

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

HB0585	Recalled	18
HB0585	Third Reading	19
HB0585	Vote Intention	21
HB0701	Recalled	69
HB0701	Third Reading	71
HB0741	Recede	39
HB0810	Recalled	22
HB0810	Third Reading	22
HB0852	Postponed	5
	Consideration	
HB0863	Recalled	45
HB0863	Third Reading	46
HB0906	Recalled	25
HB0906	Third Reading	26
HB2200	Recalled	83
HB2200	Third Reading	84
HB2200	Vote Intention	98
HB2700	Motion	7
HB2700	Veto Action	7
HB3835	First Reading	1
SB0702	Concurrence	54
SB0713	Concurrence	27
SB0771	Concurrence	28
SB0867	Concurrence	29
SB0978	Concurrence	34
SB1656	Concurrence	35
SB1704	Concurrence	36
SB2133	First Reading	16
SR0324	Resolution Offered	1
SR0325	Resolution Offered	1
SR0326	Resolution Offered	1
SR0327	Resolution Offered	1
SR0328	Resolution Offered	1
SR0329	Resolution Offered	1
SR0330	Resolution Offered	1
SR0331	Resolution Offered	16
SR0332	Resolution Offered	16
SR0333	Resolution Offered	16
SR0334	Resolution Offered	16
SR0335	Resolution Offered	16
SR0336	Resolution Offered	45
Senate to Order-Senator Hendon		1
Prayer-The Reverend T. Ray McJunkins		1
Pledge of Allegiance		1
Journal-Postponed		1
Senate Stands at Ease/Reconvenes		2
Committee Reports		3
Executive Session		8
Committee Reports		8
Committee Reports		10
Committee Reports		12
Arise from Executive Session		14
Senate Stands in Recess/Reconvenes		14
Senate Stands in Recess/Reconvenes		15
Committee Reports		15

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

Messages from the Governor	16
Messages from the House	17
Senate Stands at Ease/Reconvenes	18
Remarks concerning Phil Weber	40
Remarks concerning Lil Kruger	41
Remarks concerning Pete Baroni	43
Messages from the House	45
Committee Reports	50
Messages from the House	51
Senate Stands in Recess/Reconvenes	52
Senate Stands in Recess/Reconvenes	53
Messages from the House	53
Committee Reports	53
Adjournment	98

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

PRESIDING OFFICER: (SENATOR HENDON)

The regular Session of the 93rd General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise? The invocation today will be given by the Reverend T. Ray McJunkins, Union Baptist Church, Springfield, Illinois. Pastor McJunkins.

THE REVEREND T. RAY MCJUNKINS:

(Prayer by the Reverend T. Ray McJunkins)

PRESIDING OFFICER: (SENATOR HENDON)

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

SENATOR LINK:

(Pledge of Allegiance, led by Senator Link)

PRESIDING OFFICER: (SENATOR HENDON)

You may be seated. Reading and Approval of the Journal.
Senator Halvorson.

SENATOR HALVORSON:

Mr. President, I move that reading and approval of the Journal of Wednesday, November 19th, in the year 2003, be postponed, pending arrival of the printed Journal.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Halvorson moves to postpone the reading and approval of the Journal, pending arrival of the printed transcripts. Is there -- there being no objection, so ordered. Squires Photography seeks leave to photograph or -- the proceedings. Is there any objection? Leave is granted. Madam Secretary, House Bills 1st Reading.

SECRETARY HAWKER:

House Bill 3835, offered by Senators Shadid and Demuzio.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Madam Secretary, Resolutions.

SECRETARY HAWKER:

Senate Resolutions 324 through 330, all offered by Senator Lauzen and all Members.

They're all death resolutions.

PRESIDING OFFICER: (SENATOR HENDON)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

Resolutions Consent Calendar. Senator Bomke, for what purpose do you rise?

SENATOR BOMKE:

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

PRESIDING OFFICER: (SENATOR HENDON)

State your point.

SENATOR BOMKE:

We have with us today from St. Jo's School, the eighth-grade class. Teacher Judi Fenoglio and Principal Jennifer Burke, just behind the Democrat side of the aisle. If you would help me welcome them here today, I would appreciate it.

PRESIDING OFFICER: (SENATOR HENDON)

Will our guests please rise and be welcomed by the Illinois Senate? Thank you. The Senate will stand at ease while the Rules Committee meets.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HENDON)

WICS-Channel 20 Springfield and WLS-TV at Chicago seeks leave to photograph or videotape the proceedings. Is there any objection? Leave is granted. Would all Members please come to the Floor? Would all Members please come to the Floor? Senator Sieben, for what purpose do you rise?

SENATOR SIEBEN:

Well, thank you very much, Mr. President. Ladies and Gentlemen of the Senate, if I could have your attention for just a minute. I rise on a point of personal privilege to -- I think all the Members have arrived at their desks now and they've noticed that there's a nice little gift, a token of -- of remembrance, I guess, for one of our colleagues who's celebrating this Saturday a milestone -- a milestone birthday, as she calls it. So if you can look at those on your desks, you'll see then that she has a -- there's a nice little -- there's a nice little poem that Pam has created for us here. And you look at it and we refer to her today as Lady Althoff. Some of that says Pamela is a maiden fair, which I think we can all realize and appreciate that she is one of the very unique and special Members of the Illinois Senate. She has provided us

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

with some pastries and some treats on the Republican side at the front of the Chamber. So, I'd appreciate it if we could -- all could join our hands together and celebrate with her on her milestone birthday.

PRESIDING OFFICER: (SENATOR HENDON)

Happy birthday, Senator. Lady Althoff. Twenty-nine is a wonderful age, isn't it? Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Demuzio, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to Agriculture and Conservation Committee - Motion to Concur with House Amendment 2 to Senate Bill 1559; refer to Executive Committee - Motion to Recede from Senate Floor Amendment No. 2 to House Bill 741 and Motion to Concur with House Amendments 1 and 2 to Senate Bill 1668; refer to Financial Institutions Committee - Motion to Concur with House Amendment No. 1 to Senate Bill 771; refer to Labor and Commerce Committee - Floor Amendment No. 1 to House Bill 810; refer to Revenue Committee - Floor Amendment No. 2 to House Bill 863; refer to State Government Committee - Motion to Concur with House Amendment 1 to Senate Bill 867; and Be Approved for Consideration - House Bill 621 and House Bills 2654, 2655, 2656, 2657, 2659, 2745 and Floor Amendment No. 2 to House Bill 585.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Hunter, for what purpose do you rise?

SENATOR HUNTER:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

State your point.

SENATOR HUNTER:

State Government Committee will meet today at 4 o'clock in Room A-1. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Four o'clock in Room A-1.

SENATOR HUNTER:

So, please be prompt and on time. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

State Government, 4 o'clock, Room A-1. Senator Jacobs, for what purpose do you rise?

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

SENATOR JACOBS:

Me? I'm sorry, Mr. Chairman. I wasn't -- I wasn't listening, Mr. President. The Insurance and Pensions Committee will meet at 4 o'clock p.m. in Room 212. We have one bill, and if you get there, we should be able to get out of there quite quickly.

PRESIDING OFFICER: (SENATOR HENDON)

Insurance and Pensions, 4 p.m. in Room 212. Senator Halvorson, what -- for what purpose do you rise?

SENATOR HALVORSON:

For the point of an announcement, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

Make your announcement.

SENATOR HALVORSON:

I'd like to announce that Executive Committee will meet at 1:30 in Room 212.

PRESIDING OFFICER: (SENATOR HENDON)

Executive Committee will meet, 1:30, Room 212. Senator Viverito, for what purpose do you rise?

SENATOR VIVERITO:

Point of announcement. Financial Institutions, 3:30, 212.

PRESIDING OFFICER: (SENATOR HENDON)

Financial Institutions will meet at 3:30 in Room 212. Senator Walsh, for what purpose do you rise?

SENATOR WALSH:

For the point of an announcement, Mr. President. The Senate Agriculture and Conservation Committee will meet at 1 p.m. in Room A-1.

PRESIDING OFFICER: (SENATOR HENDON)

Senate Agriculture and -- Agriculture and Conservation will meet at 1 p.m. in Room A-1. Senator Link, for what purpose do you rise?

SENATOR LINK:

A point of announcement, Mr. President. Revenue Committee will meet at 1:30 in Room A-1. That's A-1, Revenue Committee, 1:30.

PRESIDING OFFICER: (SENATOR HENDON)

Revenue Committee will meet in A-1 at 1:30. Senator Ronen, for what purpose do you rise?

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

SENATOR RONEN:

For purposes of an announcement. The Labor and Commerce Committee will meet at 3 p.m. in Room 212. It's a different room. Room 212, 3 p.m., Labor and Commerce.

PRESIDING OFFICER: (SENATOR HENDON)

Labor and Commerce will meet today in Room 212 at 3 p.m. On page 4 of the Calendar is the Order of Consideration Postponed. This is final action. As the bill on this Order have already been presented and debated on the Floor, debate on each bill will be limited to one proponent and one opponent, each speaking to the bill. On page 4 of the Calendar is House Bill 852. Madam Secretary, read the motion.

SECRETARY HAWKER:

House Bill 852.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

House Bill 852. Senator Shadid.

SENATOR SHADID:

Thank -- thank you, Mr. President. House Bill 852, this is Amendment No. 3 that gradually phases out the commercial distribution fee of three -- after three years and reverts the rolling stock exemption to its form prior to July 1, 2003. I would appreciate a Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Watson.

SENATOR WATSON:

Yes. Just to refresh everyone's memory, this was a bill we voted on yesterday that impacts the trucking industry. And as you know, the Majority and the Governor put excessive fees on the trucking industry and this was an attempt to roll back those fees over a three-year period. We -- we've gone to the sponsor and we've gone to the Illinois -- Midwest Truckers Association and Don Schaefer, their representative, and asked that a consideration would be given to a two-year provision instead of three years - in other words, expedite this by an additional year. I guess I would ask the sponsor if he is -- would agree that in, hopefully, final passage when we see this bill back here sometime next January or February, that an amendment will

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

be -- there'll be an attempt to put an amendment on this that will help the trucking industry even more than what you're attempting to do.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Shadid.

SENATOR SHADID:

Yes, Senator Watson. I have no problem with that, a two-year. And I understand they're going to put an amendment of some kind over there. If they put a two-year amendment on there, I don't have a problem at all with that.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall House Bill -- oh! Senator Watson.

SENATOR WATSON:

Yes. Thank you. I guess it's my understanding then that you are going to push for and -- and we will see this bill back here with some changes and hopefully those changes will be the two-year provision.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Shadid.

SENATOR SHADID:

I have no problem making a phone call in an attempt to get that on there.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall House Bill 852 pass, notwithstanding the veto of the Governor. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Aye, none voting Nay, and none voting Present. House Bill 852, having received the required three-fifths majority, is declared passed, notwithstanding the veto of the Governor. Chicago Tribune has requested leave to take still photographs. Is leave granted? Leave is granted. Senator Shadid, for what purpose do you rise?

SENATOR SHADID:

Mr. President, I just want to take time to thank everybody for their support and I think we're doing the right thing. So, thank you very much.

PRESIDING OFFICER: (SENATOR HENDON)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

On page 5 of your Calendar, Motions -- Motions in Writing to Reconsider the Vote. House Bill 2700. Madam Secretary, read the motion.

SECRETARY HAWKER:

Having voted on the prevailing side, I move to reconsider the vote by which the motion that -- that item on page 235, line 28 of House Bill 2700 be restored, notwithstanding the item reduction of the Governor, was passed.

Motion filed by Senator Watson.

PRESIDING OFFICER: (SENATOR HENDON)

Having voted on the prevailing side, Senator Watson moves to reconsider the vote by which House Bill 2700 was passed. All those in favor will say Aye. Opposed, say Nay. The Ayes have it, and the motion carries. The question now before the Senate is, shall the item on page 5 -- shall the item on page 235, line 28 of House Bill 2700 be restored, not -- notwithstanding the reduction of the Governor. Is there -- is there any discussion? Senator Watson.

SENATOR WATSON:

Well, I guess I ought to explain why I filed the motion and so -- and clarify, I believe, everybody, at least on this side. House Bill 2700, page 235, line 28, motion to restore item reduction - this was the Secretary of State and it was a personal service item. And if you recall, there was some confusion as to exact amount of what this restoration might have been, and I think it was said that it was three hundred and forty-five thousand six hundred, which was actually the Social Security line item restoration, which was the next order of business. And this was actually four million three hundred and thirty-six thousand dollars. So, that's the -- an explanation as to why I filed the motion. My intention is to vote No now on this restoration.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Senator Watson is right. I picked up the wrong page and I read line 28 on page -- on 236, which is the Social Security line, instead of line 28 on page 235. This is the restoration of money for the budget for the

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

Secretary of State to pay for the pension payment that has to be made. It's not -- it's the -- it's the payment for contractual agreements made by the Secretary of State with the Teamsters, Fraternal Order of Police, SEIU and IFT. So, I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lauzen.

SENATOR LAUZEN:

Question for the sponsor, please.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lauzen, there's only one speaker on -- on each side because... The question now before the Senate is, shall the item on page 235, line 28 of House Bill 2700 be restored, not -- notwithstanding the item reduction of the Governor. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 37 voting Aye, 18 voting Nay, and none voting Present. The item on page 235, line 28 of House Bill 2700, having received the required constitutional majority, is declared restored, notwithstanding the item reduction of the Governor.

PRESIDING OFFICER: (SENATOR WELCH)

Ladies and Gentlemen, to fulfill our responsibilities under Article V, Section 9 of the Constitution, we will now proceed to the Order of Advise and Consent. Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. I move that the Senate -- resolve itself into Executive Session for the purpose of acting on the Governor's appointments set forth in the Messages of October 23rd, 2003 and November 6th, 2003.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon moves that the Senate resolve itself into Executive Session for the purpose of acting on the Governor's appointments set forth in his Messages of October 23 and October 6th, 2003 {sic} -- November 6th, 2003. All those in favor will vote Aye. Opposed, Nay. The Ayes have it, and the motion carries. The Senate is now in Executive Session. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

Senators Hendon and Geo-Karis, Co-Chairmen of the Committee on Executive Appointments, to which was referred the Governor's Message of October 23rd, 2003, reported the same back with the recommendations that the Senate advise and consent to the following appointments.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon.

SENATOR HENDON:

Mr. President, with respect to the Message of October 23rd, 2003, I will read the salaried appointment of which the Senate Committee on Executive Appointments recommends that the Senate do advise and consent.

To be Assistant Director of Central Management Services for a term commencing October 13th, 2003 and ending January 17th, 2005 - Paul Joseph Campbell.

To be a member of the Civil Service Commission for a term commencing October 6th, 2003 and ending March 1st, 2009 - Betty Bukraba.

To be Executive Director of the Criminal Justice Information Authority for a term commencing August 24th {sic}, 2003 - Lori Levin.

To be a member of the Department of Employment Security Review Board for a term commencing August 26th, 2003 and ending January 17th, 2005 - Lori Quartaro (Chaib).

To be Assistant Director of the Department of Financial Institutions for a term commencing August 25th, 2003 and ending January 17th, 2005 - Edgar Lopez.

To be the Director of the Department of Financial Institutions for a term commencing August 25th, 2003 and ending January 17th, 2005 - Roxanne Nava.

To be a member of the Human Rights Commission for a term commencing August 5th, 2003 and ending January 15th, 2005 {sic} - Mary Jeanne "Dolly" Hallstrom.

To be a member of the Industrial -- Illinois Industrial Commission for a term commencing September 8th, 2003 and ending January 17th, 2005: David Akemann.

To be a member of the Illinois Industrial Commission for a term commencing September 8th, 2003 and ending January 15th, 2007 - Jacqueline Kinnaman.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

To be a member of the Illinois Industrial Commission for a term commencing 2008 -- September 8th, 2003 and ending January 17th, 2005 - Barbara Sherman.

To be Assistant Director of Department of Labor for a term commencing October 6th, 2003 and ending January 17th, 2005 - Esther Lopez.

To be the Director of the Department of Professional Regulations for a term commencing July 28th, 2003 and ending January 17th, 2005 - Fernando Grillo.

To be a member of the Property Tax Appeal Board for a term commencing September 22nd, 2003 and ending January 20th, 2009 - Michael Goral.

To be Assistant Director of the Department of Public Health for a term commencing August 21st, 2003 and ending January 17th, 2005 - Jonathan Dopkeen.

To be Assistant Director of the Department of Veterans' Affairs for a term commencing August 1st, 2003 and ending January 17th, 2005 - Rochelle Crump.

Mr. President, having read the salaried appointments from the Governor's Message of October 23rd, 2003, I now seek leave to consider the appointments of October 23rd, 2003, on a roll call. Mr. President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Is there any discussion? Is there any discussion? Seeing none, the question is, shall the Senate advise and consent to the salaried appointments just read from the Message of October 23rd. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Members voting Yes, no Member voted No, and no Member voted Present. A majority of Senators elected concurring by record vote, the Senate does advise and consent to the appointments just read. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senators Hendon and Senator Geo-Karis, Co-Chairmen of the Committee on Executive Appointments, to which was referred the Governor's Message of November 6th, 2003, reported the same back

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

with the recommendation that the Senate advise and consent to the following appointments.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. With respect to the Message of November 6th, 2003, I will read the salaried appointments of which the Senate Committee on Executive Appointments recommends that the Senate do advise and consent.

To be Assistant Director of the Department of Corrections, Adult Division, for a term commencing November 1st, 2003 and ending January 17th, 2005 - Deanne Benos.

To be a member and Chair of the Illinois Labor Relations Board, State Panel, for a term commencing November 1st, 2003 and ending January 22nd, 2007 - Jackie Gallagher.

To be a member of the Illinois Labor Relations Board, State Panel, for a term commencing November 1st, 2003 and ending January 23rd, 2006 - Michael Hade.

To be a member of the Illinois Labor Relations Board, State Panel, for a term commencing November 1st, 2003 and ending January 26th, 2004 - Rex Piper.

To be a member of the Illinois Labor Relations Board, State Panel, for a term commencing November 1st, 2003 and ending January 23rd, 2006 - Letitia Taylor.

To be a member of the Pollution Control Board for a term commencing December 1st, 2003 and ending January 1st -- July 1st, 2005 - G. Tanner Girard.

To be a member of the Pollution Control Board for a term commencing December 1st, 2003 and ending July 1st, 2006 - Thomas Johnson.

