

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

79th Legislative Day

2/10/2004

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PRESIDING OFFICER: (SENATOR DEL VALLE)

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 Monsignor Kevin Vann of Blessed Sacrament Church in Springfield. Monsignor Vann.

THE REVEREND MONSIGNOR KEVIN VANN:

(Prayer by the Reverend Monsignor Kevin Vann)

PRESIDING OFFICER: (SENATOR DEL VALLE)

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

SENATOR LINK:

(Pledge of Allegiance, led by Senator Link)

PRESIDING OFFICER: (SENATOR DEL VALLE)

WICS-Channel 20, Springfield, The State Journal-Register, the Department of Military Affairs seeks leave to photograph or videotape the proceedings. Is there any objection? If not, leave is granted. Okay, we have one more. St. Louis Post-Dispatch. Madam Secretary, Reading and Approval of the Journal.

SECRETARY HAWKER:

Senate Journal of Monday, February 9, 2004.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Haine. Senator Schoenberg.

SENATOR SCHOENBERG:

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

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Schoenberg moves to approve the Journals just read by the Secretary. There being no objection, so ordered. Madam Secretary, Messages from the Governor.

SECRETARY HAWKER:

A Message for the Governor by Joseph B. Handley, Deputy Chief of Staff for Legislative Affairs. February 6, 2004.

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

To the Honorable Members of the 93rd General Assembly - I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask

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concurrence in and confirmation of these appointments of your Honorable Body.

I have a like Message on February 10, 2004.

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.

Rod Blagojevich, Governor.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Madam Secretary, Introduction of Bills.

SECRETARY HAWKER:

Senate Bill 3221, offered by Senator Burzynski.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

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 passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bill 4063.

Passed the House, February 10, 2004.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Madam Secretary, House Bills 1st Reading.

SECRETARY HAWKER:

House Bill 4063, offered by Senator Harmon.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Garrett, for what purpose do you rise?

SENATOR GARRETT:

Thank you, Mr. President. On a point of personal privilege.

PRESIDING OFFICER: (SENATOR DEL VALLE)

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State your point.

SENATOR GARRETT:

Excuse me. I'm eating my lunch. I would like to ask that -- invite the Members of the Senate to enjoy a piece of birthday cake. My birthday's tomorrow. We are not going to be here, and in full disclosure with the Ethics Act, I will be fifty-four.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Happy birthday, Senator Garrett. And we appreciate that full disclosure. Senator Radogno, for what purpose do you rise?

SENATOR RADOGNO:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DEL VALLE)

State your point.

SENATOR RADOGNO:

I'd like to introduce to the Body a group from my district. We have Junior Girl Scout Troop No. 327, from Eisenhower Junior High, visiting with us today. They're from Darien, and being in junior high, they've just studied State government and are here to see us in action. So I'd like to have you welcome them.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Thank you. Will our guests in the gallery please rise and be welcomed? Welcome to Springfield. Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DEL VALLE)

State your point.

SENATOR GEO-KARIS:

I was very happy to hear that Senator Garrett revealed her age. I think it's great, because, you know, age is mind over matter. If we don't mind, it doesn't matter. And I certainly congratulate her on her -- on her youth, and may she stay young all her life.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Soden, for what purpose do you rise?

SENATOR SODEN:

Special privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DEL VALLE)

State your point.

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SENATOR SODEN:

At this time, it gives me a great deal of pleasure to introduce to the Senate my niece who's visiting us today, Sandra Noel, a PE teacher at Harper {sic} (Hatch) School in Oak Park, Illinois, who's been doing an outstanding job on nutrition for young people in elementary schools. Along with her today is Cathy Duesbarker, who is also visiting with us. I'd like the Senate to give 'em a nice welcome.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Welcome to the Senate. Senator Burzynski, for what purpose do you rise?

SENATOR BURZYNSKI:

Thank you, Mr. President. For purposes of announcement. Just like the record to reflect that Senator Cronin is ill again today.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Thank you, Senator. The record will so reflect. Senator Schoenberger -- Schoenberg. Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you. I don't wish to follow up at all on the Senator Geo-Karis-Senator Garrett line of repartee in debate, because frankly, we could go down a dangerous path that many of us won't want to tread upon. But I do wish to make an announcement that the State Government Committee will not be meeting today as early -- earlier scheduled. So the Members can plan accordingly.

