bill 2433, and that the bill be placed on the Calendar on the Order of 2nd Reading.

Filed by Senator Berman.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. House Bill 2433 is the Legislative Reference Bureau revisory bill, as is the next one, 2434. We did not put it through the Rules Committee early enough to move on the revisory bill. This is to discharge it from the Rules Committee, put it on exempt status, so that we can move the bill along, with the amendment from the Legislative Reference Bureau. Move the adoption of this motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? All right. You've heard the motion as placed by Senator Berman, to discharge the Committee on Rules, and that the bill be placed on the Calendar on the Order of 2nd Reading. All -- those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are none, none voting Present. The motion carries, and it will be so ordered. House Bill 2434, Madam Secretary. Motions in Writing.

SECRETARY HAWKER:

I move that the Committee on Rules be discharged from further consideration of House Bill 2433 and 2434, and that the bills be placed on the Calendar on the Order of 2nd Reading.

Filed by Senator Berman.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

This is also the Legislative Reference Bureau amendatory bill. I move to make the same motion as to 2434.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. You've heard the motion. Is there discussion? If

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not, those in -- Senator Berman has moved that the -- all those in favor of the motion will vote Aye. Those opposed, 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 53, the Nays are none, none voting Present. Motion carried. So ordered. House Bill 2922, Madam Secretary.

SECRETARY HAWKER:

I move to discharge the Committee of Local Government from further consideration of House Bill 2922, and that the bill be placed on the Order of 2nd Reading.

Filed by Senator Kelly.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. The discharge motion of House Bill 2922 from Local Governments - this legislation has a noncontroversial portion dealing with municipal printing errors, and the second portion dealt with allowing drinking in inter-track wagering facilities. It would overcome -- referendums in the community. Senator Jones and others on the committee requested this bill be held, since then have changed their mind. We did get a fair hearing. The chairman of the committee gave us that accommodation, and I'm requesting that we have the bill discharged from committee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. As the sponsor said, this did get a fair hearing in the committee. We did discuss whether the first part was all right. I think most of us agreed it was. The second part of the bill, which -- and -- the second part of the bill amends the Liquor Control Act to provide that a vote in a municipal

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precinct, municipality or township to prohibit retail liquor sales shall not apply to an off-track betting -- betting parlor located within those boundaries, and it preempts home rule. I think most of us on the committee felt that was not a good idea. We felt that this should be, indeed, left in the hands of the -- of the municipalities, and the townships, and the counties. And so I would move that we oppose this motion, with all good deference to the sponsor, and keep it in committee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Jones.

SENATOR JONES:

Yes. Thank you, Mr. President. Yeah, I support the motion, because the issue did come before the Local Government Committee. I did raise a few questions, but all it does, basically, is give to the OTB parlors the same powers that Sports Facility Authority has as it relate to those facilities. So after discussing it and finding out exactly what it's doing, then I have no basic problems with it. I think the motion should be supported, because it did have a good hearing, and it should have been voted out of committee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The Tribune has also sought leave to take still photographs. Is leave granted? Leave is granted. Further discussion? Senator Jacobs.

SENATOR JACOBS:

Yes. I -- I, too, was in the committee and -- and I speak in behalf of the bill. In fact, I think, Dick, you corrected me, cause I thought I was right, which I wasn't, in regards to a provision of exclusion rather than -- or exclusion rather than inclusion. And I think that that makes all the difference, and ask we support this discharge motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Well, just to explain, as chairman of the committee, at least what happened. There was some confusion on the bill as to what the effect of the bill was, by some Members. It did get a full hearing, and it did not get even a motion. There was not even a motion "Do Pass." We just decided to hold it. So in deciding how to vote - just so you know - what the bill would do is to say that citizens shall not have the power to vote a precinct dry that contains an off-track betting parlor. So it would take away the right of these people who live in a precinct near an off-track betting parlor to vote that precinct dry. And as Senator Jones said, we have in the law -- I believe it's White Sox Park and maybe Wrigley Field are the only areas in the State where the citizens do not have the right to do that. So this would expand that to the twenty-one potential off-track betting parlors. So, I was going to vote against it, had there been a motion. Some people here have changed their mind and said they want to vote for it, but -- so you can vote any way you want, but I thought I'd explain what the bill does.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Parliamentary inquiry.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your...

SENATOR DAVIDSON:

Since this bill will preempt home rule, and I admit it only applies to the rules of the Senate, does it take thirty votes or thirty-six votes?

PRESIDING OFFICER: (SENATOR DEMUZIO)

It takes thirty votes to discharge a bill from committee. Is

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there further discussion? Senator Kelly may close.

SENATOR KELLY:

Well, I just want to say, on these off-track betting parlors, I think that's when you should consider whether or not the community should have it. Once you have an off-track betting parlor, I think it's expected that you would be able to buy drinks in there. And I don't see where -- in fact, anyone in the State that has any type of facility like this should have that privilege. So I move for the discharge of the committee and appreciate your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Kelly has moved with respect to the motion. Those in favor of the motion will vote Aye. Those opposed, Nay. 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, the Ayes are 18, the Nays are 27, 1 voting Present. The Motion to Discharge fails. House Bill 3020, Madam Secretary.

SECRETARY HAWKER:

I move to discharge the Committee on Transportation from further consideration of House Bill 3020, and that it be advanced to 2nd Reading.

Filed by Senator Dudycz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. I have spoken with the Chairman and the Minority Spokesman of the Senate Transportation Committee who both have no objection to this motion. I ask that House Bill 3020 be placed on the Order of 2nd Reading. There are negotiations going on currently between the House sponsor, Senator Hawkinson, and others who have problems with it. I would like for the bill

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to be placed on 2nd where I intend to hold it until the negotiations are completed and all people have signed off.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Discussion? The -- Senator Welch.