To be a member of the Pollution Control Board for a term commencing December 1st, 2003 and ending July 1st, 2005 - Nick Melas.

To be a member of the Pollution Control Board for a term commencing December 1st, 2003 and ending July 1st, 2004 - Andrea Moore.

To be a member and Chair of the Pollution Control Board for a term commencing December 1st, 2003 and ending July 1st, 2006 - John Philip Novak.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

To be Assistant Director of the Department of Public Aid for a term commencing November 1st, 2003 and ending January 17th, 2005 - Michelle Jordan.

Mr. President, having read the salaried appointments from the Governor's Message of November 6th, 2003, I now seek leave to consider the appointments of November 6th, 2003, on a roll call. Mr. President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, the question is, does the Senate advise and consent to the salaried appointments just read from the Message of November 6th. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Members voting Yes, no Member voted No, no Member voted Present. A majority of Senators elected concurring by record vote, the Senate does advise and consent to the appointments just read. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senators Hendon and Geo-Karis, Co-Chairmen of the Committee on Executive Appointments, to which was referred the Governor's Message of October 23rd, 2003, reported the same back with the recommendation that the Senate advise and consent to the following appointment.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. With respect to the Message of October 23rd, 2003, I will read the non-salaried appointments of which the Senate Committee on Executive Appointments recommends that the Senate do advise and consent.

To be a member of the Capital Development Board for a term commencing August 13th, 2003 and ending January 19th, 2004 - Ray Mota.

To be a member of the Community College Board for a term commencing September 1st, 2003 and ending June 30th, 2009: - Rudolph Papa.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

To be a member of the Comprehensive Health Insurance Plan for a term commencing August 25th, 2003 and ending July 1st, 2006 - George Ryniak.

To be a member of the Department of Employment Security Advisory Board for a term commencing October 13th, 2003 and ending January 17th, 2005 - David Vite.

To be a member of the Guardianship and Advocacy Commission for a term commencing September 3rd, 2003 and ending June 30th, 2006 - Senator Ira Silverstein.

To be a member of the Illinois State University Board of Trustees for a term commencing September 29th, 2003 and ending January 17th, 2005 - J.D. Bergman.

To be a member of the Metropolitan and Exposition Authority for a term commencing September 8th, 2003 and ending June 1st, 2008 - Peter O' Brien.

To be a member of the Metropolitan and Exposition Authority for a term commencing August 4th, 2003 and ending June 1st, 2005 - Sam Toia.

To be a member of the Northeastern Illinois University Board of Trustees for a term commencing August 4th, 2003 and ending January 17th, 2005 - Margaret Laurino.

To be a member of the Northeastern Illinois University Board of Trustees for a term commencing August 25th, 2003 and ending January 19th, 2009 - Arnold Park.

To be the Public Administrator of Cook County for a term commencing September 8th, 2003 and ending December 5th, 2005 - Michael Bender.

To be the Public Guardian and Public Administrator of Jersey County for a term commencing July 24th, 2003 and ending December 5th, 2005 - David Doc Collins.

Mr. President, having read the non-salaried appointments from the Governor's Message of October 23rd, 2003, I now seek leave to consider the appointments of October 23rd, 2003, on a roll call. Mr. President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR WELCH)

Ladies and Gentlemen, is there any discussion? Seeing none, the question is, does the Senate advise and consent to the non-salaried appointments just read from the Message of October

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

23rd. All those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Members voting Yes, no Member voted No, no Member voted Present. A -- a majority of the Senators elected concurring by a record vote, the Senate does advise and consent to the appointments just read. Madam Secretary. Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. I want to thank all the Members of the Committee. I move that the Senate arise from Executive Session.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon moves that the Senate arise from Executive Session. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion carries. The Senate has arisen from Executive Session. Ladies and Gentlemen, the Senate will stand in recess to the call of the Chair. After committee meetings, the Senate will reconvene to receive Committee Reports and further Floor action. We will be voting. The Senate stands in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WELCH)

The Senate will reconvene. Senator Sieben, for what purpose do you rise?

SENATOR SIEBEN:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR SIEBEN:

Thank you, Mr. President. Like to request a Republican Caucus in Leader Watson's Office immediately.

PRESIDING OFFICER: (SENATOR WELCH)

How long will that last? Do you know?

SENATOR SIEBEN:

About an hour.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

An hour?

SENATOR SIEBEN:

We -- we can complete our business in forty minutes if we can get started right away.

PRESIDING OFFICER: (SENATOR WELCH)

Okay. That's in order. The Senate will reconvene at 5:30.
5:30.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DELEO)

Will all Senate Members please come to the Senate Floor?
All Senate Members, please come to the Senate Floor. Senate
will come to order. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Walsh, Chairperson of the Committee on Agriculture,
reports the Motion to Concur with House Amendment No. 2 to
Senate Bill 1559 Be Approved for Consideration.

Senator Jacobs, Chairperson of the Committee on Insurance
and Pensions, reports Motion to Concur with House Amendment No.
1 to Senate Bill 1704 Be Adopted.

Senator Ronen, Chairperson of the Committee on Labor and
Commerce, reports Senate Amendment No. 1 to House Bill 810 Be
Adopted.

Senator Silverstein, Chairperson of the Committee on
Executive, reports the Motion to Concur with House Amendment No.
1 to Senate Bill 713, House Amendment 1 to Senate Bill 978,
House Amendment 1 to Senate Bill 1656, and the Motion to Recede
from Senate Amendment No. 2 to House Bill 741, all Be Approved
for Consideration; Senate Amendment No. 1 to House Bill 585 and
Senate Amendment 1 to House Bill 906 Be Adopted.

Senator Link, Chairperson of the Committee of Revenue,
reports Senate Amendment No. 2 to House Bill 863 Be Adopted.

Senator Schoenberg, Chairperson of the Committee on State
Government, reports the Motion to Concur with House Amendment
No. 1 to Senate Bill 867 Be Approved for Consideration.

Senator Lightford, Chairperson of the Committee on
Financial Institutions, reports the Motion to Concur with House
Amendment 1 to Senate Bill 771 Be Approved for Consideration.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

PRESIDING OFFICER: (SENATOR DELEO)

Madam Secretary, Resolutions.

SECRETARY HAWKER:

Senate Resolution 331, offered by Senator Walsh and all Members.

Senate Resolution 332 and Senate Resolution 333, offered by Senator Link and all Members.

Senate Resolution 334, offered by Senator Demuzio, President Jones and all Members.

And Senate -- Senate Resolution 335, also offered by Senator Demuzio, President Jones and all Members.

They're all death resolutions.

PRESIDING OFFICER: (SENATOR DELEO)

Madam Secretary, Resolutions Consent Calendar. Madam Secretary, Introduction of Bills.

SECRETARY HAWKER:

Senate Bill 2133, offered by Senator Meeks.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR DELEO)

Madam Secretary, Messages from the Governor.

SECRETARY HAWKER:

A Message for the Governor, by Joseph B. Handley, Deputy Chief of Staff for Legislative Affairs. November 20th, 2003.

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

To the Honorable Members of the Senate, 93rd General Assembly - I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments of your Honorable Body.

PRESIDING OFFICER: (SENATOR DELEO)

Senator Sullivan, for what purpose do you rise, sir?

SENATOR D. SULLIVAN:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DELEO)

State your point, sir.

SENATOR D. SULLIVAN:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Before we get into in our serious business of the evening, just wanted to make a fun announcement. Last -- last year many of you attended the first annual Sullivan Caucus St. Patrick's Day party, and we've set the date. So you can mark it on your calendar for the second annual one. It will be the first night we're back after the primaries. Tuesday, March 23rd, the Second Annual Sullivan Caucus fundraiser hosted by -- not fundraiser, just a party hosted by Senator John Sullivan, Representative Ed Sullivan and myself.

PRESIDING OFFICER: (SENATOR DELEO)

Thank you, Senator. Senator Sieben, for what purpose do you rise, sir?

SENATOR SIEBEN:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DELEO)

State your point, sir.

SENATOR SIEBEN:

Mr. President, I'd like the record to reflect this evening that -- or, Senator -- that Senator Burzynski has left the Chamber, will not be present or voting this evening due to the visitation for one of our colleagues. Representative David Wirsing's visitation is this evening and the funeral is tomorrow morning. I would ask that all Members remember the Wirsing Family in their prayers this evening. And that's the explanation for Senator Burzynski's absence.

PRESIDING OFFICER: (SENATOR DELEO)

Thank you, Senator. The record will so reflect. Thank you. Madam Secretary, Messages from the House.

SECRETARY HAWKER:

A Message from the House by Mr. Bolin, Assistant 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 20, together with House Amendment 1.
Passed the House, as amended, November 20th, 2003.

I have like Messages on Senate Bill 857, with House Amendment 2; Senate Bill 932, with House Amendment 1; Senate Bill 1412, with House Amendment 1; Senate Bill 1676, with House

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

Amendment 1; Senate Bill 1883, with House Amendments 2 and 4; and Senate Amendment -- pardon me, and Senate Bill 1944, with House Amendment 1.

All passed the House, as amended, November 20th, 2003.

PRESIDING OFFICER: (SENATOR DELEO)

We'll just sit at ease for just a moment. And we'll be going to some substantive final passage.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DELEO)

Okay. Ladies and Gentlemen, turning your attention to page 2 of the Calendar on order -- is the Order of House Bills. This is 3rd Reading. This -- Ladies and Gentlemen, this is final action. So we'll go to House Bill 585. Senator Welch seeks leave of the Body to return House Bill 585 to the Order of 2nd Reading. Leave is granted. On that Order of the 2nd Reading is House Bill 585. Madam Secretary, would you please -- are there any Floor amendments approved for consideration?

SECRETARY HAWKER:

Yes. Floor Amendment No. 1, offered by Senator Welch.

PRESIDING OFFICER: (SENATOR DELEO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Floor Amendment No. 1 becomes the bill. That was the amendment that was heard in committee. It changes the funding for the pensions to have all of the pensions funded instead of waiting on a bi-weekly or monthly timeframe to fully fund the five State retirement systems for this year.

PRESIDING OFFICER: (SENATOR DELEO)

Okay. Is there any discussion? Seeing no discussion, all those in favor will say Aye. All those opposed will say Nay. The Ayes have it, and the amendment is adopted. Madam Secretary, are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

Yes. Floor Amendment No. 2, offered by Senator Welch.

PRESIDING OFFICER: (SENATOR DELEO)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

Senator Welch, on Floor Amendment No. 2, sir.

SENATOR WELCH:

Floor Amendment No. 2 is a technical amendment. What it does is replace the term "General Revenue" with "State Pensions" in that Section concerning the Pension Fund.

PRESIDING OFFICER: (SENATOR DELEO)

Any -- any discussion? Seeing no discussion, all those in favor will say Aye. All those opposed will say Nay. The Ayes have it, and the amendment is adopted. Madam Secretary, are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DELEO)

3rd Reading. Okay. On the Order of 3rd Reading on page 2 of the Calendar is House Bill 585. Senator Welch, do you wish to proceed, sir? He indicates he'd like to proceed. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 585.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DELEO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. House Bill 585 creates a new mechanism for making the remainder of the required Fiscal Year '04 pension contributions to the Teacher Retirement System, the State University Retirement System, the Judges' Retirement System, the General Assembly Retirement System and the State Employees' Retirement System by transferring the remaining balance of the Pension Contribution Fund to the aforementioned systems. This bill will take care of the issue concerning the Secretary of State having his pension funded and resolve the problem that arose and the question that arose concerning funding that pension. I think Secretary of State White spoke to many Members of both sides of the aisle and he is in support of this bill.

PRESIDING OFFICER: (SENATOR DELEO)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

Thank you, Senator. Is there any discussion? Is there any discussion? Senator Roskam, for what purpose do you rise, sir?

SENATOR ROSKAM:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DELEO)

Sponsor indicates he'll yield for a question, sir.

SENATOR ROSKAM:

Senator Welch, just for the benefit of the Body, this is -- this is a complicated issue, somewhat, in the Executive Committee. Could you just walk through, for everybody's benefit, the mechanics of -- of where the funds flow and so forth? I think it would be helpful for -- for everybody concerned.

PRESIDING OFFICER: (SENATOR DELEO)

Senator Welch.

SENATOR WELCH:

The money that we're talking about was created by the bill that was passed in the spring, the pension bond bill, the ten-billion-dollar bill. Out of that, we set aside money to pay pensions for this fiscal year. That was part of the reason for doing so, to help balance the budget. That money was put in a fund that is titled the "Pension Contribution Fund." Instead of having that money all transferred to the pensions themselves for investment, the Pension Contribution Fund was paying out the money for employees as the debt accrued on a bi-weekly or monthly basis, depending on how the people were being paid who owed pension contributions. What this bill would do would accelerate the expenditure from the Pension Fund -- Pension Contribution -- the Pension Fund to these particular pensions so that they can invest it at a rate that would be higher than we're currently getting.

PRESIDING OFFICER: (SENATOR DELEO)

Okay. Is there any further discussion? Senator Brady, for what purpose do you... Okay. Seeing no further discussion -- Senator Roskam.

SENATOR ROSKAM:

Thanks. I just had one other question for Senator Welch.

PRESIDING OFFICER: (SENATOR DELEO)

He'll yield.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

SENATOR ROSKAM:

Senator, does this reduce GRF spending in any way?

PRESIDING OFFICER: (SENATOR DELEO)

Senator Welch.

SENATOR WELCH:

Well, Senator, that -- it does that because that's the reason we passed the ten-billion-dollar pension bill, was to reduce General Revenue Fund spending by having the Fiscal Year '04 payments come out of a ten-billion-dollar pension bond issue. So, yes, it does reduce general -- General Revenue Fund spending for this fiscal year.

PRESIDING OFFICER: (SENATOR DELEO)

Okay. Seeing no further discussion. Senator Welch, to close, sir.

SENATOR WELCH:

Ladies and Gentlemen, this is part of the arrangement that will take care of the Secretary of State, as well as all the pension funds. Currently, we're drawing about a one-percent interest on this money that's being held. The pension funds that receive the proceeds from the ten-billion-dollar pension bond have made tremendous advances in revenue, much greater than the one-percent we're going -- doing on the money that wasn't transferred to them. With that in mind, what we want to do, with the economy coming back, with the stock market improving, we want to give them the money to invest and make more than the one percent so we will end up saving money for the people of the State of Illinois. And I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DELEO)

Thank you, Senator. The question is, shall House Bill 585 pass. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 47 Ayes, 7 voting Nay, 0 voting Present. House Bill 585, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, continuing on page 2 of the Calendar, House Bills 3rd Reading. House Bill 810. Senator Geo-Karis, for what purpose do you rise, ma'am?

SENATOR GEO-KARIS:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

I didn't get a chance to vote Yes, and I would like to be recorded as Yes.

PRESIDING OFFICER: (SENATOR DELEO)

The record will reflect your intentions on House Bill 585, ma'am. Continuing on page 2 of the Calendar, House Bills 3rd Reading. House Bill 810. Senator Ronen. Senator Carol Ronen seeks leave of the Body to return House Bill 810 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading, House Bill 810. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY HAWKER:

Yes. Floor Amendment No. 1, offered by Senator Ronen.

PRESIDING OFFICER: (SENATOR DELEO)

Senator Ronen.

SENATOR RONEN:

Thank you, Mr. President. Amendment 1 becomes the bill. This is the agreement on the Unemployment Insurance (Trust) Fund that has been the product of an agreed bill process for the -- working for the last six months between business and labor and led by the Department of Employment Security. I move for adoption of the amendment, and I'd like -- we can discuss the substance when we debate the bill on 3rd Reading.

PRESIDING OFFICER: (SENATOR DELEO)

Thank you, Senator. Is there any discussion? Okay. All those in -- in favor will say Aye. All those opposed, Nay. The Ayes have it, and the amendment is adopted. Madam Secretary, are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DELEO)

3rd Reading. Okay. On 3rd Reading, House Bill 810. Senator Ronen, do you wish to proceed ma'am? She indicates she wishes to proceed. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 810.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DELEO)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

Senator Ronen.

SENATOR RONEN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. As I said, this is a historic bill we're about to discuss and it talks about the Unemployment Insurance Fund, which we know has been in crisis and in debt. For the last six months, representatives of labor and business have been working together in an agreed bill process, which I think is very important to stress. We haven't done this in fifteen years, and I congratulate the members of labor and business for sitting down together and the Governor for bringing them together so that we can address what is a very, very serious public policy problem. House Bill 810 would address the problem in a couple different ways. First, it restores the State's unemployment insurance system to solvency. And secondly, it tells us how to cover the anticipated shortfalls in the State's Unemployment Trust Fund while the system is getting back on its feet. Through a combination of benefit and revenue changes, the legislation is intended to eliminate the Trust Fund's debt by the close of Calendar Year 2009. Changes on the revenue side include a number of structural changes that result in business paying more into the Trust Fund sooner than under current law, over three quarters of a million dollars. I'm hearing maybe that I can maybe leave some of the detail here. But let me just stress, this is a very important bill. Labor gave - employees will be giving up certain benefits. Business will be paying slightly more in taxes. The bottom line is we will be saving a significant amount of taxpayer monies, upwards of a quarter of a million dollars, by doing this. It's important that we act now. I would urge all my colleagues to vote Aye.

PRESIDING OFFICER: (SENATOR DELEO)

Thank you very much, Senator. Is there any discussion? Senator Sieben, for what purpose do you rise, sir?

SENATOR SIEBEN:

To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR DELEO)

To the bill, sir.

SENATOR SIEBEN:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

I rise in strong support of this legislation. Also want to compliment the representatives of labor and business that have negotiated this for many, many months. For the past fifteen years, we've had a positive fund balance in the Unemployment Insurance Trust Fund. Today we come to resolve that issue that -- of the deficiency with some minor adjustments in the employer tax rates and the employee benefit systems. Remind the Members that this is an agreed bill. Historically the process is that all Members vote for and support the agreed bill. This represents the best-faith efforts by both business and labor. Concessions have been made by both. Commitments have been made by -- both. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DELEO)

Thank you, Senator. Senator Cronin, for what purpose do you rise, sir?

SENATOR CRONIN:

To speak to the bill, please.

PRESIDING OFFICER: (SENATOR DELEO)

To the bill, sir.