PRESIDING OFFICER: (SENATOR DEL VALLE)

The State Government Committee will not meet today, this afternoon. Please make note of that. Senator Obama, for what purpose do you rise?

SENATOR OBAMA:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DEL VALLE)

State your point.

SENATOR OBAMA:

Just very briefly, I'd like to have everybody's attention. Some of you, I think, knew my -- my former secretary, Beverly Criglar.

PRESIDING OFFICER: (SENATOR DEL VALLE)

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Can -- excuse me, Senator. Can -- can we have everyone's attention, please?

SENATOR OBAMA:

Just very briefly. You know, all of us, I think, benefit enormously from the great work that's done by our staffs. You know, sometimes we take our secretaries and other staff persons for granted, but those of us who've had the opportunity to work with our secretaries for a long period of time know that they become not just employees of the Senate, but also dear friends. I was extraordinarily saddened a couple of weeks ago when my former secretary, Beverly Criglar, who some of you, I think, knew and who had been on the Senate staff for a very long period of time, suddenly passed away. She had been working in Lisa Madigan's Office, and it appears that she had a heart attack. Still a relatively young woman. And services were last week prior to us coming into Session. But I just wanted to pay a personal tribute to her. She -- everybody who knew her knows what a wonderful person that she was. She was my first secretary when I arrived here. Looked after me. Looked after many of my colleagues. I'm heartbroken by what happened and my condolences are extended to her family and friends, and so I just wanted to have the Senate record the fact that she provided excellent service to all of us and she's going to be greatly missed.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Thank you, Senator. Senator Demuzio. Senator Hendon, for what purpose do you rise?

SENATOR HENDON:

Thank you, Mr. President. I rise to join Senator Obama. Bev was a beautiful person and she was right on the first floor with -- with me and Pam when we first came in here. She's our Sergeant-of-Arms', Anita's, aunt. And, you know, she will be missed, but one thing I want you to say about her, she enjoyed life. Last time I saw her she was laughing and happy. Things were going good for her. And I wanted to join Senator Obama to put on the record that she had served the State with excellent work and did a great job for us while we're here. And we truly appreciate that and send our condolences to the family.

PRESIDING OFFICER: (SENATOR DEL VALLE)

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Thank you, Senator. Senator Demuzio.

SENATOR DEMUZIO:

Point of personal privilege. On a lighter note I, too, want to associate myself, obviously, with the remarks of my two colleagues. Beverly will be sadly missed, but we have another occasion today, as well, for our Senate staff. I have the privilege today of congratulating a young lady, who's behind me, who has served thirty years in the Illinois Senate with perhaps the greatest and brightest, most courageous Senator around - me. And Joan Withers is here, Ladies and Gentlemen, and I would like to say that -- thirty years of accomplishments in the Illinois Senate. She started work in 1975, February the 10th, with Senator Jerome Joyce and I over in the Stratton Building, and she has been here ever since. I have a little plaque for her and it says here that she places great value on her family life, especially her daughter, Briana, her husband, Jim, and her three stepsons and three grandchildren. And Joan has been able to keep her wits about her serving in this Body. She has some hobbies and interests outside the General Assembly, which include gardening and baking and -- and fishing, and she has been a -- a secretary, a legislative assistant, committee clerk, scheduler, organizer, wrangler, jack-of-all-trades. You -- you -- you name it. And I want to recognize Joan for the tremendous accomplishments that she has achieved here in the Illinois Senate and would like for the Members of this Body to recognize those members who have provided yeoman's work for us as support staff, and I would like for you to salute Joan Withers on the occasion of her thirtieth year in the Illinois Senate. Joan.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Thank you for all those years of service and for putting up with Senator Demuzio. Senator Demuzio, any other comments?

SENATOR DEMUZIO:

No. It's -- it's -- it would be out of character for me to challenge that last remark of the Presiding Officer. But I accept it in -- in the brevity in which it was given.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Yes. Thank you. Senator Haine will now present some guests that we have. Can staff please take your seats, please? We're going to be introducing guests. Thank you. Senator Haine.