SENATOR WELCH:

I have a question of the sponsor or the chairman -- well, the chairman of the committee, I think, isn't here. But what happened in the committee? Why didn't it get of the committee? What was the vote? What happened?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCZ:

At the time, it was decided by all parties to hold it in committee. But we discussed it since then, and we ask to put it on 2nd Reading to keep it alive in case they do reach consensus and everybody signs off on it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

I'm not sure I understand who "they" is? Who's -- who's doing the negotiating on this, and, you know, are the people -- is it Senator Hawkinson, or who is it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hawkinson indicates he knows the answer. Senator Hawkinson.

SENATOR HAWKINSON:

I believe the committee felt that the bill attempted to strengthen some penalties that were already present in the law and did not need to be strengthened. And the sponsors have now indicated that they want to shift the focus of the bill to reporting of convictions from -- from the circuit clerks to the Secretary of State, and -- and we're negotiating on that, and away

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from the new penalties that didn't need to be there.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

So basically what you're saying is, Senator Dudycz wants a vehicle to do something he didn't think of earlier, and this is going to be the vehicle, is what you're saying. Because this is not going to be the bill that wasn't called in the committee. That -- that seems to be what you're saying.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hawkinson.

SENATOR HAWKINSON:

No. The bill deals with the use by underage minors of IDs to -- to get liquor. And in my view - and I think the views of the committee - those penalties are -- are where they ought to be and -- and this bill wasn't necessary for that purpose. However, the problem that they seek to address is -- is apparently that those convictions are not getting to the Secretary of State, so that the suspensionary <sic> discretion that he has can take place. And the problem is the same. The issue is the same, which is the suspension of drivers' licenses for those who use false IDs - something the Secretary of State can already do. But it's my understanding that -- that they wish to now make this a mandatory reporting bill - something that I have no objection to.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Well, Senator Hawkinson, I may agree with what the intent is -- to use this bill for, but this is -- this is pretty unusual. There's already a bill on the -- on the call - House Bill 3454 - affecting drivers' licenses and reporting -- notifying the clerk of the circuit court. What -- basically I agree with everything

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you said, except for the first word you used, when I said, "He's using this for a vehicle." The word you used was "No." The answer is Yes. Senator Dudycz obviously has an idea, and normally when a -- when a Senator has an idea, they just find somebody else's bill to stick it on. Senator Dudycz apparently wants his own bill, seems to be the argument. So I -- it seems like a strange motion to make when, whenever this happens with everybody else, they just find some other bill to put that new idea on. That's just my point.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, Senator Dudycz may close. Question is -- Senator Dudycz has made the motion. All those in favor of the motion will vote Aye. Those opposed, Nay. 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, the Ayes are 29, the Nays are 20, none voting Present. The motion fails. House Bill 3032. Madam Secretary, are there other motions that have been filed?

SECRETARY HAWKER:

I move to discharge the Committee on Appropriations I from further consideration of House Bill 2833, and that the bill be placed on the Calendar on the Order of 2nd Reading.

Filed by Senator Severns.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President and Members of the Senate. This is a bill that should have - released from the Appropriations Committee dealing with the GO. bond, or Build Illinois authorizations.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? All right. Senator Severns has moved

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-- you've heard -- you've heard the motion. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Motion carries. So ordered. Further motions, Madam Secretary?

SECRETARY HAWKER:

I move to discharge the Committee the Appropriations I from further consideration of House Bill 2834, and that the bill be placed on the Calendar on the Order of 2nd Reading.

Also filed by Senator Severns.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President and Members of the Senate. This bill deals with the GO bond authorization. I would move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? You've heard the motion as posed by Senator Severns. All in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Motion carries. So ordered. Madam Secretary, have there been any objections filed to the Resolutions Consent Calendar?

SECRETARY HAWKER:

There have been no objections filed, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. With leave of the Body, we will add Senate Resolutions 1425, 1426 and House Joint Resolutions 148, 152 and 153. Senator Geo-Karis, what purpose -- on this. All right. Senator Vadalabene has moved the adoption of the Resolutions Consent Calendar. All in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The Resolution Consent Calendar is adopted. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, our

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telephone operator who served us for many years, Anna J. Matsko, passed on June 16, and she is being buried today. Anna was a very dedicated public servant, did us a lot of good service, and she was always very pleasant. She has suffered quite a bit with cancer, and although she was in pain, she still maintained her station and was very, very dedicated in her duties. And I'd like to ask for a moment of silence today, in memory of Anna J. Matsko, our very devoted telephone operator.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. If our -- if our Members would take their seats, please. All unauthorized Members would please vacate the Floor. ...(machine cutoff)...Geo-Karis, would you please restate your request?

SENATOR GEO-KARIS:

I ask for a moment of silence in memory of Anna J. Matsko, who was our telephone operator on the Republican side for many years, was very dedicated, worked very unselfishly, even in time of great pain. And she was a very gracious and great lady. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Thank you. Further business to come before the Senate? Madam Secretary, you have any paperwork? No. All right. Further business to come before the Senate? If not, Senator -- Senator Severns, what purpose do you arise?

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. I rise on a point of personal privilege.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR SEVERNS:

It's my honor to have joining us today Dan and Jack Kiley as Pages, from Shelbyville, and their parents, Ann and Mike Kiley, who are in the President's Gallery. And I might say, Mike's a

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State's Attorney in Shelby. And I'd like the Senate to join me in welcoming them here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

As I recall, I represent part of that county, too. Right? If our guests in the gallery will please rise. Mike, Ann, welcome. Further business to come before the Senate? If not, Senator Vadalabene has moved that the Senate stand adjourned till Monday, hour of two o'clock. June the 22nd. Senate stands adjourned.

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