SENATOR CRONIN:

You know, I just wanted to pick up on this notion that this is an agreed bill. And, you know, it's been so long since we employed the -- or, utilized the agreed bill process. Maybe some newer Members of the Senate may not know what that means. But this is an issue that has been negotiated at length by both management and labor. You know, it's not the kind of bill or issue that -- that any of us are thrilled about, but we know it's necessary and we know it's the right thing to do. And we all need to be in it together. Frankly, a No vote on this bill can be very easily interpreted as a anti-business or anti-labor vote simply because if we don't pass this bill, the consequences would be much more severe for both business, in terms of costs, and labor, in terms of decreased benefits. So, if you're pro-business or pro-labor, or you're both, you need to vote Yes on this bill and recognize and appreciate and fulfill the agreed bill process. Should be fifty-nine Yes votes up there.

PRESIDING OFFICER: (SENATOR DELEO)

Thank you, Senator. And is there any further discussion? Seeing no further discussion, Senator Ronen, to close, ma'am.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

SENATOR RONEN:

Thank you, Mr. President. I would just -- I would just -- there's no more I can add to what has been said. This is an agreed bill. It is good for business, it's good for labor and it will save the State a quarter of a million -- a quarter of a billion dollars. I urge all my Members on this side of the aisle and the other to vote Aye.

PRESIDING OFFICER: (SENATOR DELEO)

Thank you, Senator. Question is, shall House Bill 810 pass. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 57 Ayes, 0 voting Nay, 0 voting Present. House Bill 810, having received the required constitutional majority, is declared passed. Continuing on page 2 of the Calendar. Middle of page. House Bills 3rd Reading. House Bill 906. Senator Welch. Senator Welch, on House Bill 906. The Senator seeks leave of the Body to return House Bill 906 to the Order of 2nd -- Reading. Leave is granted. On the Order 2nd Reading is House Bill 906. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Welch.

PRESIDING OFFICER: (SENATOR DELEO)

Senator Welch, on the Floor amendment, sir.

SENATOR WELCH:

Thank you, Mr. President. Amendment No. 1 becomes the bill. What it does is amend the State Police Act concerning policemen's salary, vacation and pensions, establishing a minimum salary level for different ranks of State Police officers, mandating accrued vacation time based on years of service, and ensuring pension contributions are the same for all State Police officers. This is an initiative of the Command Officers Association of the Illinois State Police. This language was contained in Senate Amendment 1 to House Bill 906, which passed the General Assembly in the spring and was vetoed by the Governor. This amendment will fix a pay scale discrepancy between employees covered by a bargaining agreement - the State

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

troopers and sergeants - and those who are not - the command officers. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DELEO)

Thank you, Senator. Is there any discussion? All those in favor will say Aye. All those opposed will say Nay. The Ayes have it, and the amendment is adopted. Madam Secretary, are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DELEO)

3rd Reading. House Bill 906. Senator Welch, do you wish to proceed, sir? Indicates he will. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 906.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DELEO)

Senator Welch, on House Bill 906.

SENATOR WELCH:

Thank you, Mr. President. As I explained on the amendment, this is an initiative of the Command Officers Association of the State Police. This language was passed once before in the spring, vetoed by the Governor. It fixes a pay scale discrepancy between the command officers and the State troopers and sergeants. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DELEO)

Thank you, Senator. Is there any discussion? Seeing no discussion, Senator Welch, to close, sir.

SENATOR WELCH:

I'd urge an Aye vote.

PRESIDING OFFICER: (SENATOR DELEO)

Okay. The question is, shall House Bill 906 pass. All those in favor will vote Aye. All those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 57 Ayes, 0 Nay, 0 voting Present. House Bill 906, having received the required constitutional majority, is declared passed. Ladies and

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

Gentlemen, moving from the printed Calendar to the Supplemental Calendar No. 1, which has been distributed. Should be on all Members' desks. That's Supplemental Calendar No. 1. Starting on the top of Supplemental Calendar is Senate Bill 1713. Senate -- 713. I'm sorry. I stand corrected. Senate Bill 713. Senator Munoz, do you wish to proceed, sir? He indicates he will wish to proceed. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 713.

Motion filed by Senator Munoz.

PRESIDING OFFICER: (SENATOR DELEO)

Senator Munoz.

SENATOR MUNOZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Amendment No. 1 to Senate Bill 713 basically is when the Public Accounting Act was revised by P.A. 88-36, the final version of the bill mistakenly left out the last three words of Section 2.01 {sic}, or the federal agency {sic} (or federal agency), which left the Section meaningless. The legislation history of P.A. 88-36 indicates that these words were also mistakenly left out of the original bill, Senate Bill 14, of the 88th General Assembly. The deletion of these words was never delineated by lining through or highlighting as required by Article IV, Section 8 of the Illinois Constitution and the elimination of these words were never brought to the attention of the General Assembly. The restoration of these words now will simply correct the mistake and these words should be viewed as having never been removed from the Section. I will attempt to answer any questions.

PRESIDING OFFICER: (SENATOR DELEO)

Thank you, Senator. Is there any discussion? Is there any discussion? Seeing no -- oop! Senator Lauzen, for what purpose do you rise, sir?

SENATOR LAUZEN:

Questions of the sponsor.

PRESIDING OFFICER: (SENATOR DELEO)

Sponsor indicates he'll yield for a question, sir.

SENATOR LAUZEN:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

Thank you -- thank you, Mr. President. Senator, can you tell me, is the CPA Society in favor of this?

PRESIDING OFFICER: (SENATOR DELEO)

Senator Munoz.

SENATOR MUNOZ:

Yes.

PRESIDING OFFICER: (SENATOR DELEO)

Senator Lauzen.

SENATOR LAUZEN:

Then I notice that the -- a part of our analysis shows that in committee there were a number of Yeses and then a number of Noes. Looked like it went on about partisan lines. Was that a previous -- can you -- can you give us some background on that?

PRESIDING OFFICER: (SENATOR DELEO)

Senator Munoz.

SENATOR MUNOZ:

What I'm showing as the proponents is the Illinois Board of Examiners and the Illinois CPA Society. There's no opposition that I'm aware of right now at this time, Senator.

PRESIDING OFFICER: (SENATOR DELEO)

Okay. Any further discussion? Seeing no further discussion, Senator Munoz, to close, sir.

SENATOR MUNOZ:

Just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DELEO)

Thank you, Senator. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 713. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 57 Ayes, 0 voting Nay, 0 voting Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 713, and the bill is declared passed. Continuing on the Supplemental Calendar. Senate Bill 771. Senator Lightford, do you wish to proceed? Indicates she'd wish to proceed. Madam Secretary, please read the motion.

SECRETARY HAWKER:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 771.

Motion filed by Senator Lightford.

PRESIDING OFFICER: (SENATOR DELEO)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President and Members of the General Assembly. House Amendment 1 to Senate Bill 771 amends the Illinois Banking Act regarding Federal Home Loan Bank stock ownership. It includes the purchase without limit of stock in a Federal Home Loan Bank to the list of purchases and holdings that are exempt from certain limitations imposed on banks. The proponents of this legislation was the Illinois Bankers Association, Community Bankers and the Office of Banks and Real Estate. It did leave the committee on leave attendance and I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DELEO)

Is there any discussion? Is there any discussion? Seeing no discussion, Senator Lightford, to close, ma'am.

SENATOR LIGHTFORD:

Thank you, Mr. President. I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DELEO)

Okay. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 771. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 57 Ayes, 0 voting Nay, and 0 voting Present. Having received the constitutional -- having -- having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 771, and the bill is declared passed. Senate Bill 867. Senator Schoenberg. Senator, do you wish to proceed? He indicates he wishes to proceed. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in adoption of their Amendment No. 1 to Senate Bill 867.

Motion filed by Senator Schoenberg.

PRESIDING OFFICER: (SENATOR DELEO)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I ask the Senate to concur in House Amendment No. 1 to Senate Bill 867. You may recall that this Chamber -- with overwhelming bipartisan support, passed the budget reforms contained within Senate Bill 1757 and 1759. They passed, as I said, with overwhelming support. Subsequent to that, the Governor recommended certain amendatory changes to these bills. They did the following: One, the Governor recommended, in his amendatory veto, increasing the cap on the Budget Stabilization Fund from four percent to five percent. And as you well know, bond houses say that states should save between three and five percent general funds. It requires that after the five-percent cap's reached, transfers into the Fund will be used to pay down deferred liabilities as presented in the Governor's proposed budget to the General Assembly. It clarifies the -- the use of the Budget Stabilization Fund to address cash flow deficits within a fiscal year. Provides that any amounts transferred in the Fund shall be reconciled at the beginning of the fiscal year. And finally, it defines the term, quote, "estimated general fund revenues," unquote, as used to make year to year comparisons in determining if there's enough growth in the revenues to warrant the one-percent deposit goes into the Budget Stabilization Fund. This latter -- the reason why the amendatory veto wasn't accepted was precisely because of a concern on how estimated revenues would be characterized in that -- because they're tied directly to the Governor's budget proposal. More -- more specifically, it was felt that the AV language put it upon the Legislature to accept the revenue projections in the proposal and thus would be usurping our role in determining what those projections would be. Most -- more specifically, this clarifies that the one-time charge -- that one-time -- one-time diversions from funds into the General Revenue Fund would not be incorporated within the base, which would subsequently trigger the clock -- or, the hour glass on when that rainy day threshold would kick in. So I would be happy to try to answer any questions, and I would urge you to concur in this. I want to point out that the underlying -- that

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

the rainy day fund bill was supported by a broad coalition including the Taxpayers' Federation, the Treasurer, a number of human service providers and educational groups. And I would hope that you'd be supportive of this, as well.

PRESIDING OFFICER: (SENATOR DELEO)

Thank you, Senator. Is there any further discussion? Any -- Senator Rauschenberger, for what purpose do you rise, sir?

SENATOR RAUSCHENBERGER:

A couple questions of the sponsor on this...

PRESIDING OFFICER: (SENATOR DELEO)

Sponsor indicates he...

SENATOR RAUSCHENBERGER:

...omnibus rescue Illinois bill.

PRESIDING OFFICER: (SENATOR DELEO)

Sponsor indicates he'll yield for a question. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Is -- is this a recapitulation of the kind of half-baked bill that -- we had before the General Assembly last year and passed on a partisan roll call? In essence, some might call it the "Dan Hynes, I want to do something else bill."

PRESIDING OFFICER: (SENATOR DELEO)

Senator Schoenberg.

SENATOR SCHOENBERG:

If you're referring to Senate Bill 1757 and 1759, these are modified versions of those bills.

PRESIDING OFFICER: (SENATOR DELEO)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Couple of questions -- to the bill. This automatically sets up a savings account and requires transfers into the rainy day fund without the General Assembly acting. Isn't that correct?

PRESIDING OFFICER: (SENATOR DELEO)

Senator Schoenberg.

SENATOR SCHOENBERG:

The Senate -- the General Assembly does indeed have an active role because it is up to the General Assembly to determine what is and is not a recurrent -- a recurrent

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

transfer, so that we ultimately determine what the foundation is before we begin determining whether the trigger mechanism has been reached.

PRESIDING OFFICER: (SENATOR DELEO)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Or another way to say that is, yes, it does set up an automatic transfer. Jeff, you know, this is not the House. I mean, try -- I mean, try this over here. Just tell your colleagues what you're doing to them here. And, you know, I guess I don't understand, 'cause I thought the real reason that the Comptroller thought it was necessary to have a rainy day fund was a Republican Governor. Now, you've got a Democratic Governor. Isn't this -- doesn't this speak to the mistrust of the Executive Branch that, you know, is now held by your own party for the first time in a generation? I -- I think, in fact, that the -- the reason we're hearing this is that your Governor was uncomfortable with the structure of this bill. Is -- is this been -- is this bill supported by the good Governor, Rod Blagojevich?

PRESIDING OFFICER: (SENATOR DELEO)

Senator Schoenberg.

SENATOR SCHOENBERG:

What this is designed to do is to provide further clarity on how we define base revenues. Ultimately, it falls upon all of us in both the House and the Senate to determine what those base revenues are before the trigger mechanism, which puts money into the rainy day fund, initiates.

PRESIDING OFFICER: (SENATOR DELEO)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Does this -- does this bill now, in its amended and cleaned up and -- and pristine form that you're willing to bring to this Floor, does it include the superduper revenue estimation agency that -- that we talked about last year? Does it have this new kind of agency that -- that's going to somehow accurately estimate revenues better than forty-seven other states and the federal government have done over the last few years?

PRESIDING OFFICER: (SENATOR DELEO)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

Senator Schoenberg, on that technical "superduper" term.

SENATOR SCHOENBERG:

No.

PRESIDING OFFICER: (SENATOR DELEO)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Just to close. And I know Jeff really cares about these things and I'm sure there's no agenda here. And I just think that we're a sovereign General Assembly. We're impaneled by the people who elect us to make budgetary decisions. That's our responsibility. Setting up automatic transfers and complicated things that -- to -- so that people can do press releases or press conferences is not in the best interests of your constituencies or mine. I would urge people to reject this House-modified bill.

PRESIDING OFFICER: (SENATOR DELEO)

Senator Larry Walsh, what purpose do you rise, sir?

SENATOR WALSH:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR DELEO)

To the bill, sir.

SENATOR WALSH:

You know, I -- I think that a rainy day fund has -- has been mentioned over and over and over, over the past number of years. And ever since Comptroller Hynes has been elected to his position, he has promoted the beginning and the -- the putting together of a rainy day fund. This is not a new issue. And I don't think that this issue -- after looking at the number of supporters of what this bill is and what this bill does, that to try and make this into some kind of a -- a political cartoon is unfortunate. And -- and I think that if we had created and actually worked on putting together a rainy day fund over a number of years, that maybe right now when we are faced with these budgetary problems that we have today that we've been dealing with, maybe they would still be here, but maybe on a lesser level. So, you know, I really believe that it is imperative for us as legislators. Our own home budgets we all try to put -- put a dollar away for a rainy day. I think the least we can do as legislators with a fifty-four-billion-dollar

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

budget, that we should be able to put some away for a rainy day.
I urge for an Aye vote.

PRESIDING OFFICER: (SENATOR DELEO)

Is there any further discussion? Senator Geo-Karis, for what purpose do you rise, ma'am?

SENATOR GEO-KARIS:

Since this bill carries a -- a wide range of -- of work in it, does it take thirty or thirty-six votes?

PRESIDING OFFICER: (SENATOR DELEO)

The effective date is July 1st, the year 2004. So having a further effective date, it would require thirty votes. Is there any further discussion? Seeing no further discussion, Senator Schoenberg, to close, sir.

SENATOR SCHOENBERG:

I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DELEO)

Thank you. The question is, shall Senate concur in House Amendment No. 1 to Senate Bill 867. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 33 Ayes, 22 Nays, 0 voting Present. Senate Bill 867, having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 867. The bill is declared passed. Senate Bill 978. Senator Welch. Senator, do you wish to proceed, sir? He indicates he would. Madam Secretary, please read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 978.

Motion filed by Senator Welch.

PRESIDING OFFICER: (SENATOR DELEO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This amendment to Senate Bill 978 amends the Vehicle Code. What it says is that where a highway under the Department's jurisdiction is contiguous to school property, the Department may, at the school district's request, set a reduced maximum speed limit for student safety

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

purposes in the portion of the highway that faces the school property and the portions of the highway that extend one-quarter mile in each direction at the opposite ends of the school property. That's all it does. It -- it was drafted to affect a new school built in Mendota, Illinois, where we have a fifty-five-mile-an-hour speed limit. There was recently a death there at that -- on that road. In committee, both Senator Burzynski and Senator Demuzio said the bill would apply to them and they supported the bill in the committee. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DELEO)

Thank you, Senator. Is there any discussion? Seeing no discussion, Senator Welch, to close, sir.

SENATOR WELCH:

I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DELEO)

Okay. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 978. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 57 Ayes, 0 Nays, 0 voting Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 978. Senate Bill -- and the bill is declared passed. Continuing on the Supplemental Calendar in the middle of the page. Senate Bill 1559. Senator Walsh. Out of the record, Madam Secretary. Senate Bill 1656. Senator Silverstein, do you wish to proceed, sir? He indicates he wishes to proceed. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1656.

Motion filed by Senator Silverstein.

PRESIDING OFFICER: (SENATOR DELEO)

Senator Silverstein.

SENATOR SILVERSTEIN:

Thank you, Mr. President. Senate Amendment No. 1 to Senate Bill 1655 will consolidate the ten current budgeted legislative

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

agencies into eight with the Pension Laws Commission being merged into the -- Illinois Economic and Fiscal Commission and the Illinois Commission of Intergovernmental Cooperation being folded into the Legislative Research Unit.

PRESIDING OFFICER: (SENATOR DELEO)

Thank you. Is there any discussion? Senator Roskam, for what purpose do you rise, sir?

SENATOR ROSKAM:

To the amendment.

PRESIDING OFFICER: (SENATOR DELEO)

To the amendment, sir.

SENATOR ROSKAM:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I just want to point out to the Body that this has been an agreed process. All the leaders have negotiated and come up with a good solution on this and I urge its passage.

PRESIDING OFFICER: (SENATOR DELEO)

Thank you, Senator Roskam. Senator Silverstein, to close, sir.

SENATOR SILVERSTEIN:

Ditto, Senator Roskam.

PRESIDING OFFICER: (SENATOR DELEO)

Ditto. Okay. The question is, shall the Senate concur in House Bill -- Amendment No. 1 to Senate Bill 1656. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 55 Ayes, 2 voting Nay, 0 voting Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 1656. The bill is declared passed. Senate Bill 1704. Senator Jacobs, do you wish to proceed? Madam Secretary, he indicates he would like to proceed. Would you read the motion?

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1704.

Motion filed by Senator Jacobs.