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SENATOR HAINE:

Mr. President and Ladies and Gentlemen of the Senate, on behalf -- and Senator Demuzio, our Majority Leader, is here with me to present to the Senate a proclamation. Whereas, the Senate of the State of Illinois is pleased to honor the hard work and dedication of men and women in the service of their country; and Whereas, Second Lieutenant Stephen Rice - who's here with us on the die this morning - demonstrated his bravery to the United States of America and our State serving in the Illinois National Guard performing his duties during Operation Enduring Freedom; and Whereas, Second Lieutenant Stephen Rice has displayed a degree of character and leadership that goes beyond the call of duty; Whereas, Second Lieutenant Stephen Rice, upon receipt of his degree from the -- Illinois State University in the field of criminal justice, began an internship with the Illinois State Police and then received his National Guard Commission from which he completed training last March; and Whereas, Second Lieutenant Stephen Rice, at the completion of this training, was deployed in the support of the liberation of Iraq, where he patrolled Baghdad and trained local police forces; and Whereas, Second Lieutenant Stephen Rice proved his loyalty to those who serve with him when he attempted to rescue a soldier who was injured in the process of a roadside bomb; a second bomb detonated, severely injuring Lieutenant Rice, who displayed uncommon courage and disregard for his own safety in attempting to come to the aid of his soldier; Whereas, Second Lieutenant Stephen Rice wishes, despite the possibility of losing his foot due to the complications of his battle wounds, to return to service and finish his six-year commission with the Illinois National Guard; and Whereas, Second Lieutenant Stephen Rice has shown infallible patriotism and is to be considered a true American. We hereby honor Lieutenant Stephen Rice. Lieutenant Stephen Rice, Ladies and Gentlemen of the Senate, his conduct under fire remind us that America remains a people that possess the heroic virtues that have sustained us in past times of peril: stouthearted courage, steadfast loyalty, unwavering sense of duty and intrepid leadership. He exemplifies those virtues, and I ask that the Senate of the State of Illinois give their -- one of their officers a warm welcome. Stephen Rice.

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SECOND LIEUTENANT STEPHEN RICE:

(Remarks by Second Lieutenant Stephen Rice)

SENATOR HAINE:

Ladies and Gentlemen of the Senate, please welcome Ruth Rice, mother of Lieutenant Rice, who's in the President's Gallery, as well as the Adjutant General of the Illinois National Guard, General Thomas. I'm sorry. They're over behind you, over here.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Shadid will -- before we introduce Senator Shadid, Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, Lieutenant Rice is from the National Guard. Lieutenant Rice, to me, represents the best in America. Lieutenant Rice, being a member of the National Guard, has served us well, as all of the other National Guard member, too. Too little we have given of praise to the National Guard. I salute the National Guard. I salute Lieutenant Rice. Lieutenant Rice, to me, you are America at its best.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Shadid will now introduce guests.

SENATOR SHADID:

Thank you, Mr. President. Thank you very much. Ladies and Gentlemen, I want to thank President Jones for allowing me the time and also to put this -- to introduce you to a young man who I've known for several years, and he's outstanding. I rise on a point of personal privilege to introduce and welcome to the Senate Chad Cunningham from Peoria, the National Easter Seals Adult Representative. Chad is joined today by his parents, Dan and Janice Cunningham; his grandparents, Dean and Rae Smith; and Steve Thompson, who's the CEO of Peoria Easter Seals. As you know, Easter Seals provides services to children and their families with special needs. Chad has been a part of the Easter Seals family since he was eighteen months old, receiving occupational and physical therapy to help him. He now volunteers his time to help others both at Easter Seals and in the community as a teacher's aide with seventh-grade students with learning disabilities at Central Junior High. He will soon

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complete his second Associates Degree from Illinois Central College. As a National Easter Seals Adult Representative, Chad has the opportunity to speak for Easter Seals across the United States and demonstrate his success story to inspire others, which he has done remarkably well. Chad certainly serves as a source of -- inspiration to all who know him. His life has been marked by hard work, determination, struggle, triumph and achievement. His motto is "ACE" - attitude, character and effort. He is truly a role model for all of us, and please join me in welcoming him to Springfield. He'd like to make some comments. Thank you.

MR. CHAD CUNNINGHAM:

(Remarks by Easter Seals National Adult Representative Chad Cunningham)

SENATOR SHADID:

Isn't he wonderful? Huh? What a story. And what an inspiration he is to the other children who are afflicted. This is what it's all about.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator del Valle, Chairman of the Committee on Education, reports Senate Bills 2264, 2362 and 2444 Do Pass; and Senate Amendment No. 2 to House Bill 754 Be Adopted.

Senator Haine, Chairperson of the Committee on Local Government, reports Senate Bill 2442 Do Pass; and Senate Bills 2158 and 2337 Do Pass, as Amended.

Senator Walsh, Chairperson of the Committee on Agriculture and Conservation, reports Senate Bills 2098, 2156 and 2273 Do Pass.

Senator Clayborne, Chairperson of the Committee on Environment and Energy, reports Senate Bills 2145, 2320 and 2350 Do Pass.

Senator Obama, Chairperson of the Committee on Health and Human Services, reports Senate Bills 2171 and 2335 Do Pass.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Silverstein, for what purpose do you rise?

SENATOR SILVERSTEIN:

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For purpose of announcement, Mr. President. Just to remind the Body, even though it wasn't printed in today's Calendar, the Senate Executive Committee will -- meeting at 2 -- 1 p.m. in Room 212.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senate Executive at 1 in Room 212. Are there any other announcements? Okay. If not, 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 Floor action. There will be Floor action after the Committee Reports. We have -- we think that it'll be around 2:30 for Floor action. So the Senate stands in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DEL VALLE)

The Senate will come to order. We ask that all Members please come to the Floor. The Illinois Farm Bureau seeks leave to photograph or videotape the proceedings. Is there any objection? If not, leave is granted. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Cullerton and Senator Dillard, Co-Chairpersons of the Committee on Judiciary, report Senate Bills 2164, 2380 and 2447 Do Pass; and Senate Bills 2165, 2167 and 2386 Do Pass, as Amended; and Senate Amendment No. 1 to Senate Bill 2274 Be Adopted.

Senator Link, Chairperson of the Committee on Revenue, reports Senate Bills 2140 and 2190 Do Pass.

Senator Silverstein, Chairperson of the Committee on Executive, reports Senate Bills 2166, 2197, 2234, 2235 and 2296 Do Pass; and Motion to Concur with House Amendment No. 1 to Senate Bill 1913 Be Approved for Consideration.

Senator Munoz, Chairperson of the Committee on Licensed Activities, reports Senate Bills 2285, 2293 and 2381 Do Pass.

PRESIDING OFFICER: (SENATOR DEL VALLE)

On the Order of House Bills 3rd Reading, House Bill 754. Senator Welch, do you wish this bill returned to 2nd Reading for purposes of an amendment? Senator Welch. Welch. I -- I have

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Welch on the paper, but now I see that it's Senator Walsh. Thank you. Senator Walsh. Senator Walsh seeks leave of this Body to return House Bill 754 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 754. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Walsh.

SENATOR WALSH:

Thank you, Mr. President and Members of the Senate. House Amendment -- or, excuse me. Senate Amendment No. 2 to House Bill 754 becomes the bill. Amends the School Code, raising the debt limit for Manhattan School District 114 to be equal to twenty-five percent of the equalized assessed value of the taxable property in that district. This come out of committee unanimous this morning. I know of no objections.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? If not, all those in favor will vote Aye. Opposed, Nay. The Ayes have it. Are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DEL VALLE)

3rd Reading. The Rules Committee will meet immediately. Rules Committee meeting immediately. Supplemental Calendar 1 has been distributed. On Supplemental Calendar 1 is the Order of Concurrence. Senate Bill 1913. Madam Secretary, read the bill.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1913.

Motion filed by Senator Demuzio.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. This concurrence motion -- this would provide for extra time for the Governor to submit his capital budget to the