PRESIDING OFFICER: (SENATOR DELEO)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the pension agreement between the City of Chicago and its four pension funds - the Fire Department, Police Department, Laborers and Municipal and affected labor organizations - and between the Chicago Park District and its pension funds and affected labor organization. Just to go through real quick the essentials of the bill. The City of Chicago for the Laborers and Municipals - there's a five-years-of-service optional ERI, early retirement incentive, for employees age fifty with ten years city time separating from service by January 31st, 2004. There's a special lump sum payment for those separating from service by January 31, 2004. For the Chicago -- I might add that the City of Chicago's Laborer and Municipal Fund is funded at about a hundred and ten percent of liability. The Chicago Park District - five years of service optional early retirement incentive for -- employees age fifty with ten years Park District time separating from service by January 31st, 2004, special lump sum payment for fully amortized employees separating by January 31st, 2004, and a reduction of Chicago Park District Fund contributions for 2004 and 2005. Chicago Park District is funded at about ninety-four percent. The Chicago Police - there's an alternative retirement benefit formula for officers with at least ten years of -- service subject to age sixty-three compulsory retirement, a reduction of maximum benefit ability to twenty-nine years, increases in minimum widows' and annuitant pensions. Because of the nature of the job, this particular Fund is funded at about fifty-five percent. For the Chicago Fire, there's a lowering of full retirement benefit -- age to fifty. There's resolution of the brass bill, which I understand has been going on since 1979, and making duty availability and other compensation components fully pensionable. The Chicago Fire is funded at about eighty percent and it also increases in minimum widows' and annuitant pensions. That's a brief overview. Now let me just give you a couple of items here that I think are important to this bill. Number one, it is an agreed upon bill. But I also would be remiss to say that -- that there are some -- still some areas of

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

concerns by some of the smaller unions in regards to forgiveness of a twenty-three-million-dollar contribution by the City to the Chicago Police Fund. But the overall larger force has -- has approved that. There's a concern by downstate members that there's nothing in them for this bill. For that, I would just state that we just passed 906, which takes care of a lot of downstate State Troopers. I have gotten an agreement from President Jones that once the firefighters get their bill in good shape, House Bill 2221, in regards to the -- the retirees, the widows' retirement benefits, that that will be called in January, and also discussed with Speaker Madigan opening of negotiations on the Downstate Teachers early retirement bill and he is willing to look at that. So I think that we are, because of this bill, getting some -- some -- some things out there that otherwise we -- not -- may not have been able to -- to get. As -- as indicated by the City, this is well within the confines of the City budget. And in fact, in the first year it saves them fifteen million dollars on the police alone. Just try to answer any questions. It's a big bill. It's over fifty pages long. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DELEO)

Thank you very much, Senator Jacobs. Is there any discussion? Seeing no discussion, Senator Jacobs, to close, sir.

SENATOR JACOBS:

Just ask for an Aye vote, and if this bill goes down, the City of Chicago will have to lay off eleven hundred employees.

PRESIDING OFFICER: (SENATOR DELEO)

Thank you very much, Senator. Okay. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1704. All those in favor will vote Aye. All those opposed will vote 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? On that question, there are -- I'm sorry. Madam Secretary, please take the record. On that question, there are 31 Ayes, 20 Nays, 2 voting Present. Having failed to receive the required constitutional majority, the motion fails. Senator Jacobs, for what...

SENATOR JACOBS:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

I would ask that Senate Bill 1704 be placed on Postponed Consideration.

PRESIDING OFFICER: (SENATOR DELEO)

That request is in order. The -- Senate Bill 1704 we'll put on Order of Postponed Consideration, sir. Continuing on the Supplemental Calendar, page 2, we have a motion on House Bill 741. Senator Larry Walsh. Senator, you wish to proceed, sir? Indicates he -- yes. Madam Secretary, please read the motion.

SECRETARY HAWKER:

I move to recede from Senate Amendment No. 2 to House Bill 741.

Motion filed by Senator Walsh.

PRESIDING OFFICER: (SENATOR DELEO)

Senator Walsh.

SENATOR WALSH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. On House Bill 741, Senate Amendment No. 2 allowed an importing distributor to be issued a supplemental storage permit upon the filing of a supplemental application with the State Liquor Control Commissioners. Evidently, there have been some problems that have come up in regards to that. The -- the underlying bill is very important to -- to a school district, Joliet Junior College, in -- in my district. And so with that, I move to recede from Senate Amendment No. 2.

PRESIDING OFFICER: (SENATOR DELEO)

Thank you, Senator. Is there any discussion? Seeing no discussion, Senator Walsh, to close, sir. Okay. The question is, should the -- shall the Senate recede from Senate Amendment No. 2 to House Bill 741. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 56 Ayes, 0 voting Nay, 0 voting Present. Having received the required constitutional majority, the Senate does recede from Senate Amendment No. 1 to House Bill 741, and the bill is declared passed. Minority Leader Watson, for what purpose do you rise, sir?

SENATOR WATSON:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

Thank you, Mr. President. A point of personal privilege, please.

PRESIDING OFFICER: (SENATOR DELEO)

Please state your point.

SENATOR WATSON:

Yes. Thank you, Mr. President. Thank you for order. I appreciate that very much. We -- we're losing some good people in the next few days, and -- primarily to retirement. And one, for twenty-five years, has been on our staff here. Phil Weber, who's -- happens to be right here beside me. And we've all had the pleasure of knowing and working with Phil for all those years. And he's going to go into a life of leisure, I guess. And we want to thank him for all the years of service and the countless hours he's put in of hashing out all the legal issues for our side of the aisle, and his unmatched legal mind and his great wit. If you don't know Phil and don't know -- and haven't had a -- a beverage with him or sat down with him for a cup of coffee and had his wit expressed to you and understand that, this man is very, very funny. He's worked tirelessly on establishing the Illinois criminal law that is a model for the nation, and he authored the Capital Litigation Act, which ensures competent lawyers will work in capital cases, and he's set Illinois on the path to a meaningful death penalty reform. He's been very active in the tough anti-crime laws that protect our children and our families. He began his service to the people of this State as a Madison County Assistant Public Defender, and then as an Assistant State's Attorney. Was that for your brother? No. For a Democrat? Nick Byron? Actually, he started out working for a Democrat. Nick Byron, State's Attorney. And then he worked for the Illinois Attorney General's Office, who was a Republican, before joining our Senate Republican staff in 1978. I think he's really made his mark on good policy here in this State and we're going to miss him and his sense of humor, as I said. And, Phil, we wish you well. You've been a good friend and everybody..

PRESIDING OFFICER: (SENATOR DELEO)

Let's give a round of applause to Phil Weber. Senator Geo-Karis, for what purpose do you rise, ma'am?

SENATOR GEO-KARIS:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DELEO)

State your point, please.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I've had occasion to work with Phil Weber for many years. He's always been a gentleman. He's always tried to do the right thing. He's always been very helpful. And I certainly wish him a happy retirement, but he's too young to retire and I hope he gets a better job where he can make more money and not put up with us. Congratulations, Phil, and God bless you.

PRESIDING OFFICER: (SENATOR DELEO)

Majority Leader Demuzio, what purpose do you rise, sir?

SENATOR DEMUZIO:

A point of personal privilege.

PRESIDING OFFICER: (SENATOR DELEO)

Please state your point, sir.

SENATOR DEMUZIO:

We, on this side, too, know of the valued service that Phil Weber has provided to the Illinois Senate. And it's been a pleasure to work with him for over twenty-six years. The fact is, is that he will be moving on, I'm quite sure, to better and brighter things because of the knowledge and experience that he has had in this Body. And let there be no mistake that when the record is written and you look at the record of Phil Weber, all the individuals who are part of the Senate staff can look to him as an exemplary example of how staff will and should conduct themselves in this Body. He's a person who understands this process. He knows the law. He's a quiet person who is informative. Always gives you the right advice. And we have given him so much advice on this side of the aisle the last twenty-six years, my guess is that when he leaves here today, he'll probably declare himself as a Democrat tomorrow. Phil Weber, congratulations. You are an inspiration, an exemplary example to all of us. Thank you. Congratulations.

PRESIDING OFFICER: (SENATOR DELEO)

Senator Watson, for what purpose do you rise sir?

SENATOR WATSON:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

Yes. I appreciate the remarks of the Majority Leader and we have one more individual who is going to be leaving us, who has been secretary for the Chief of Staff since 1987. That's Lil Kruger. And, Lil, I think you started in 1987 working for the Chief of Staff and I assume that would have been Carter Hendren. Okay. Carter's in the gallery, was our Chief of Staff for a long period of time. Tom Taylor, our assistant Chief of Staff. Lil worked for them and did an outstanding job. And another one of those very humorous people that -- that's good to get to know. You worked hard here. You're very energetic. You were here when the lights came on and you're here when they go out, and you're going to be missed also. And we appreciate all the work you've done for the -- for us on this side of the aisle and -- and once again, an exemplary effort for a staff person to -- to put forth what you have for all these years, Lil. And we are going to miss you; although, we know you might be coming back on an occasional day or two and we look forward to seeing you. And thanks, Lil, for all you've done.

PRESIDING OFFICER: (SENATOR DELEO)

Senator Geo-Karis, for what purpose do you rise, ma'am?

SENATOR GEO-KARIS:

Personal privilege.

PRESIDING OFFICER: (SENATOR DELEO)

State your point, please.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, Lil Kruger was one of the best assets we ever had 'cause when we couldn't find Carter and he's too busy to talk to us, Lil was always there for all of us. A terrific lady with a good sense of humor and tells some good jokes. And we're going to miss her. Congratulations, Lil, and I hope you have a very great time retiring, but I still say the same thing to you: You're too young to retire. God bless you.

PRESIDING OFFICER: (SENATOR DELEO)

Majority Leader, Senator Demuzio, for what purpose, sir?

SENATOR DEMUZIO:

Point of personal privilege. We, too, also want to congratulate Lil. I'm quite sure that her retirement has been -- has been hastened by the people that she had worked with

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

previous. Lil was always polite and courteous and kind, contrary to her former boss who we retired now to the gallery. But, Lil, we wish you congratulations, as well. You, too, have been an exemplary employee here in the State Senate, and we wish you all the best and congratulations to you in your retirement. And I'm quite sure you're going on to better and bigger things as well. Thank you.

PRESIDING OFFICER: (SENATOR DELEO)

Senator Roskam, for what purpose do you rise, sir?

SENATOR ROSKAM:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DELEO)

Please state your point.

SENATOR ROSKAM:

Well, the eroding Senate Republican legal brain trust is thinning as we speak, and the last person that we're losing is Pete Baroni. Now, those of you who have known Pete to serve as the lead staff person, along with Jo Johnson on the Senate Judiciary Committee, know that his influence is really incredible. In fact, I sort of turn into a bobblehead when Pete comes walking towards me, because I know that by the time he's done with me, I'm for whatever he's put in front of me. And he's had an incredible influence on the Senate Judiciary Committee under Senator Carl Hawkinson, under Senator John Cullerton. He is a person who put in an incredible amount of time on a very controversial subject that we all, collectively, have our fingerprints on, and that's the death penalty reform bill. The truth is that Pete Baroni was the person that really did an incredible amount of staff work on the subcommittee that worked a couple of summers ago. He's the person that sought out Professor Hoffmann, who is the person that came to that committee articulating the fundamental justice amendment that made all of us sound like geniuses. But it was Pete Baroni that sought him out. And so he's going back to sunny DuPage County. He's going to be a lawyer there and open up a practice and I'm sure he will be very successful. And if he's not, he may be back. But the truth is, I'm -- I'm sure you're not going to be seeing him on cable ads at 2:00 in the morning, but you may be

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

able to reach him at 1-800-Baroni. But we're all going to miss him.

PRESIDING OFFICER: (SENATOR DELEO)

Senator Obama, for what purpose do you rise, sir?

SENATOR OBAMA:

Just a brief remark, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

State your...

SENATOR OBAMA:

I had the pleasure of working with Mr. Baroni on the Judiciary Committee, and I just want to say that he has always been an outstanding partner with this side of the aisle, as well as the folks he's representing, in terms of coming up with the best possible solutions to tough legal problems. He's a real professional, class guy. We're going to miss him here. And I think I speak for the Democrats, as well as the Republicans, to say that we very much appreciate his service here in Springfield. So we wish him the best of luck.

PRESIDING OFFICER: (SENATOR DELEO)

Senator Cullerton, for what purpose do you rise, sir?

SENATOR CULLERTON:

Yes. Point of personal privilege, Mr....

PRESIDING OFFICER: (SENATOR DELEO)

Please state your point, sir.

SENATOR CULLERTON:

I wanted to state to the Members of the Senate on my side of the aisle, if you thought that Senator Roskam was exaggerating and you were curious as to whether or not all those nice things he said about Pete were true or not, I -- I'm here to assure you that they are. Pete did a fantastic job on the death penalty. He -- I would say he was a co-author of that bill along with the Senators that worked on it, which, as you all know, received unanimous support, eventually, in -- in the Senate. He did a tremendous job. He is -- that committee, under Carl Hawkinson and hopefully under myself, has been a truly bipartisan, nonpartisan committee and Pete is -- is a person that would just as easily go over to our side of the aisle and -- and help answer questions as he would to one of his own Members. We are truly going to miss him and I wish him the

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

best. Even though he might be lobbying us in the future, we'll have to be objective, but we wish him the best and really appreciate all your help that you've given us over the years. Thank you.

PRESIDING OFFICER: (SENATOR DELEO)

Madam Secretary, Resolutions.

SECRETARY HAWKER:

Senate Resolution 336, offered by Senator Demuzio, President Jones and all Members.

It's a death resolution.

PRESIDING OFFICER: (SENATOR DELEO)

Resolutions Consent Calendar. We'll just sit tight for a couple minutes. We're waiting for a Message from the House. Some paper work. Will be just a couple short minutes so just stay very, very close to your seats. Madam Secretary, Messages from the House.

SECRETARY HAWKER:

A Message from the House by Mr. Bolin, Assistant 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 702, together with House Amendments 2, 3 and 4.

Passed the House, as amended, November 20, 2003.

PRESIDING OFFICER: (SENATOR DELEO)

Could I have the Body's attention, please? The Body's attention. The Rules Committee will meet in ten minutes. Rules will be in -- 7:10 in the President's room -- Ante Room. I urge everybody stay very close. Rules Committee at 7:10. Ladies and Gentlemen, going back to our regular Calendar. On page 2 of the Calendar is the Order of House Bills 3rd Reading. This, again, is going to be final action. We have House Bill 863. Senator Link. Senator Link seeks leave of the Body to return House Bill 863 to the Order of 2nd Reading. Leave is granted. On that Order of 2nd Reading is House Bill 863. Mr. Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HARRY:

Amendment No. 2, offered by Senator Link.

PRESIDING OFFICER: (SENATOR DELEO)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

Senator Link, on the amendment.

SENATOR LINK:

Thank you, Mr. President. This modifies the taxpayer's adjusted gross income for Illinois income tax purposes by adding an amount equal to the bonus depreciation taken on a taxpayer's federal income tax. I'll be more than happy to answer all questions after we adopt the amendment on 3rd Reading.

PRESIDING OFFICER: (SENATOR DELEO)

Senator Lauzen, do you want to wait till 3rd Reading, sir? Okay. Seeing no discussion, all those in favor will say Aye. All those opposed will say Nay. The Ayes have it, and the amendment is adopted. Are there -- Mr. Secretary, are there any further Floor amendments approved for consideration, sir?

ACTING SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DELEO)

3rd Reading. Okay. On the Order of 3rd Reading is House Bill 863. Senator Link, do you wish to proceed, sir? He indicates he wishes to proceed. Mr. Secretary, please read the bill.

ACTING SECRETARY HARRY:

House Bill 863.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DELEO)

Senator Link.

SENATOR LINK:

Mr. President, before we continue, I want to just make a clarification, looking at the board. We just adopted Floor Amendment No. 2, not Floor Amendment No. 1. Correct?

PRESIDING OFFICER: (SENATOR DELEO)

Mr. Secretary will check the amendments. That's correct. It's -- it is Floor Amendment No. 2, sir.

SENATOR LINK:

Thank you. This -- as I said, this -- this amendment modifies the taxpayer's adjusted gross income for Illinois income tax purposes by adding back the fifty-percent bonus depreciation the federal government permitted to be taken on the taxpayer's federal income tax return. This does not take away

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

from the depreciation expense from taxpayers. This amendment only requires taxpayers to take a depreciation as actually depreciated. If this is not passed, Illinois could lose one hundred to two hundred million dollars in revenue. I'll be more than happy to try to answer any questions.

PRESIDING OFFICER: (SENATOR DELEO)

Okay. Is there any discussion? Is there any discussion? Senator Lauzen, for what purpose do you rise, sir?

SENATOR LAUZEN:

Just to the bill.

PRESIDING OFFICER: (SENATOR DELEO)

To the bill, sir.

SENATOR LAUZEN:

First of all, thank you very much, Mr. President. Ladies and Gentlemen of the Senate, first of all, I would like to compliment the sponsor of this legislation, both staffs and also the staff of the Department of Revenue for going through and -- and thoroughly implementing the policy that we passed in this Chamber. I think that they've done a very workmen's like job on getting the language in place that's necessary to roll out the policy that this Body passes or votes against. Unfortunately, what this bill does is an extension of the decoupling of the depreciation laws in the State of Illinois from the federal legislation. On the one hand, we have the federal government demonstrating that it's very serious about bringing back and stimulating the economy so more people have jobs paying higher wages. Unfortunately, in Illinois, we go the opposite way. We say that we want investment and we say that we want jobs. Yet we place Illinois at a -- Illinois commerce and industry at a definite disadvantage because we're taxing 'em more than what -- the federal government. As the federal government puts more incentive to invest and employ, Illinois through measures like this policy, is putting us behind. There's basically three kinds of depreciation that businesses in America enjoy. Regular depreciation, IRS Code 179 and then bonus depreciation. To give you an idea of how substantial this is, just under one of the categories that is decoupled, Code 179 and bonus depreciation, a business in Illinois that's considering making a hundred-thousand-dollar investment in equipment to make us more

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

productive to compete in the international market, right now in the federal government and in other states and states around us, they can take a -- a -- a hundred-thousand-dollar write-off in that first year, and at a 7.3 percent income tax - small corporation income tax - that's a seventy-three-hundred-dollar deduction. And what this bill does is it helps take that deduction away and places us at a disadvantage. I ask you to vote No on this bill.

PRESIDING OFFICER: (SENATOR DELEO)

Thank you, Senator. Senator Wendell Jones, sir.

SENATOR W. JONES:

Yes. Thank you, Mr. President. I just had a similar statement that I wanted to make. Four of us voted a No -- No against this bill in committee. Basically what it does, in summary, is gives around thirty-five or forty million dollars to the State of Illinois. If you vote Yes, it gives thirty-five to forty million dollars to the State of Illinois. If you vote No it keeps thirty-five to forty million dollars in the pockets of businessmen in Illinois. I think we need to keep this money in the hands of businessmen. Thank you very much.

PRESIDING OFFICER: (SENATOR DELEO)

Thank you, Senator. Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. Just an inquiry of the Chair.

PRESIDING OFFICER: (SENATOR DELEO)

Yes, sir.

SENATOR ROSKAM:

Mr. President, my understanding is that this has an immediate effective date, and therefore does this require thirty-six votes? I think the right answer is, yes, Senator Roskam, it does.

PRESIDING OFFICER: (SENATOR DELEO)

Yes, Senator Roskam. Because it does have an immediate effective date, our rules calls that it does need thirty-six votes, sir.

SENATOR ROSKAM:

Thank you for that clarification. Could I briefly speak to the bill?

PRESIDING OFFICER: (SENATOR DELEO)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

Yes, sir.

SENATOR ROSKAM:

Thank you.

PRESIDING OFFICER: (SENATOR DELEO)

To the bill.

SENATOR ROSKAM:

You know, it's ironic. Yesterday all of us worked and talked and voted and cajoled and negotiated to try and cut taxes on a business that's really struggling in Illinois. Here's an opportunity for us, by defeating this bill, to do something good for all the businesses of Illinois. And it just seems to me to be an irony that -- that can't go unnoticed. It makes absolutely no sense for this Body to be engaging in decoupling at a time when that decoupling moves us in the exact opposite direction that we need to be going. This is not complicated. This is not -- this is really not complicated. This is an easy No vote. It's opposed by the State Chamber. We've heard from these business groups. They're not kidding. They are struggling. They need our help. Let's vote No and not burden them any further. Thank you.

PRESIDING OFFICER: (SENATOR DELEO)

Senator Jacobs.

SENATOR JACOBS:

Thank you -- thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill, you know, I struggled with a little bit myself in committee, 'cause I do buy the argument from the other side that under normal circumstances, the money is better put in the hands of business out there that's going to put money in -- into their businesses and -- and proceed in -- in creating more jobs. But, currently, that's not our issue. And we can revisit this at a later date. In my estimation, right now we need the money, number one. Number two, you know, just stop and think about it a minute. With the accelerated depreciation of a hundred thousand, you go out and buy a hundred thousand dollars worth of new equipment and you can take that depreciation in one year. Now, think about that, because what if you're only in business three months later after that first year is up? You have got a tremendous depreciation, 'cause it's accelerated, that really and truly you're probably not fully entitled to. So

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

I think it's one we have to be awful careful of and I think it's one that we need an Aye vote on. I do agree with the other side of the aisle that we got to stop somewhere on -- in kicking business in the teeth, but I don't think this is the year.

PRESIDING OFFICER: (SENATOR DELEO)

Thank you, Senator. Seeing any further discussion? Senator Link, to close, sir.

SENATOR LINK:

Very shortly. I just think Senator Jacobs basically covered everything that I wanted to say on this and that I think this bill is extremely important to the financial stability of -- of the State. But I also think that, as Senator Jacobs, I -- I also came out of the small business world and I -- I think it's time that we do definitely look at helping business. But I -- I echo his statement that I don't think this is the bill that we need to do it on and I think this is important for the State. And I encourage all the Aye votes on this. Thank you.

PRESIDING OFFICER: (SENATOR DELEO)

Thank you, Senator Link. The question is, shall House Bill 863 pass. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 30 Ayes, 25 Nays, 0 voting Present. House Bill 863, failed to receive the required constitutional majority, is declared failed. Senator Link, for what purpose do you rise, sir?

SENATOR LINK:

Mr. President, I would ask that House Bill 863 be put on Postponed Consideration.

PRESIDING OFFICER: (SENATOR DELEO)

That motion is in order, sir. The bill will be -- House Bill 863 will be put on Postponed Consideration, sir. Senator Roskam, for what purpose do you rise, sir? We'd ask all Members of the Rules Committee, please retire to the rear of the Chamber. The Rules Committee will -- the hour of 7:10 having arrived, the Rules Committee will meet immediately in the Anteroom. Madam Secretary, Committee Reports, please.

SECRETARY HAWKER:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

Senator Demuzio, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to Executive Committee - Motion to Concur with House Amendment No. 1 to Senate Bill 20, Motion to Concur with House Amendments 2, 3 and 4 to Senate Bill 702, Motion to Concur with House Amendment 2 to Senate Bill 857, Floor Amendment 3 to House Bill 701, Floor Amendment 1 to House Bill 2654, Floor Amendment 1 to House Bill 2655, Floor Amendment 1 to House Bill 2656 and Floor Amendment 1 to House Bill 2657; refer to Revenue Committee - Motion to Concur with House Amendment 2 and 4 to House Bill 1883; Be Approved for Consideration - Senate Bills -- Senate Bill 950 and House Bill 1045.

PRESIDING OFFICER: (SENATOR DELEO)

Madam Secretary, Messages from the House, please.

SECRETARY HAWKER:

A Message from the House by Mr. Bolin, Assistant 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 1946, together with House Amendment 1.

Passed the House, as amended, November 20th, 2003.

PRESIDING OFFICER: (SENATOR DELEO)

Senator Link, for what purpose do you rise, sir?

SENATOR LINK:

There will be a Senate Revenue Committee in Room A-1 at 8:25.

PRESIDING OFFICER: (SENATOR DELEO)

Senate Revenue Committee at 8:25 in Room A-1. Is that correct, sir? At 8:25.

SENATOR LINK:

That's correct, Mr. President.

PRESIDING OFFICER: (SENATOR DELEO)

Thank you, Mr. Chairman. Senator Silverstein, for what purpose do you rise, sir?

SENATOR SILVERSTEIN:

For a purpose of an announcement.

PRESIDING OFFICER: (SENATOR DELEO)

State your announcement, sir.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

SENATOR SILVERSTEIN:

The Senate Executive Committee will meet at 8:30 in Room 212.

PRESIDING OFFICER: (SENATOR DELEO)

The gentleman has stated that Senate Executive Committee will be -- meet at the hour of 8:30 in Room 212. The hour of 8:30 in 212. Thank you, Chairman Silverstein. Senator Peterson, for what purpose do you rise, sir?

SENATOR PETERSON:

To request a Republican Caucus at 7:45 to last during the recess until the committees come back from their business.

PRESIDING OFFICER: (SENATOR DELEO)

Okay. That request is always in order, sir. So, the Senate Republicans will caucus at 7:45 until the hour of the Executive Committee to 8:25 and -- Revenue will start at 8:25. Executive Committee will start at 8:30. Senate Republicans -- request a Republican Caucus in Republican Leader Watson's Office at -- the hour of 7:45. Thank you, Senator Peterson. Okay. The Senate will stand in recess to the call of the Chair. After committee meetings, the Senate will reconvene to receive Committee Reports and for further Floor action. The Senate stands in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DELEO)

Senate will come to order. Senator Sieben, for what purpose do you rise, sir?

SENATOR SIEBEN:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DELEO)

State your point, sir.

SENATOR SIEBEN:

Mr. President, we'd like to request an immediate short Republican Caucus in Leader Watson's Office.

PRESIDING OFFICER: (SENATOR DELEO)

Okay.

SENATOR SIEBEN:

Short caucus.

PRESIDING OFFICER: (SENATOR DELEO)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

That order is always in -- that request is always in order. And it's the hour of 9:20, and the Senate will reconvene at the hour of 9:35. I think that's an agreed-upon time with Senator Watson and President Jones. So, for all Members of my hearing voice, all -- it's been announced, a Republican Caucus immediately in Senator Watson's Office. Republican Caucus immediately in Senator Watson's Office till the hour of 9:35. The Senate will stand at ease, be in recess till the hour of 9:35.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WELCH)

The Senate will come to order. Madam Secretary, Messages from the House.

SECRETARY HAWKER:

A Message from the House by Mr. Bolin, Assistant 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 82, together with House Amendment 1.
Passed the House, as amended, November 20th, 2003.

PRESIDING OFFICER: (SENATOR WELCH)

Committee Reports.

SECRETARY HAWKER:

Senator Silverstein, Chairperson of the Committee on Executive, reports Motion to Concur with House Amendment No. 1 to Senate Bill 20, House Amendments 2, 3 and 4 to Senate Bill 702, House Amendment 2 to Senate Bill 857, all Be Approved for Consideration; and Senate Amendment 3 to House Bill 701, Senate Amendment 1 to House Bill 960, Senate Amendment 1 to House Bill 2654, Senate Amendment 1 to House Bill 2655, Senate Amendment 1 to House Bill 2656 and Senate Amendment 1 to House Bill 2657, all Be Adopted.

Senator Link, Chairperson of the Committee on Revenue, reports Motion to Concur with House Amendments 2 and 4 to Senate Bill 1883 Be Adopted.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

Ladies and Gentlemen, we are going to the Supplemental Calendar that is passed out and is sitting on your desk. The Supplemental Calendar consists of one bill, Senate Bill 702. Would the Members please come to the Floor? This is final action. We're going to call the ethics bill. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 2, 3 and 4 to Senate Bill 702.

Motion filed by Senator Garrett.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Susan Garrett.

SENATOR GARRETT:

Thank you, Mr. President. I'm proud to be here tonight to offer the final vision of the most sweeping reform ethic legislation that we have introduced in the State of Illinois. And what I'd like to do, because there are three amendments to this bill, is introduce Amendment No. 2, and then, obviously, 3 and 4. Amendment No. 2 does the following: It provides for comprehensive annual ethics training, public service announcements with restrictions. It talks about the revolving door policy, ex parte communications. It talks about State contractors, the Gift Ban Act, and creates an Executive Ethics Commission. It creates the Executive Inspectors General, creates the Legislative Ethics Commission, creates the Legislative Inspector General, and provides that, beginning one year after Senate Bill 702 is signed into law, statements of economic interest shall be posted on the Internet. And it also requires and increases that lobbyist registration fees are anywhere between a hundred and fifty to three hundred and fifty dollars. It also bans lobbyists on State boards and commissions unless they are an elected official or serving in an advisory position only. That is Amendment No. 2. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Are there any questions on Amendment No. 2? Any questions? No questions. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

We're pretty excited to have this ethics bill finally on the Floor. We realize it's been kind of built over time through many, many, many meetings, and we're pretty excited about that. Can you tell me whether this bill affects the Open Meetings Act, Senator Garrett?

PRESIDING OFFICER: (SENATOR WELCH)

Senate -- indicates she'll respond, Senator.

SENATOR GARRETT:

...does affect the Open Meetings Act.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

If -- if that's correct, does it then require forty votes for passage because we're setting a very, very -- I think the -- the first time since I've been elected, we're voting to supercede the Open Meetings Act and close a proceeding from the press and the public. Is -- is -- I don't remember doing that in eleven years. So this is going to require a super -- supermajority like forty votes out of the Senate. Is that right?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

Senator, as you can imagine, and I'm sure you're familiar with the Open Meetings Act, the Open Meetings Act requires that when issues related to personnel are being discussed, that those issues be discussed in private. And when you're talking about any possible or potential violations, it is -- it makes perfect sense that these meetings should not be open to the public because personnel issues will be discussed. And it...

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

We're not talking about the hiring or firing of an employee or the purchase or acquisition of land. We're talking about discussing whether there's merit to a charge against a Member of the General Assembly. And so we're -- we're going to close the public -- our -- our -- your idea in this bill of the ethics reform is to close those proceedings from the -- I just want to

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

make sure that your idea of the ethics bill closes those proceedings from the public. Is that correct?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

Senator, I think you have misunderstood this bill. Basically what this bill is doing is saying that unless there is a proven violation, any assumptions, any discussions regarding employees of the State will be done so in private, as they should be done. That's the whole point of the Open Meetings Act. It's not in the best interest of anybody to have accusations open to the general public when, in fact, they may be inaccurate. And I think it's imperative that when we talk about ethics reform, that we are not going to allow for any type of frivolous accusations to be made available to anybody who wants to come to a meeting. These are -- until an accusation or violation has been confirmed, those meetings, and should be, will be held with the Open Meetings Act.

PRESIDING OFFICER: (SENATOR WELCH)

Ladies and Gentlemen, we are honored to have the Governor of the State of Illinois on the Floor of the Illinois Senate. Governor, welcome to the Illinois Senate. Thank you for coming. Senator Garrett, you've -- you've only introduced Amendment 2. Did you want to explain 3 and 4?

SENATOR GARRETT:

Well, the only other thing I will agree with the Senator on is, yes, it does need forty votes.

PRESIDING OFFICER: (SENATOR WELCH)

Why don't you explain Amendment 3 and 4 so the questions can apply to all three?

SENATOR GARRETT:

Amendment No. 3 is just a technicality and Amendment No. 4 basically -- let me just read this to you. It -- it allows for the Department of Insurance and the State Pension Systems to be listed agencies where the ex parte communications must be reported.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

SENATOR GEO-KARIS:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

Question of the...

PRESIDING OFFICER: (SENATOR WELCH)

Sponsor indicates she'll yield, Senator.

SENATOR GEO-KARIS:

Are we on 3rd Reading of this -- final concurrence?

PRESIDING OFFICER: (SENATOR WELCH)

This is final passage, Senator.

SENATOR GEO-KARIS:

Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

It's a motion to concur on three amendments.

SENATOR GEO-KARIS:

The amendments have all been read in. Is that correct?

PRESIDING OFFICER: (SENATOR WELCH)

Yes. 2, 3 and 4, Senator.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I have voted for many ethics bills in my thirty years here. I do not feel that I'm going to vote for this one. In fact, I'm not going to. I believe that I'd like to see one bill without all the cockamamie things in it. Simply full disclosure, full and complete disclosure to the taxpayers whoever donates to us in our campaigns. And I -- I don't find it completely true in here; therefore, I'm going to be voting No on this one.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Dillard.

SENATOR DILLARD:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates she will, Senator.

SENATOR DILLARD:

Senator Garrett, if this passes, what is the status of a violator who doesn't, in the final thirty days of a campaign and gets a contribution greater than five hundred dollars, file the paperwork right or correctly with the State Board of Elections? What's the penalty going to be?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

SENATOR GARRETT:

Senator Dillard, apparently in this bill there isn't anything that speaks to that particular violation.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Dillard.

SENATOR DILLARD:

So, Senator Garrett, I -- I hear rumors that we may let known election law violators off who have penalties pending on the noncompliance with these huge campaign contributions during the final days of a campaign. That's not in here?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

It's not in here.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Dillard.

SENATOR DILLARD:

Just to close then, Mr. President. I -- I would rise in support of this proposal. Most of Senator Watson's excellent ideas -- in fact, I think all of Senator Watson's excellent ideas are in here. It's another step in the right direction in restoring the public's confidence in the way we do business in Illinois government, and I'd urge a favorable vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. A couple questions.

PRESIDING OFFICER: (SENATOR WELCH)

She indicates she'll yield, Senator.

SENATOR SYVERSON:

Do we know how many employees who will be -- need to be hired to operate this program?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

I don't have the exact number of how many employees will be hired, but I'm sure you will agree that if the State of Illinois makes any -- any step in this direction, that this is probably

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

one of the most critical measures that we should be passing as a Body.

PRESIDING OFFICER: (SENATOR WELCH)

Senator -- Senator Syverson.

SENATOR SYVERSON:

Well, can we give an -- I mean, are we talking about a hundred, two hundred, three hundred people? Do we have an idea of how many people we're talking about in -- with all the different inspector generals, their staff, secretaries? I mean, we must have -- hopefully there was some discussions going on about what the structure is going to look like. Do we have a -- a ballpark number on number of employees?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

It would really be up to the office of the Inspectors General. And that is something that they will be discussing.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

So we're voting on creating something that we don't know what it's going to cost or how big it's going to be, and then we're going to allow the Inspector Generals to pick as large a staff as they -- they want. Or, who makes the decision on how much staff that each of these Inspector Generals are going to hire?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

I would say to you, Senator, that this Body will be voting on any appropriation affecting this particular Act. And so we will have the final say as to how much money will be funded for the Ethics Act.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

Well, this'll be the final question. I -- I guess I'm concerned that we're talking about creating a whole agency and we don't know if we're talking about ten people or two hundred

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

people. At a time when we're not paying our bills, at a time when our DD facilities are struggling to get payments that they're owed, we're talking about potentially spending millions of dollars here with -- with an open checkbook with no one even asking where it's -- money's going to come from, how many employees it's going to be, or -- or how much it's going to ultimately end up costing us. And I'm a little bit concerned about, from the financial standpoint, why we're rushing into this thing so quickly. And then just in closing, what -- what Senator Dillard talked about as well. It is unconscionable to me that we're talking about passing ethics reform at the same time that there are Members on that side looking to pass legislation to allow hundreds of violators of our ethics laws off the hook. And that vote will probably happen later on tonight. It sure sends a wrong message that on one hand, we're talking about ethics reform, and on the other hand, you're pushing legislation to allow these individuals who have broken State law to get off without even paying fines.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Inquiry of the Chair.

PRESIDING OFFICER: (SENATOR WELCH)

Yes.

SENATOR JACOBS:

Do we have a copy of this bill, or this amendment? According to our computer, there's no analysis of this at this time. Here we are in the waning hours of a Session looking at a bill or trying to vote on a bill that we have not yet seen. And we talk about our openness, we talk about our ethics, but here we are very late in the process and we really don't even know what we have before us with it just coming out of committee. To me, this is á la SBC, á la whatever other ones you want to call. I just hope the press takes the time to report that this is another action taken by the Legislature in the dark of night.

PRESIDING OFFICER: (SENATOR WELCH)

Senator, on the computer the amendment appears. We no longer deal with paperwork. We don't have the printed copies to

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

hand out. We rely upon the computer now. So, hopefully the lights don't go out, because then so will your computer. Senator Ronen.

SENATOR RONEN:

Thank you, Mr. President. I rise in strong support of -- of this legislation. I want to commend Senator Garrett for bringing this forward. And I want to remind the Body how we got to this point tonight, because I think the process by which we arrived here is very, very important. In July Governor Blagojevich convened through his General Counsel Susan Lichtenstein, a bipartisan group of legislators, representatives from each of the four caucuses, representatives of the good government groups, Cindy Canary, Diane Brown, Judge Abner Mikva, Dawn Clark Netsch, people who understand ethics, people who understand the problems. They -- we all sat together, worked very diligently over the summer, brought in the constitutional officers. So the bill we have before us tonight is the product of those months and months of deliberations of the best and the brightest of Illinois and represents the best thinking of not only both parties, but both -- but both Chambers.

PRESIDING OFFICER: (SENATOR WELCH)

Have a little attention...