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General Assembly no later than March the 23rd or sooner, of 2004, only for this year. I'll be happy to try to answer questions, if -- if there are any.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. To the bill: You know, I'm developing a theory about the Second Floor's approach to the Senate Chamber, and we saw that animated a little bit last year when they -- different folks give the absolute worst bills to the most charming Senators to ply on their good will and high regard in the Chamber. And this is a great example of that. Here we have a charming sponsor who everybody thinks highly of, who has a very, very bad bill, and I think in a moment of effervescent weakness, gave the administration eye contact and agreed to carry this bad legislation. And here's why it's bad. You know, we had the administration in the Executive Committee earlier today and -- and he was doing his best, whoever he was. He was a nice man, down there, put on his game face and did it with a straight face and told us why he thought this was a good idea, but he couldn't really answer the question. And the real question was, if this is a good idea now, then why don't you want to change the law into perpetuity? I mean, why not do this thing forever and ever and ever? At which point he became sort of inaudible and we couldn't really understand what he was saying. Here's why this is a bad idea: What the administration wanted to do last year was to come in, and they said, "You know what? We're new. It's complicated and this is a whole new deal for us, and it's very, very difficult for us to get our hands on this." And the Legislature said, "We respect that. We understand that. And here's the authority to push back the budget date." They don't have that excuse anymore. You know, they've been in place for a year now and have gone about the State championing reform and renewal and so forth, and now here is the opportunity for them to really show leadership and it's really lacking, in my view. Because what we're doing is we're separating out two elements of the budget, as you know, and holding the capital side off to the side. The reason that that's a bad idea is that it creates the notion that the administration

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is simply going to be evaluating Members of the General Assembly and their disposition towards other projects to make a decision about what gets funded. And that's not the way to go about doing this. The way to go about doing this is to keep these two elements of the budget together so that you can fairly and honestly compare them, rather than peeling them off so that over a period of time if they're separated, then they're separated and all kinds of ambiguity begins and we don't understand why it is that this bill doesn't compare with that bill, and this budget doesn't match with this budget. I think if we're going to be talking clearly, and all through these next several months we're going to be talking numbers, we're going to be talking money in this Chamber, we've got to be able to compare apples to apples and oranges to oranges. So I say, let's stand up on behalf of Senator Demuzio and spare him from the agony of having to introduce future bills like this. If we vote No on this now, then they're not going to be bothering him later. So, for Vince Demuzio, vote No.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President. I actually do have a question. Why are we doing this? I wasn't at Exec. I just heard about this proposal today. I understand last year why we needed to put the budget off, because it was a new administration and there -- the Governor and his wife were having a baby. Why, supposedly, do we need to do this, this year?

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator -- Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you very much. I -- I really appreciate the kind words of that previous speaker. Because we don't have business as usual, that's why. And you all know it over there. It's time to move on with this bill.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Radogno, did that answer your question? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

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Thank you. I'd just like to make a -- a couple of observations for the -- kind of get the historical perspective. You know, these are difficult times and this administration's been confronted with some exceptional challenges - not unprecedented, but exceptional challenges. When the Ryan administration was confronted with the exceptional challenges at the beginning of this recession, they made the reach-out effort to engage the -- the Senate and the House, Republicans and Democrats, in a retreat at the University of Illinois. They brought in speakers from the University of Illinois, from revenue-projecting agencies that they used from New York to walk us through what was -- what the challenges and the problems were. They had each of the major agencies of State government walk us through their challenges and their responsibilities. They shared all of their data with us so that we could move forward thoughtfully. Obviously, last year, in the transition and the very late appointment of a Director of the Bureau of the Budget, this administration was probably not in a position to share data with the Majorities and the Minorities, the House and the Senate, about their stewardship and about their future challenges. We're now in the second year of the administration. There should be communication. We have the right to get the kind of answers that we need to discharge our constitutional responsibility. And -- and I just would point out that this was not discussed with any of us in advance. This is another last-minute decision. And I -- I can't support this administration's decision not to share the important financial data of State government with constitutionally elected Members of the General Assembly. It doesn't matter whether we're Republicans or Democrats. We're constitutional officers. And I just think until we get a commitment from this administration to openly communicate with us, to share what their problems and challenges are and to share their numbers so we can all participate in our constitutional responsibilities and in solving the problem, I think Members of the General Assembly should say no to the Governor. Since the 1970 Constitution, as I understand it, the Governor has presented his capital and his operating budget together. I think that's a practice we should continue.

PRESIDING OFFICER: (SENATOR DEL VALLE)

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Senator Harmon.