SENATOR RONEN:

So tonight I want to congratulate the Governor for bringing us here. And I don't know if he'll hear what I'm saying, 'cause I'm not sure where he is right now, but I -- so that's not really why I'm saying this. But -- but really, it starts with leadership. The Governor, when he ran for office, said it was time for a change. We know how the -- we know what the last election was about. It was about change. It was about changing business as usual. Tonight's vote is all of us coming together in a bipartisan way to say that things are going to change and then we can restore the confidence in government that -- that the people of the State of Illinois deserve. So I want to thank Senator Garrett for doing that. I want to, again, thank the Governor and really point out the wonderful staff that he's had working on this, Susan Lichtenstein and Mary Anderson, and ask all of my colleagues to come together in a bipartisan way again

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

to vote Yes and vote for good government in the State of Illinois.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lightford. Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President. They were talking so long I forgot I pushed my button. I'd like to move the previous question.

PRESIDING OFFICER: (SENATOR WELCH)

Thank you. There are two -- three speakers remaining. Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. Will the sponsor yield for purposes of legislative intent?

PRESIDING OFFICER: (SENATOR WELCH)

Indicates she'll yield, Senator.

SENATOR ROSKAM:

Senator, Section 5-20(a) is not intended to prohibit an Executive Branch Constitutional Officer or a Member of the General Assembly from using his or her name, voice or image in articles or columns submitted to newspapers, magazines or newsletters, in interviews, on the Internet or on websites, in newsletters, consumer alerts and videos on cable access shows. That's correct, isn't it, Senator?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

Yes.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

And, Senator, Section 5-20(b) is not intended to prohibit an Executive Branch Constitutional Officer or Member of the General Assembly from using their name or image on posters, flyers, brochures, exhibit displays, letterhead, envelopes, business cards or handouts describing programs, services, conferences or meetings in which their office participates. Isn't that correct, Senator?

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

Senator Garrett.

SENATOR GARRETT:

Yes.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

Well, then, to the bill: Ladies and Gentlemen, I want to congratulate Senator Garrett on her work on this bill and her willingness to incorporate really a number of the suggestions that Senator Watson made. You know, one of the -- one of the key components, I think, that has actually emerged as a linchpin to this legislation is the notion of -- of the shadow government - in other words, people that are whispering into -- to officeholders' ears and getting authority and then acting on their -- their authority and intervening in -- in agencies and so forth and manipulating a process to someone else's benefit that's not disclosed to the public. This bill doesn't prohibit those people from doing that type of activity, but it says that they've got to come clean. They've got to say who they are. They've got to say what their financial interest in -- is, and what they're all about. And I think that that's a great victory. You know, some have characterized these folks as being unpaid advisors. But that sort of begs the question: Unpaid by who? They're unpaid by the taxpayers, but, believe me, they're paid by somebody. They have an interest; otherwise, they wouldn't be doing the whispering. So I -- I congratulate Senator Garrett for agreeing to Senator Watson's language. The other thing that I think is a great victory is that the economic interest statement of those folks that I previously described will now be on the -- will now be available on the Internet. So, basically, the bright lights come on and we begin to understand who's moving through the minefields of the manipulations of State government. And then finally, on the legislative intent language, which was a little tough to listen to, sort of like root canal, but I think it's an important component, in that what we're trying to do is to get rid of State-funded promotional items that abuse the trust the taxpayers have placed in officeholders. We're not to use that for -- for -- for the political benefit of an officeholder, but instead to use that to

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

legitimately communicate information and not to manipulate those things into campaign items. So I congratulate the Senator and urge an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President. Will -- Ladies and Gentlemen of the Senate. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WELCH)

Indicates she'll yield, Senator.

SENATOR OBAMA:

Just very briefly, the -- because I want to -- I haven't had the opportunity, obviously, to read the entire bill. We sent a bill out during the fall that was not ideal, although I will note that many on both sides of the aisle voted for that bill. This bill, I understand, has now been improved and I just want, very briefly, one more time for you to indicate to me through these amendments what the core improvements are. I don't need to know the precise details of each and every one, but if you can just give me a broad outline of the things that have been added to what was essentially the core ethics bill that had been developed during the regular Session.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

Thank you, Senator Obama. Ethics training - I think we all know and understand that this is probably the core of this provision. Every year there will be ethics training available for all State employees. We've already talked a little bit about the public service announcements, but this legislation will clearly ban PSAs featuring the name of an elected official altogether. It prohibits the use of public funds for promotional materials, such as bumper stickers and magnets, et cetera. It prohibits State employees and their spouses from accepting employment or contracts for -- one year with a company regulated by the State employee or a company where the employee negotiated contracts of a cumulative value of twenty-five thousand dollars or more. It requires all ex parte communications with certain adjudicatory and regulatory agencies

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

to be publicly reported. It requires special government agencies of the Executive Branch to be publicly identified and to report financial interests, and this would be on the Secretary of State's web page. It bans State contractors who earn seven and a half percent or more of the income of a State contract from serving on State boards and commissions. It reduces the number of -- of exemptions in the gift ban, including golf, tennis and unlimited food and drink, to a seventy-five-dollar-a-day limit. It creates - and we've gone into this - the different commissions and the inspector generals. It -- it really is very comprehensive. I would like to add two more things. The lobbyist registration fees - it increases the lobbyist registration fees and, again, provides that the statement of economic interest are posted on the Internet. Those are some of the important provisions that were part of our first bill, but actually we expanded them and made them much more comprehensive.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Obama. Ladies and Gentlemen, could we please have a little quiet? We only have one more speaker after Senator Obama. Please give Senator Obama and Senator Garrett your attention. Thank you. Please proceed, Senator Obama.

SENATOR OBAMA:

Thank you very much, Mr. President. To the bill: I want to also congratulate Senator Garrett and those who worked diligently on this bill, including those on the Governor's staff, for creating a comprehensive piece of legislation. I know from experience, having worked with Senator Dillard on an ethics package a number of years ago, how difficult it is to balance all the issues that are at stake in an ethics bill, because everybody here knows that one of the best ways of killing a piece of legislation like this is to argue that it's not sufficient and that there are more things that could be done, and we didn't do this and we didn't do that and so that's a good reason for us to vote against it, when, in fact, what is intended with some of that criticism oftentimes is simply people don't want an ethics bill. This is a comprehensive package. Senator Garrett worked extraordinarily hard on it. A number of other people worked extraordinarily hard on it. I think that

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

the additions that Leader Watson wanted included and that Senator Roskam alluded to are good additions to the bill. I hope we don't lose sight of the fact that those are -- that's one provision out of the multiple provisions that we are now moving forward. And I think that it is important for us to make sure that we recognize that the sponsor of this bill has put together not just an issue dealing with a shadow government, but a comprehensive attempt at getting at some of the fundamental flaws that we've had in the system up until now. And I'd urge an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator DeLeo.

SENATOR DeLEO:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. To echo my colleague Carol Ronen's comment just a couple seconds ago, I also would like to thank Senator Garrett, President Jones and, of course, Governor Blagojevich. They showed their leadership, their commitment, in passing this very meaningful ethics reform. They stuck with their convictions. They worked with this General Assembly and other constitutional officers to iron out their concerns. And at the end -- and at the end of the day, hopefully tonight, we'll have a strong, new law that ensures public service is not just to mean -- as Peter -- Senator Roskam said, not for personal gain. Tonight -- tonight we're giving the people of Illinois a reason to believe in State government again. And as the -- the campaign slogan was last year, it's about time for a change. Ladies and Gentlemen, tonight when you vote for this, it's going to bring stronger ethics for all employees and all elected officials. Bring this into the new year of 2004 politics. I ask for a very favorable roll call on this very meaningful legislation. Thank you very much, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Emil Jones.

SENATOR E. JONES:

Thank you, Mr. President. For the last, I believe, three weeks, Members on both sides of the aisle and staffs and folks from the Governor's Office have been meeting on this piece of legislation. There was concern last spring, the last week of

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

Session, as to whether or not we could deal with this. It was our decision on this side, the Majority, that we would deal with that portion that related to the General Assembly, which we passed. We passed that portion. We did not have the time in -- in regular Session to deal with this. We had indicated at that time that we would come back in the Veto Session and pass ethics legislation. This is the culmination of the three weeks of work. So we're keeping our pledge as to what we were doing. It was not a -- a bill that we passed last spring did not deal with the Executive Branch. Until everyone had gotten together to really deal with that particular portion, we decided to wait until the fall to -- to deal with that. So what we've passed -- we intended to pass what we did pass in the time that we had time to do such. So -- so tonight, almost the last day of the Veto Session, everyone has finally come together. It took a lot of work and a lot of effort for people to come together, come forth with a meaningful piece of legislation as relate to ethics. So I urge everyone join in and give an affirmative vote to Susan Garrett, who has championed this issue for quite some time, and when everyone has gotten together, took the time to do it, which could not have been done in the spring, 'cause -- I see my Governor on the Floor and we had pledged to help him with his first budget, which passed along party line, and we got that budget out to help him. But we could not let the ethics bill get in the way of that. But now that that piece has been completed, we're all here now. We -- everyone's worked together. Three long weeks of hard work trying to put this together. And so -- so sometime the papers say, "Well, the Senate didn't do what they were supposed to do." The Senate Democrats wanted an ethics bill, but we wanted input from everybody. This bill had input. The bill that came over from the House did not have the support of Members on -- on this side of the aisle or that side of the aisle or in the Governor's Office and a lot of the Constitutional Offices. So we couldn't get everyone together that last week. So we didn't pass a bill that we didn't think the Legislature could deal with. We extrapolated that portion out of the bill and indicated that we'll deal with it this fall. This fall is here. Veto Session is here. This is next to the last day of Session, hopefully,

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

and this bill should receive the strong support from both sides of the aisle.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett, to close.

SENATOR GARRETT:

Thank you, Mr. President, Ladies and Gentlemen. The reason we are introducing this ethics bill is because we need to restore trust. We need to restore -- trust to all Illinois residents and this is a way in which we can do it. We have worked together since last June in a very bipartisan way. We have reached outside the State of Illinois. We have contacted other states. We have done an unbelievably comprehensive approach to make sure that we have the most structured and important piece of legislation. I think that Illinois is now going to be on the forefront, and that's something that we should all be proud of. I ask for your support. I think that if we could send a message back to the taxpayers of this State that this bill passed unanimously, that would go a long way. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Ladies and Gentlemen, there was a parliamentary inquiry as to number of votes required to pass this bill. The answer appears not in the rules, but rather in the Illinois Constitution, and pursuant to Article IV, Section 5(c) of the Constitution, this measure will require a two-thirds vote of the Senate. The measure will require forty votes. The question is, shall the Senate concur in House Amendments 2, 3 and 4 to Senate Bill 702. All those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Members voting Yes, 1 Member voted No, no Member is recorded as voting Present. Having received the required constitutional majority, the Senate does concur in House Amendments 2, 3 and 4 to Senate Bill 702, and the bill is declared passed. Senator Sandoval, for what purpose do you rise?

SENATOR SANDOVAL:

Thank you, Mr. President, Members of the Senate. I -- point of personal privilege.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

PRESIDING OFFICER: (SENATOR WELCH)

State your point.

SENATOR SANDOVAL:

Like to acknowledge a alumni of mine of the south side, a member -- alumni of mine who attended the great Quigley Preparatory Seminary of Chicago, and currently the Assessor of the great County of Cook. Like to acknowledge my Assessor, Jim Houlihan.

PRESIDING OFFICER: (SENATOR WELCH)

Jim Houlihan up in the gallery on the Democratic side behind the Senate. Welcome to the Senate, Mr. Houlihan. Senator -- Ladies and Gentlemen, we will return to the original Calendar. Page 2. The top of the page. House Bills 3rd Reading. House Bill 701. Senator Schoenberg seeks leave of the Body to return House Bill 701 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 701. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY HAWKER:

Yes. Floor Amendment No. 3, offered by Senator Schoenberg.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg, on Amendment No. 3.

SENATOR SCHOENBERG:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Floor Amendment No. 3 is the revised and, I believe, greatly improved version of a hospital assessment plan that will generate at least nearly five hundred million dollars in new revenues for health care spending in Illinois. Three hundred million dollars to go to Illinois hospitals...

PRESIDING OFFICER: (SENATOR WELCH)

Could we have a little quiet here? We cannot hear Senator Schoenberg. Thank you. Please proceed, Senator.

SENATOR SCHOENBERG:

Thank you. Three hundred million dollars for Illinois hospitals and a hundred and thirty million to be spent on other health care purposes. I will briefly -- I will briefly summarize the provisions of this and then I would ask that we debate it further on 3rd Reading. The hospital assessment formula and its distribution is the same version that we are all

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

familiar with. It generates -- generates a net gain of three hundred million dollars in new federal Medicaid dollars for Illinois hospitals, raising the reimbursement rate on the average for Illinois hospitals from ninety percent. I'm sorry, from eighty percent to ninety-two percent, and thus alleviating cost shifting that plaques many private-pay insurance patients and institutions. It creates a -- as a result of this formula, an additional hundred and thirty million is -- is created to pay for other health care needs. There are numerous safeguards in the bill identical to what we've seen before that provide protection for institutions from any financial exposure as well as provide protection for the State from any financial exposure. And I'd be happy to discuss those further on 3rd Reading. There is a provision identical to prior versions that enable cities, such as Chicago and Rockford, and counties, such as Sangamon County, Winnebago County, Macoupin County and St. Clair County, to -- participate in intergovernmental transfer programs that would ultimately bring federal Medicaid dollars to their community-based public health and primary care initiatives. There is a provision which creates a -- for that hundred and thirty million dollars, sets that in a health care Medicaid lockbox for the decisions to ultimately be made on where that's to be distributed as we -- this is to provide further insurance that the federal rules, which expressly prohibit spending any of this money on roads, bridges or Jack Benny statues, this is additional protection to ensure that money will be spent exclusively on health care. Finally, this amendment features a partial restoration of the prior 5.9 reduction to nursing homes. It is a three-percent -- restoration up to three percent, and I'd be -- urge your adoption of the amendment. Be happy to debate it on 3rd Reading.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Seeing none, all those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Madam Secretary, are there any further Floor amendments?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

3rd Reading. On the Order of 3rd Reading appears House Bill 701. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 701.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

I've briefly outlined the various provisions in the bill. The hospital assessment portion is identical to everything so that all the calculations that each of us have as far as how our respective institutions in our communities will do remains identical. There are safeguards that were added through the assistance of the Illinois Hospital Association and the fine technical work of the Department of Public Aid, specifically Andy Kane, who did an exceptional job to make sure that this has been fine-tuned so as to receive -- to assure receiving federal approval. These safeguards provide for a sunset. It provides that hospitals don't have to advance the -- their portion of the assessment until the actual program begins. There are numerous other safeguards that's been identical. The Intergovernmental transfer, as I said, is conceivably worth millions of dollars to cities and counties throughout each of our respective communities to access money -- more federal money for public health. There's the restoration -- partial restoration of the nursing home cut and there is a hundred and thirty million dollars which ultimately will -- which will be spent exclusively on health care, and there is that further protection for that. I'd be happy to answer any questions and I urge your support.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you. Thank you, Mr. President, Ladies and Gentlemen of the Senate. I got a couple of inquiries of the -- the good sponsor. I know he's worked long and hard on this bill. I think we saw him married to a cell phone on the Floor of the Senate talking to LRB as -- as we were all taking our little siesta earlier this afternoon. So we all appreciate the effort.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

Senator Schoenberg, can you tell me a little bit about this special lockbox that you've created? We're all kind of intrigued by that. What -- what really happens to that money?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

In response to the earlier concerns expressed that the money might get diverted to purposes other than health care, this -- the money is transferred. When the assessment money -- and that totals eight hundred and sixty million dollars in Medicaid coming to the State. Half of that is four-thirty. One thirty of that goes into this Medicaid lockbox for the General Assembly and the Governor to determine and to appropriate how best to meet the pressing and escalating spending pressures driving -- that emanate from health care.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Yeah. Mr. President, I hope we're not taking Jeff's long answers against my brief time. I don't want people to think I'm trying to hold up the Chamber by asking questions that long. Can -- can you tell us why we wouldn't feel just comfortable parking that money in the General Revenue Fund? Since general revenues cannot be expended without appropriation authority, Mr. Schoenberg, I -- I don't understand the difference. Why would we segregate this in a separate fund? You can't spend a general revenue without an appropriation anyway. So the Governor can't expand spending without our authority.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

The federal guidelines which govern the assessment programs - and seventeen other states, including Missouri, participate in assessments - these federal guidelines are very specific that should only be for health care. For putting this aside for health care and human services, we are providing not only further reassurance for the Members, I believe, but further reassurance for the federal government, as well.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Yeah. Do -- are you aware that our payment cycle is stretching well past sixty days for pharmacists, for medical providers? I think the federal government includes payment cycle payments as medical use or health care use. I -- I just don't know whether it's appropriate that in defiance of the Governor, when the Governor specifically asked that flexibility to deal with the payment cycle at a time when we're not meeting the obligations we have to the medical providers who already provide services, that you would lock this up in a fund and argue somehow that we need to use this money to expand government at a time when our revenues are failing, at a time when the Governor is afraid that he's facing a two-billion-dollar problem in the next fiscal year, when we sat -- and they sat today in Ec and Fisc and talked about a five-hundred-million-dollar revenue shortfall this year. I -- I just find it amazing that you think segregating this money out of the control of a Democrat Governor - your own Governor - is -- is -- is good public policy and -- and risk -- you know, risk the -- a veto by the Governor over this -- this lockbox that -- that you think makes sense. I -- I just -- I -- I don't think this is good public policy. Playing chicken with the Governor on the last day of a Veto Session on a bill that's this important to the health care system I think is not good public policy. And I think you ought to strip this bill and -- and put it together right. You understand what the Governor's looking for and it makes sense. He needs the flexibility to make his payment cycle. Setting up a lockbox I think is bad public policy.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I want to commend Senator Schoenberg for working a very, very difficult bill and bringing it to fruition tonight. I think he's done the best he could. I think he's -- he's taken care of the hospitals. He's taken care of the nursing homes. And I rise in -- in strong support of this bill.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. A few questions. Senator, have you -- this being the -- potentially the last day that we're in Session, the importance of getting this passed - have you talked to the Speaker about this legislation? Does he -- does he approve of this legislation the way it's going out today?

PRESIDING OFFICER: (SENATOR WELCH)

Could -- could we take the conferences off the Floor in the back of the room? Both sides in the back of the room. Over there on the Republican side. We have the conference over here. Excuse me. Senator Schoenberg.

SENATOR SCHOENBERG:

Based on my conversations with the Speaker, I anticipate that this would receive strong bipartisan support. From the very beginning the House has been -- I have apprised the House and the -- and the Governor's Office and the Governor, personally, of the evolution of this as we sought to build consensus so that we can access this additional federal Medicaid money. You're asking me, does the Speaker support this? The answer is yes.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

So you're telling us tonight the Speaker supports this legislation exactly as it's drafted, no changes, and the Governor supports this legislation exactly as it's drafted with no changes.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

I can tell you that the -- that the Speaker -- all right. The Speaker supports this in its current version. I've just spoken with the Governor about this and we agree that there are some finer, narrower details that yet may need to be worked out, but that it's essential that we put this in motion so as to receive nearly five hundred million dollars in new money to meet our health care needs.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

SENATOR SYVERSON:

So, in other words, the Governor's going to amendatorily veto this. How does that hold up the ability if we're not coming back until -- if we're not coming back till the second week in January, is this going to potentially delay our ability to move forward with this important piece of legislation?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

Based on my most recent conversation with the Governor I believe that we can ultimately narrow the differences so that he will feel comfortable with this. It's my intent that he would feel comfortable signing this as is. It my -- it may require some additional understandings to be arrived at, but I think we all are mindful of the fact that we need to create the money so that hospitals don't close the doors, create the money so that nursing homes can provide a level of care which we hope for them to be able to provide, create the money so that community-based mental health and developmental disability providers can continue to provide the level of quality services that they provide. I believe that in the end we will all be satisfied and -- but first we have to create the money before we ultimately decide how the rest of it's going to be disbursed.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Syverson.

SENATOR SYVERSON:

That's the longest yes/no answer. You had mentioned earlier that this hundred and thirty was going to go into this lockbox and was going to be used for -- for health care purposes. Can this money that's in this lockbox be used to expand other health care programs?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

I think we all recognize that we are pressed -- we are hard pressed to meet our existing obligations. And I think the priority is on meeting the existing obligations rather than expanding into new obligations.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

Senator Syverson.

SENATOR SYVERSON:

I'll wrap it up with this: If -- if that were the case, if we were not going to be expanding other programs, then why aren't we being specific? I think everyone here was in agreement and support of the two percent going to the DD and the MH providers, and yet we specifically have taken that out, saying that, "Oh, we can look at it with the lockbox money," but we're not willing to guarantee it to those providers tonight that we're going to put that money in. For some reason we don't want to guarantee those providers those services, as well as the nursing homes. I think most of us agree that -- that -- that the best use of that money is restoring the 5.9 percent that we know that they desperately need, that we know can be afforded out of this money, and yet we're not doing that. Instead, we're putting a significant amount of money into this so-called lockbox, but not giving the DD facilities or the nursing homes any assurance. And that's -- that's a concern. I'm going to support this legislation because it's important for our hospitals, but I'm disappointed that you have chosen not to make a priority of helping our DD facilities or of fully funding the needs that our nursing homes have.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Carol Ronen.

SENATOR RONEN:

Thank you, Mr. President. Today is really a new day in Illinois. Look what we've done and accomplished so far tonight. We, for the first time in fourteen years, had an agreed bill process that led us to solve the Unemployment Insurance Fund crisis. We just passed new ethics legislation and now we're talking about a program that's not going to be spending money, but that's going to be bringing in hundreds of millions of dollars of needed resources for our hospitals and health care system. I wish to rise in support of this -- of this bill and to commend Senator Schoenberg for all the hard work that he put into this in these previous months to bring us to this point and urge all of my colleagues to vote Yes for this needed funding.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Watson.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

SENATOR WATSON:

Yes. Thank you very much, Mr. President. I -- I, too, want to thank and congratulate the hard work of Jeff -- Senator Schoenberg on -- on this effort. I know you went all over the State, made yourself accessible, available to constituencies throughout Illinois, and I think that you should be commended for that and I certainly thank you. And I think most of us on this side of the aisle would agree that a hospital provider tax is something that's needed. The hospitals are -- woefully underfunded and -- and need any kind of help that we can give them, and this may be the only opportunity that -- that they may have. Our concern, as I've said all along, was how was the hundred and thirty million dollars going to be spent. We just wanted to have a -- a say or an opportunity or some knowledge as to what might happen with that additional funds that was going to be -- that would come from this -- this provider tax. And we had a suggestion and that suggestion was that not only are hospitals hurting in this State, but certainly the nursing home industry is -- is another one that's bleeding, and dying in some cases, especially the downstate homes. And we thought that why not try to restore what -- what was cut from the budget about two years ago by George Ryan. And we sustained those cuts. Was about 5.9 percent. Why not restore that money so at least the -- the nursing homes would come back to the level that they were two years ago? That was our intention. That was our goal. And that's what we laid -- put on the table. And Dan Rutherford -- our Senator Dan Rutherford did a fabulous job of representing us in the caucuses and the meetings that went on in -- in regard to this. That would have taken about fifty-five million of the hundred and thirty and we would match that and get a hundred and ten million, and ultimately that would fill back the 5.9 percent that had been cut by Governor Ryan. We -- we aren't getting that. We're not getting the full loaf. We're not happy about that. We're not satisfied. But we are making some progress. And I think that the fact that we're willing to get half of the 5.9, or roughly three percent, is -- is -- is moving in the right direction, 'cause we need to do all we can to help the nursing home industry that -- as I mentioned, more and more people on Medicaid now -- because of the high cost of -- of nursing home

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

care, more people are on Medicaid and -- and this will help, obviously, supplant some of the losses that have been going on for many, many years in this industry. So my intention would be, we didn't get everything we wanted, but we certainly made some progress. And I think this caucus ought to be proud of that fact and that we stuck together. We didn't support the initial presentation of House Bill 701 or the hospital provider tax. And the reason we didn't, we wanted to know where the hundred and thirty million was going to go and we wanted something for the nursing homes. We got what we wanted. Thank you for the -- for our effort on this side of the aisle, and I'm rising in support of -- of you, Senator Schoenberg, and your efforts. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rutherford.

SENATOR RUTHERFORD:

Mr. President, thank you. I want to -- if the Governor's still on the Floor, I want to make sure that he understands that his Department of Public Aid and Director Maram have done an outstanding job, not just on this issue, but in regards to nursing homes and long-term care. Their point guy, Andy Kane, was gracious enough to receive phone calls into way late of the night on weekends, took holidays meeting. He really has done a yeoman's task, and, Governor, I think you ought to deserve to give them a big raise or promotion and a big turkey come Thanksgiving at the minimum. I also want to congratulate Senator Schoenberg. Senator Silverstein, congratulations to you. And I also want to turn to my leader, Leader Watson. What you have done to help nursing homes and long-term care around this State was keeping us together. To my Senate Republican Caucus, reflect upon when we were here the first week of Veto. There was the attempt to move back the minimum data set, to remove and push back the hold harmless. We held together and this vote was not able to be taken, because it was not right to do then. Ladies and Gentlemen, Tuesday of this week, the rules that all of us had worked upwards of three years for long-term care finally went into effect. What you need to realize is what we're doing here tonight -- I understand, and to the Hospital Association, it's primarily about hospitals. But what is going inside of this

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

today is because we didn't say yes two weeks ago. We said that all of you in the industry, long-term care is not about Christian homes. It's not about Jewish homes. It's not about Black residents or white residents or Hispanic residents or Asian residents. Long-term care is about our grandmas and our grandpas. Long-term care is not relevant if you are in Chicago or Metropolis. The needs for the elderly and the resources to help those for their medical needs, not because of their geographic location, is what we have just started to solve this very week. Those of us who are on the Joint Committee on Administrative Rules, you heard me then, and I'm repeating, as some you in the gallery hear tonight and some of you are hearing my voice over the PA system: The industry has got to stop fighting each other, because none of you will get anything. The pie for the size of money for long-term care will not grow. Your residents where you're from will act no more money than his residents and where he's from if you do not unite the industry. After Tuesday morning, you know what happened Ladies and Gentlemen? Health care, Life Services, the Council came together and they said, "You know what? We need more money for our residents regardless of geography." That, Ladies and Gentlemen, is coming together and how and why this amendment contains today at least half of the dramatic and severe cuts that were made a few years ago. I, too, stand with my caucus in strong support of this, not just for the hospitals, but for the grandmas and grandpas all over the State of Illinois. We have started to come together and when we adjourn this Veto Session, come back next spring, we must keep the industry together to continue to bring more dollars into the system. Let's do it for grandma and grandpa. Thanks.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. A couple of questions for the sponsor.

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR LAUZEN:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

Thank you. Senator, is it true that the assessment payments are not due and payable until the increased hospital payments are paid to the hospital? Is that one of the key protections in the bill?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

Yes, it is.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lauzen.

SENATOR LAUZEN:

And then just one other question. What assurances are -- are there specifically in this bill that the tax will not be passed on to patients? You know, like the granny tax was. How have you structured it so that it doesn't get passed on to patients?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Schoenberg.

SENATOR SCHOENBERG:

Senator, as we're all too painfully aware, those -- no matter how great the efforts to avert cost shifting -- because of the inadequacy of Medicaid reimbursement levels, no matter how hard it's been tried to avert cost shifting to those who have patients who have health insurance from private-pay -- from private-pay insurance, right now what this is designed to do is alleviate that pressure. On the average in the State, as I indicated, right now the reimbursements are eighty percent. But I was down in -- I went to the Metro East area and heard very compelling testimony, for example, from the President of the Jersey Community Hospital, who said to me, "I got a phone call from the Comptroller's Office. 'The good news is, we're going to pay a million dollars worth of Medicaid receivables. The bad news is, we're sending you a check for two hundred and eighty-two thousand dollars, because that's your rate of reimbursement.'" In rural hospitals, in disproportionate share hospitals, in academic medical centers we've seen tremendous pressures to cost shift because of inadequate Medicaid reimbursements. This is designed to ease and alleviate that

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

pressure so that Medicaid costs will be more accurately borne by public reimbursement and not by private insurance.

PRESIDING OFFICER: (SENATOR WELCH)

Senate President Jones. Senator Jones.

SENATOR E. JONES:

Yeah. Thank -- thank you, Mr. President. I rise in support of this legislation. I want to commend Senator Schoenberg for working so hard so long last spring in pulling this all together. But I thought perhaps I was in another Chamber, that I was not here two years ago. And I recall what happened two years ago. Governor Ryan did not cut that 5.9 percent away from the nursing homes that take care of the elderly down in southern Illinois, the elderly in Chicago. We didn't vote for it. But you, to the persons on that side of the aisle, voted to cut the care for the elderly. We didn't support that. So when it came to this piece of legislation, I had indicated we'd do it next year if you wanted to play games. And I sat down and my Members sat down with Senator Schoenberg and we decided to put in that amount of money that you cut. But don't stand on this Floor of this Senate trying to say, "Praise to glory, we're for the elderly, the Jewish nursing homes, the southern Illinois nursing home." Where were you two years ago? You were there cutting, cutting, cutting. You didn't care about the elderly. You didn't care about the poor. This 2.9 percent they got in there for nursing home came from sitting down with the nursing home industry upstate and downstate and the sponsor of the bill, and we decided we wanted to put those dollars in there. But you can jump and try to claim credit. You sure do try to claim credit, but you don't want to claim credit for taking 5.9 percent out two years ago. You want to blame it on the former Governor. It did not happen that way. With your Appropriation Chairman, Senator Rauschenberger led the charge, then said it wasn't even needed. But the Senator just spoke about upstate and downstate, he sat there with his lips zipped. Wouldn't say a bumbling word. Now that these dollars are here, now that we negotiated, now that we decided to pay it back in, you want to stand up and say, "Well, look what a good job we are doing." That's hypocrisy. This bill should receive unanimous support on both sides of the aisle, but don't try to pretend

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

that you want to take care of the elderly. You had the chance. You had the Majority, and with your Majority you rammed it down the throats of the elderly across the State of Illinois. Now you want to stand up here and pretend that you're for the elderly. Senator Schoenberg has done a tremendous job. I don't know how he withstood the onslaught that he went through for the past couple of weeks. But this is how the dollars got in there, and you can jump and try to claim credit, but the record speak for itself. You can vote Aye and say, "Yes, I made a mistake two years ago." But I'm joining with Senator Schoenberg and make sure that the dollars go to the elderly, and our good friend on this side of the aisle who worked for all the nursing homes, Senator Ira Silverstein, who has worked very diligently trying to make sure that this -- this package is put together to help all the senior citizens across the State of Illinois.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Harmon, for what purpose do you rise?

SENATOR HARMON:

Thank you, Mr. President. I move the previous question.

PRESIDING OFFICER: (SENATOR WELCH)

Previous question's been moved. It worked. There are no further speakers. Senator Schoenberg, to close.

SENATOR SCHOENBERG:

I would like -- I would like to express acknowledgement to a couple of other people. Louanner Peters, with the administration, has done an exceptional job at helping to bring together parties and put together the coalitions necessary to place us in the position to ask the federal government for a waiver to our Medicaid program so as to participate in the hospital assessment and intergovernmental transfer. Director Barry Maram of the Department of Public Aid has not only been accessible, he's been creative. His staff has been top flight and he, too, has -- deserves a great deal of credit. And I'd like to single out one more person for their leadership on this issue and that is President Jones. The mark of a great Leader is the willingness to embrace new ideas, to view issues from all sides and to encourage those who wish to arrive at consensus to do so. President Jones could have said long ago, "Let's wait till next year." But President Jones knows whether it's in

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

Roseland or Rock Island, whether it's in Alton or Avondale, whether it's in Zion or Evanston, that the needs are so great throughout this State and we have all we can do to meet our existing commitments. So, Senate President Jones, for your leadership on hospitals, for your leadership on funding for long-term care, for your leadership on funding for all the health and human service needs in this State, you have indeed distinguished yourself. My friends, in closing, we have miles to go before we sleep and miles to go before we sleep. We need to approve this tonight, but our job is not done. We need to all work together beyond our affirmative vote to have our congressional delegation working with the Bush administration to approve this and make Illinois the eighteenth state to have this program. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 701 pass. All those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, 51 Members voted Yes, 6 Members voted No, no Member voted Present. House Bill 701, having received the required constitutional majority, is declared passed. House Bill 2200. Senator Clayborne seeks leave of the Body to return House Bill 2200 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 2200. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY HAWKER:

Yes. Floor Amendment No. 4, offered by Senator Clayborne.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President. Senate Amendment 4 to -- to House Bill 2200 basically allows the process of Commonwealth Edison to purchase Illinois Power within -- where the Commerce Commission has to approve it within nine months instead of the -- the eleven months. And it also changes how a -- a purchased power agreement should be the standard for review to a public interest.

PRESIDING OFFICER: (SENATOR WELCH)

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

Is there any discussion? All those -- Senator Cullerton, on the amendment? Is there any discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Madam Secretary, are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. On the Order of 3rd Reading is House Bill 2200. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 2200.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President. This bill has gone through an extensive negotiations process, the least to say. There have been a lot of people involved, a lot of entities involved. And there was an agreement that took place two days ago, and that's the amendment that we're dealing with. So, I want to tell you -- and -- and I don't want to mislead anybody, obviously. I'm going to tell you what's not in the bill. There's nothing in the bill that deals with language for a rate increase. There's nothing in the bill that deals with -- there was previous language that eliminated or added different standards as related to criteria. They've changed the language as it relates to how purchased power agreements should be reviewed by the Commerce Commission and that is to what's in the -- what's in the public's -- public's interest. So, basically, what this bill does, it expedites the process by which ComEd can purchase Illinois Power from nine months -- it was previously eleven months. Now the Commerce Commission has to approve the transaction within nine months. The other issue is, as I just stated, there was previously a prudent and reasonable standard as it related to how the Commerce Commission should review these purchased power agreements. Now that standard is much broader and it's what's in the public's interest. That's all that this

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

bill does. There's one more provision that from the year -- within a year that this -- if this bill was signed into law, that this transaction has to take place and then it goes -- this language goes away. So, basically, that's all that this bill does. There's no rate increase language in there or anything else that people have tended to shy away from. That's what this bill does. Those two provisions. I'm open for any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. Move the previous question.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Hendon moves the previous question. There are four, five, six, seven Members -- eight Members on our list. Senator Winkel.

SENATOR WINKEL:

Thank you, Mr. President. Will the speaker yield?

PRESIDING OFFICER: (SENATOR WELCH)

He indicates he'll yield, Senator.

SENATOR WINKEL:

Senator, I recall this bill started out in a different form, of course. I remember at one time even being a cosponsor. It had something to do with the renewable energy portfolio. Is there anything in this bill in its current form that has anything to do with renewable energy?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

No.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Winkel.

SENATOR WINKEL:

And -- but there -- there was at one time, and is there a plan, is it addressed at all in -- anywhere in this bill? And has it been in its various versions?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

It was in the -- in the first draft and -- and the other drafts through negotiations, but in this bill, there's nothing in there dealing with renewables.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Winkel.

SENATOR WINKEL:

In your discussions and negotiations concerning this legislation, are there plans? Have you -- will renewable energy come up in subsequent legislation?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

No. There's no plans at this time.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Winkel.