SENATOR HARMON:

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

PRESIDING OFFICER: (SENATOR DEL VALLE)

Thank you, Senator. We have one more speaker. Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. I'll -- I'll be brief. To -- to provide the Body with several examples of the link between the operating budget and the capital budget, beside the connection, the political connection, of rewarding or punishing people based on what's going to be in the capital budget back in our districts based on how we vote on an operating budget, are three examples. Number one, approximately seven million dollars of the Capital Development Board's budget last year was borrowed in order to pay for operating expenses. Number two, four hundred million dollars of road building funds and money was taken out of the capital budget and then applied into the General Revenue Fund. And then finally, the decision -- one of the big decisions that we're facing these days is the amount of the debt service itself as it factors into the General Revenue Fund. And just those three examples of linkage between the operating budget and capital, that's why these ought to be done together. Thank you.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Senator Demuzio, to close.

SENATOR DEMUZIO:

Well, thank you very much, Mr. President. This is not a departure from anything that some of the other states have already adopted, and it seems to me that perhaps the idea ought to be made that perhaps even though this is a one-time effort, that perhaps this ought to be made permanent at some other point. But that's not the discussion today. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEL VALLE)

This is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1913. 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,

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there are 32 voting Yes, 25 voting No, none voting Present. On that question, thirty votes or more are required. The Senate concurs in House Amendment No. 1 to Senate Bill 1913, and the bill, having received the required constitutional majority, is declared passed. 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 - Senate Bills 2372, 2399, 2494, 2612 and 2696; refer to Appropriations Committee I - Senate Bill 2468, 2600 and 2644; refer to Appropriations II Committee - Senate Bill 2679; refer to Education Committee - Senate Bills 2317, 2528, 2755, 2774, 2810, 2864 and 3090; refer to Environment and Energy Committee - Senate Bills 2601, 2602, 3124 and 3147; refer to Executive Committee - Senate Bills 2106, 2329, 2481, 2548, 2577, 2724, 2827, 2861, 2689, 2919 and 3031; refer to Financial Institutions Committee - Senate Bills 2553 and 2723; refer to Health and Human Services Committee - Senate Bills 2342, 2379, 2530, 2579, 2625, 2742, 2768, 2794, 2740 {sic} (2940) and 3112 -- pardon me, and also 3211; refer to Insurance and Pensions Committee - Senate Bills 2301, 2339, 2423, 2491, 2620 and 2978; refer to Judiciary Committee - Senate Bills 2150, 2172, 2193, 2201, 2414, 2469, 2497, 2532, 2578, 2607, 2791, 2878, 2799, 2800, 2809, 2902, 2907, 2988 and 3130; refer to Labor and Commerce Committee - Senate Bill 3069; refer to Licensed Activities Committee - Senate Bills 2330, 2395 and 3108; refer to Local Government Committee - Senate Bills 2277, 2503 and 2879; refer to Revenue Committee - Senate Bills 2177, 2409, 2441, 2466, 2552, 2704, 2968, 2974, 3029, 3030 and 3183; refer to State Government Committee - Senate Bills 2397, 2398, 2517, 3083 and 3207; refer to Transportation Committee - Senate Bills 2374, 2421, 2453, 2564, 3184 and 3085.

PRESIDING OFFICER: (SENATOR DEL VALLE)

We will now proceed to the Order of Resolutions Consent Calendar. With the leave of the Body, all those resolutions read in today will be added to the Consent Calendar. Madam Secretary, have there been any objections filed to any resolution on the Consent Calendar?

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SECRETARY HAWKER:

There have been no objections filed, Mr. President.

PRESIDING OFFICER: (SENATOR DEL VALLE)

Is there any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the resolutions are adopted. 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 adopted the following joint resolution, in the adoption of which I am instructed to -- to ask the concurrence of the Senate, to wit:

House Joint Resolution 65.

(Secretary reads HJR No. 65)

Adopted by the House, February 10, 2004.

PRESIDING OFFICER: (SENATOR DEL VALLE)

On the Order of Resolutions. Senator Demuzio. Senator Demuzio, do you wish to proceed on House/Senate {sic} Joint Resolution 65? Madam Secretary, please read the resolution. That was read. Senator Demuzio moves to suspend the rules for the purpose of the immediate consideration and adoption of House Joint Resolution 65. Those in favor will say Aye. Those opposed, Nay. The Ayes have it, and the rules are suspended. Senator Demuzio moves for the adoption of House Joint Resolution 65. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Pursuant to Joint Resolution 65, the Senate stands adjourned until the hour of 11:30 a.m. on Wednesday, February 18th. The Senate stands adjourned.