SENATOR WINKEL:

Well, thank you. Just to the bill: I'm disappointed that this bill does not include anything for renewable energy. I think it's a shame. Think it's a missed opportunity and it's -- I certainly hope it's something we take up in the future. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. To the bill: I rise in strong support of this measure. It seems like, you know, in an evening when we've gone through this whole notion of an agreed bill process to try and bail out business and labor, here's an opportunity for us to do something really good for this State, and that is, keep jobs in Illinois, to keep jobs particularly in central Illinois. And, you know, when this bill first was introduced, I was not wild about it. I was a critic of the bill as introduced, but I commend the sponsor for his willingness to negotiate and -- and advance this pro-jobs bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. You know, first of all, I'd like to say that I have enormous respect for the sponsor and for

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

Commonwealth Edison as a fine Illinois corporation and also for Speaker Mike Madigan. Well, first of all, I believe that -- Senator, that you're arguing that -- that -- that this bill does very little and that it's, you know, it's a merely bill. That we're merely collapsing the timeframe from eleven months to nine months and a couple of others things in they're not real major items. But my instinct and my experience says that, you know, powerful folks don't come to Springfield without wanting something really big. And so, I think that that's one of the starting points. Another one of the starting points is that if Commonwealth Edison were an independent buyer of their power, I would say that they would go out to the market where they could find it the least expensive and they'd -- they'd minimize the cost and therefore the cost to their customers. However, Commonwealth Edison, as I understand, is a subsidiary of a parent, Exelon Corporation, and so it's a vertically integrated corporation. If the parent charges a higher price for the power, then, generally speaking, Commonwealth Edison is going to need to pass that along to the ratepayers after they go through a process of -- going through the ICC. That's what brings me to a question that I -- I read that Mike Madigan asked in committee over in the House last night, and I just would ask for your thoughts on it. As I understand the dialogue in that went something like Speaker Madigan saying to the people from Commonwealth Edison, "Does this bill change the current law regarding how wholesale power purchase agreements are considered by the ICC?" And Commonwealth Edison said, "No, it doesn't." Then Speaker Madigan said, "Well, if it doesn't, then would you object to language that would specify that?" And Commonwealth Edison said, "Oh, no. That would be unacceptable." Well, now, if it doesn't change the law, why would they not give us that assurance? That -- that indicates to me, and I think that it indicated to the Speaker, that there might be a problem here, and I would just ask for your comment.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

Well, obviously, Senator, I wasn't privy to that. I think more so what the concern was is to whether or not these power

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

purchase agreements can be considered in terms of a rate plan at some point in time. And any cost, as I understand it, that a utility expends, then they look to recover their cost based upon the rate. And I think that's consistent with the law in saying that at the same time, the company is required to provide reliable services and efficient power, that they are entitled to, as a company, to make a profit. And I think that's really the substance of -- of the disagreement.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton. Senator Cullerton.

SENATOR CULLERTON:

Would the sponsor yield?

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR CULLERTON:

Senator Clayborne, this is a -- a small issue perhaps, but I know that this bill deals with the potential purchase of Illinois Power and I want to ask you, as an attorney, if you could just tell me if -- if there's any legal ramifications from the passage of the bill. There's a company -- out-of-state company, Trans-Elect, and I just learned that they have entered into a contract with Illinois Power to purchase the transmission assets - just the transmission assets - for two hundred and thirty-nine million dollars. They -- they claim that Illinois Power breached the contract and it's in litigation right now in federal court. So they're asking for specific performance that the contract go through, that the sale -- and so if they win, that there be a court order saying that they -- they own the transmission lines. Does this legislation in any way affect that lawsuit, preempt it in any way or affect it in any way, or -- so if you could answer that, I'd appreciate it.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

To my -- to my knowledge, no, it doesn't.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Cullerton.

SENATOR CULLERTON:

That's fine. Thank you.

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

PRESIDING OFFICER: (SENATOR WELCH)

Senator Halvorson.

SENATOR HALVORSON:

Thank you, Mr. President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR HALVORSON:

Senator Clayborne, first of all, I want to commend you and everybody who has worked to negotiate this bill to this point. However, what are the next steps? Has Speaker Madigan said he would call this, and has the Governor said they would sign it?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Clayborne.

SENATOR CLAYBORNE:

I can't speak for the Speaker. I haven't talked to the Speaker, but the Governor, when he was on the Floor, told me that he was in favor of this bill, that he wanted to get it passed.

PRESIDING OFFICER: (SENATOR WELCH)

Senator David Sullivan.

SENATOR D. SULLIVAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senator Clayborne, I think, has done a great job of letting us know what is in the bill and what is not in the bill. So I would really rise in strong support of this legislation. I want to compliment the Chairman of our committee, the sponsor of this bill, for his efforts in being very open to the whole process and making sure that all the voices are heard, as well as the Senate President, and particularly to the Republican Leader, Senator Watson, who early on realized how important this legislation was to Illinois and to the many, many jobs that we need to pass this legislation, the officials from Commonwealth Edison and Exelon and Illinois Power, who are with us this evening, as well as other companies like Midwest Generation, who made themselves very available to us in the process so we could ask a lot of questions. There were many hearings and many meetings to get a lot of questions visited and answered. And there's been a lot of revisions to this legislation. This is a good piece of legislation. So, I stand in strong support of

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

this. I encourage Members on both side of the aisle to support this bill. It's good for jobs. It's good for Illinois. We need to move this process forward. We need to send it over to the House. This is the bill that should pass. The Governor's ready to sign it. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. I -- I want to thank Senator Sullivan who represented our caucus in the negotiations in regard to this legislation, did an outstanding job, and -- and I want to thank him for that. You know, when I first got the word that -- that Illinois Power was -- could possibly be sold, I happened to be in Chicago and -- and it was the same day that the -- the principal involved - John Rowe, who's the CEO and President of Exelon, and Frank Clark, who is President of -- of Commonwealth Edison, and Larry Altenbaumer, who's President of Illinois Power and Bruce Williamson, who is President/CEO of Dynegy - the four of them met with all of the Leaders and I believe someone in the Governor's Office, the Commerce Commission and -- and others to explain what the intent was and -- and what was happening and the fact that there was going to need to be some legislation to allow this buyout to -- to move forward. And my -- my conversation with them -- and once I found out about what was going to happen, I had list of concerns. And one of the concerns was, as -- and I turned to Bruce Williamson, the President of -- of Dynegy, I turned to him and I said, "Mr. Williamson, what happens if this -- if this deal falls through?" And his response was that, well, the company will be sold. It will be sold if not to someone in Illinois, someone outside of Illinois, maybe somebody outside this country. And in the meantime, he said, Illinois Power will not be the Illinois Power that we know it today. So -- and of course, Dynegy is in -- dieing in red ink, as we all know, and they have to liquidate as much of the assets as they -- as they can, and -- and that's why they're out trying to sell and -- Illinois Power's part of Dynegy. So, I thought to myself then, I mean, what is the alternative? Is the alternative of what Bruce Williamson said, is that in the best interest of the people in

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

the Illinois Power service area? No. Is possible buyout by Exelon in the best interest of -- of the people of Illinois Power service area, and I think the people of Illinois in general? They are an Illinois company. They will have to come to the General Assembly for additional legislation. We had -- certainly have leverage with them. I felt that that was -- that was the road I wanted to go down. I wanted to work with them, support them in their effort to ultimately purchase Illinois Power. And I'll have to tell you that -- that I had a -- a great deal of comfort level, and I think it's really too bad what's happened with this legislation and, unfortunately, the comments that have -- that have been made by the Speaker of the House. Because the -- the conversations that I've had with -- with these gentlemen -- and if you knew 'em or have had conversations with them, I think you would have a certain level of comfort that they're being up front with you. I felt like they were being up front with me, especially John Rowe. And I think it's a shame what has happened. And I -- I've got to believe there's other issues out there besides this one that has precipitated the reaction of the Speaker of the House. I just have to believe that. Because these people met with anybody and everybody to discuss the concerns. Maybe they didn't always agree, but they sat down, they'd listen and they discussed the problems of the legislation in someone else, as I. It could have been any one of us, or it could have been any interest group. They were willing to do that. And I think that, to me, is something unusual oftentimes in this process. Now, after I had all of the concerns that I had, the reason I ultimately decided to support the legislation, was what I have in my hand and it's called a memorandum of understanding. And it's -- was addressed to myself and the Mayor of Decatur, which Decatur I happen to represent, and that's the headquarters of Illinois Power. And without going -- boring you with all of the comments and commitments of the memorandum of understanding, there are a couple that I want to mention. Illinois Power will be in -- headquartered in Decatur for not less than five years. The workforce reduction resulting in the acquisition shall not exceed fifty people for five years, except to the extent that such reductions can be accomplished through attrition or

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

voluntary separation programs. Now, I understand that the Governor during a meeting that he had, that that now is twenty-five jobs. And that's basically what this is all about, is -- is the people aspects of the business that we do here and the jobs for those people, primarily in Decatur. Decatur -- those of you that don't know much about Decatur, it's been whacked and whacked and whacked. Firestone left. Many of the major industries in the community have downsized. High rate of unemployment in Macon County. You know, you just wonder, how resilient can a community be? But they withstood that and -- if this ultimately doesn't happen, I'm sure they'll withstand this. But this -- it is unbelievable that we could -- and I told the Speaker this. If this -- if Illinois Power was located in the -- what ward does he live in? I don't -- if it was in the Speaker's precinct or his district, I don't believe he would allow this to happen. I just -- I said, I don't know how you, Speaker, could allow this to happen to the very people you represent. And I said, "I'm not going to allow it to happen to the people I represent." So, I appreciate, Senator, your -- your comments, your work and your support of this legislation. I appreciate Exelon and John Rowe for the foresight and the honesty that they've given to me as this Senator. Frank Clark, Larry Altenbaumer. I just appreciate they way they've handled this. And it'd be a shame - a shame - if we let this thing go down and we don't let this acquisition take place. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator Watson. Is there any further discussion?
Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I wasn't going to say anything, but when the last speaker said that the -- the parties introducing this bill had been up front entirely, I just had to say something, because I was there the first day they presented this bill. They presented it -- after they had proposed the bill and amended it, then they had an amendment with them. And this amendment, while one of the leaders of their company sat there, he said, "Oh. We can't give this to you Members because it's not ready to be passed out. It's my lawyers thoughts that he put down on some paper. It's not ready to be passed out." And I said

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

to him, "Give me a copy of what you've got. It's on the first floor. My secretary will type it up. We'll copy it, hand it out." "Oh, no. It's not ready to be handed out." And I supposed, in my own mind, well, maybe this is on a legal pad of paper that he jotted down with a pen that morning over breakfast. It wasn't ready to be handed out. I said, "Well, give it to me anyway. My Secretary will type it up." Finally, after I sent our staff person down there to get it, they handed us the piece of paper. It was a completely typed, ready-to-introduce bill, complete and ready to go. It wasn't some thoughts of the lawyer. It was typed up and ready to go. It'd been ready for quite some time. So the only way we got that -- from that up-front person was to demand it and have it passed out. Then as the press and the critics got ahold of the bill, the bill kept changing. This has been through so many reincarnations, it's hard to recognize the bill. And each time it changed was because they were forced to change. The rate increase that is supposed to be a phantom rate increase never said it was a rate increase, but it greased the skid so that the rate increase was going downhill and couldn't get back up. Then what happened? The bill changed so it wouldn't be a Commonwealth Edison rate increase. It'd just be an Illinois Power rate increase. Thank you. We're going to save Illinois Power, but by the way, you're also getting a rate increase, Ladies and Gentlemen. Well, then, that sort of came out. At least they said it came out, until you looked closer at the bill. Suddenly, it was a rate increase for the company generating the electricity. Suddenly it was a rate increase for the generation companies under Exelon's control, which cost would be passed on to Commonwealth Edison and Illinois Power at a higher rate. So the profits weren't necessarily made by the transmission company, Illinois Power and Commonwealth Edison, but by the parent company, Exelon. In the tradition of Dynegy and Enron, the charade went on and on. And when Speaker Madigan said they're not telling the truth, he hit the nail on the head. In fact, just last night when we had the committee hearing with the bill that's before us, the witness for the bill said the bill does two things. Number one, the Commission shall within nine months after an application's been filed issue its order approving or denial -- denying the proposed reorganization. The

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

Chairman of the Commission said he could do it in nine months. And I said to the -- the witness, Mr. Clark, "Mr. Hurley said he'd do it in nine months. Why do we need this legislation? Why not just a letter?" "Well, you don't know what the Illinois Commerce Commission might do." I said, "What about the other language," the main point of which said the Commission -- Illinois Commerce Commission may act in such manner as may be necessary to safeguard the public interest. When asked why that change was made, it was offered that this wasn't really a change; this just codifies the existing actions and beliefs and rulings of the Commission. Just codified it. It didn't make any difference. Well, Ladies and Gentlemen, when you have lawyers involved, every word makes a difference. Now, many of you when you have documents, you go to your lawyer and have a will drafted. It says, "I give, devise and bequeath" such and such, such and such. Why do they have three words? Why don't they just say, "I give my house to my son?" Why does it say, "I give, devise and bequeath?" Because there's case law deciding that "give, devise and bequeath" is an important way to pass on a house, so that if you pass it on and you don't use that language, somebody may file a lawsuit. If you've got the language that's always been used, the court can say, "Here's a case that says that language; it's okay with us." Why change this language? So the Commerce Commission doesn't have to rely on the precedent. It can make up its own idea on what the public interest is. Now, Ladies and Gentlemen, I don't want to impugn the Commerce Commission, but a lot of those members have, over the past several years, voted in favor of Commonwealth Edison's issues. Whether they saw the issues from their standpoint or not, somehow, many, many times, Commonwealth Edison has been successful in getting what they want from that Commission. Even with that on their plate, being able to have their members on the Commission, they still proceeded with this bill, but they threw in the clause "in the public interest," leaving an out for the Commerce Commission to set a new standard, new rules that they would follow because they no longer had the precedent of the prior language. And Speaker Madigan was right: We still haven't gotten the truth on this. You can bet there'll be a rate

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

increase coming down the pike when this passes. So I would urge a No vote. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator Welch. Is there any further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, let's not forget that we are in the position if Commonwealth Edison doesn't behave, we can always amend the laws. I rise in favor of this bill. Let's get the show on the way.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you -- thank you, Senator Geo-Karis. President Jones. SENATOR E. JONES:

Yeah. Thank you, Mr. President. I rise in support of House Bill 2200. I heard all the talk about rate increase. What's it going to do? I was so glad to hear the Minority Spokesperson talk about Illinois Power being based in Decatur and the economic woes that city is having and if this action does not take place, the adverse impact it would have as it relate to a lot of the people in the -- in the City of Decatur. And I know the same thing happens, Frank, in City of Chicago. They have economic woes. They wanted early retirement so that the people would not get laid off. And you, to the man over there, didn't care about them. But we're not going to do what you did. We're not going to -- to be that partisan when it come to a economic issue as relate to Illinois. Illinois Power is in terrible shape. I -- I support it because I would rather see an Illinois company who -- pay taxes in Illinois, who employ people in Illinois remain strong to deal with another Illinois company. Maybe some would rather a foreign company step in and take over. And there's all that talk about my good friend, Frank Clark. Well, let me -- I've known Frank Clark for more than twenty-five years - a man of integrity, a man who says what he means, a person who is sincere, as well as the Chairman, John Rowe. So I don't know why all these accusation is against Frank Clark, John Rowe or John Hooker. In my opinion, they've always been up front on issues and things of that nature. But knowing lawyers -- knowing lawyers, lawyers can take a word and twist it and say -- make it say anything you want it to say, or interpret it -- two

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

lawyers -- two lawyers will interpret one word to mean two or three different things. A good lawyer can argue on both sides of -- of the case and -- and then out of the center of his mouth say he's telling you the truth. We got good lawyers on both sides of this aisle. But we have a sick company in central Illinois - Illinois Power. ComEd, Exelon want to come in and help the company, but you can't tie the hands of those who want to help it to the extent they cannot help it. Maybe some of you in here want to see it go down the tube. I don't know why ComEd would stay in there and try to help if you want to tie the hands so they cannot help this company. But we will not be partisan as you were. We want to help the people in southern Illinois. We want to help the people in Decatur. Those employees who work for the City of Chicago don't want to get laid -- off either. They'd like to have their jobs, have a early retirement so that some of the older persons can retire and that would not -- would not have to have a layoff. I want you to think about that when we deal with that issue again, but I'm not going to stand here and say that's a southern Illinois problem, that I shouldn't concern myself about Decatur in the Minority Leader's district. I'm not going to do that. I'm going to urge my colleagues on this side to try and help you, 'cause they are Illinois people. These are Illinois companies and I'd rather for Illinois companies to be the companies doing business in Illinois. It's good for the Illinois economy. It's good for the people. It's in the best public interest. Keep the tax dollars in Illinois. I rise in strong support of House Bill 2200. And by the way, the Governor was on this Floor, for those of you who may question. And, I'll say it publicly. He told me he wants this bill. He wants this bill. So, he is in favor of this piece of legislation.

PRESIDING OFFICER: (SENATOR DeLEO)

The previous -- the previous question has been moved. Senator Clayborne, to close, sir.

SENATOR CLAYBORNE:

Thank you, Mr. President. And -- and I want to address some of the concerns that were -- that were mentioned. Yes, I -- I think it's very important. See, I -- I pay -- I pay a bill to Illinois Power. So, I want reliable. I want service on. You know, and I -- I -- I think it's important for you all to

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

understand one thing. When we were all elected and when we walked, knocked on doors and talked to people, we asked people to believe in us and have faith. You know, the people who work for Illinois Power and the people who depend on that service, they also want us to -- they have faith that we will come down here and that we will do the right thing. You know, we have children at home. We have loved ones at home. And if there was a windstorm tonight, we would have faith that Illinois Power or ComEd or Ameren, or whoever it is, would get -- those people would get out of their beds, leave their families and they would go to make sure that you had electricity on, that you had power on, that you had air on. That they have faith. You have faith. You know, this is about jobs. It's about families and it's about those kids. It's about those people when -- when the line falls down, they put their life in jeopardy to make sure you have electricity, to make sure that you have heat on. I've heard a lot of negative comments about the power company. But at the same time, every day we depend on them. There're people right now looking at their laptops with their lights on. If these lights went off, you would have faith and hope that they would do something to make sure the lights come on. You know, I heard a phrase a long time ago that faith is the object of hope and the evidence of things unseen. Well, we have a chance today, here tonight, to show those families, those people that work for Illinois Power, that work for ComEd, that they should have faith in us that we're going to do the right thing. And I ask you to vote in favor of this, because the people that sent you here, whether it's sent you down or they sent you up or sent you across, they had faith that you would do the right thing. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator Clayborne. The question is, shall House Bill 2200 pass. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 40 Ayes, 10 voting Nay, 5 voting Present. House Bill 2200, having received the required constitutional majority, is declared passed. Excuse me. Let me correct that roll call. On that

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

66th Legislative Day

11/20/2003

question, there are 39 voting Yea, 10 voting Nay, 5 voting Present, 5 not voting. House Bill 2200, having received the required constitutional majority, is declared passed. Senator Schoenberg, for what purpose do you rise, sir?

SENATOR SCHOENBERG:

Thank you, Mr. President. Could you let the record reflect that I voted in error, and I wish to have had my vote recorded as No.

PRESIDING OFFICER: (SENATOR DeLEO)

The record will so reflect your intention, sir. Ladies and Gentlemen, there being no further business to come before the Senate, the Senate stands adjourned until the hour of 9 a.m. on Friday, November 21st, at -- the year 2003. Please be here at 9 a.m. sharp. And we expect to leave here very early. Please, we'd like to start at 9 a.m. sharp. The -- the Senate stands adjourned.