

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

151st Legislative Day

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PRESIDING OFFICER: (SENATOR DeLEO)

The regular Session of the 93rd General Assembly will please come to order. Madam Secretary, Reading and Approval of the Journal, please.

SECRETARY HAWKER:

Senate Journal of Tuesday, July 20, 2004, from the regular Session.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Haine.

SENATOR HAINE:

Mr. President, I move that the Journal just read by the Secretary be approved, unless a Member of the Senate has additions or corrections to offer.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you very much, Senator. Senator Haine moves to approve the Journals just read by the Secretary. There being no objection, so ordered. Once again, Ladies and Gentlemen, Rules Committee meeting immediately in the President's Anteroom. All members of the Rules Committee, please report to the Anteroom. Madam Secretary, Resolutions, please.

SECRETARY HAWKER:

Senate Resolution 644, offered by Senator Dillard.

And Senate Resolution -- 646, offered by Senator Brady and all Members.

They're both death resolutions.

PRESIDING OFFICER: (SENATOR DeLEO)

Resolutions Consent Calendar.

SECRETARY HAWKER:

And Senate Resolution 645, offered by Senator Silverstein. It is substantive.

PRESIDING OFFICER: (SENATOR DeLEO)

Ladies and Gentlemen, for all Members within the sound of my voice, please come up to the Senate Floor. We will be doing final action, 3rd Reading. All Members please come to the Floor. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Viverito, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to Education Committee - Committee Amendment No. 1 to

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House Bill 4431; refer to Executive Committee - Motion to Concur with House Amendments 1 and 2 to Senate Bill 1668, Motion to Concur with House Amendment 2 to Senate Bill 1960, and Floor Amendment 1 to House Bill 7307; and Be Approved for Consideration - House Bills 2655, 2714 and (Senate Bill) 1668.

PRESIDING OFFICER: (SENATOR DeLEO)

Madam Secretary, Introduction of Bills, please.

SECRETARY HAWKER:

Senate Bill 3388, offered by Senator Cullerton.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Lightford, for what purpose do you rise, ma'am?

SENATOR LIGHTFORD:

Point of an announcement.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your announcement.

SENATOR LIGHTFORD:

Thank you, Mr. President. Education will meet at 3 p.m. in Room 212. Education will meet at 3 p.m. in Room 212.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Senator Halvorson, for what purpose do you rise, ma'am?

SENATOR HALVORSON:

For the purpose of an announcement.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your announcement.

SENATOR HALVORSON:

Senate Executive Committee will meet at 2 p.m. in Room 212.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you very much. Senator Hendon, for what purpose do you rise, sir?

SENATOR HENDON:

Thank you, Mr. President. I move to waive all -- applicable rules so that the House Bill 7307 may be heard.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Thank you, Senator. Senator Hendon moves to waive all applicable rules so that -- for -- for the purposes stated. All those in favor will say Aye. All those opposed will say

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Nay. The motion carries. Senator Righter, for what purpose do you rise, sir?

SENATOR RIGHTER:

Inquiry of the Chair, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your inquiry, sir.

SENATOR RIGHTER:

Mr. President, we have heard, and I think most of the Members have heard, over the last twenty-four or thirty-six hours, different interviews, given by different legislative leaders or prominent figures here in Springfield, about how long they believe it'll take to end this process. And so -- and I know that you -- you are not only a Member of the Majority, but a very well-informed Member of the Majority, and I wonder if you can give us an idea what you think will be our ending day, or ending time, and how you see the process moving from bills moving from the House to the Senate.

PRESIDING OFFICER: (SENATOR DeLEO)

I've been informed by the President of the Senate, we will leave here before Halloween. Senator Righter.

SENATOR RIGHTER:

Mr. President, I am glad for that, if for no other reason, then I don't have to see what costume you might be wearing on that day. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

It is -- very seriously, Senator Righter, is the intention -- the Leaders have met this morning, Senator. Leader Watson and President Jones did meet earlier this morning. As you know, Senator Cronin cannot be here today because of personal business back in the district. So we will be here tomorrow. It is the intent of the two Leaders to work tomorrow and hopefully - hopefully - finish the people's business sometime in the course of tomorrow. Senator Hendon, for what purpose do you rise, sir?

SENATOR HENDON:

Thank you, Mr. President. Just in response. We know -- Senator Righter, we know you're anxious to attend the Democratic National Convention and hear Senator Barack Obama make that speech. So we'll try to get you out of here so that you can make that.

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PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Ladies and Gentlemen, if you turn your attention to House Bills 2nd Reading on page 15 of the Calendar. That's House Bills 2nd Reading, page 15 on your Calendar. On the bottom of the page is 2nd Reading. There's House Bill 7307. Senator Hendon, on House Bill 7307, do you wish to proceed, sir? He indicates he wishes to proceed. Madam Secretary, please read the bill.

SECRETARY HAWKER:

House Bill 7307.

(Secretary reads title of bill)

2nd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Has there been any Floor amendments approved for consideration?

SECRETARY HAWKER:

No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR DeLEO)

3rd Reading. Okay. Once again, Ladies and Gentlemen, we're going to House Bills 3rd Reading on page 8 of your Calendar. On the bottom of page 8 is House Bills 3rd Reading. House Bill 629. It's Senator Larry Walsh. Senator Walsh, do you -- would you like to proceed with this, sir? He indicates he wishes to proceed. So Senator Walsh seeks leave of the Body to return House Bill 629 to the Order of 2nd Reading for the purpose of -- amendment. Hearing no objection, leave is granted. Okay. On the Order of 2nd Reading, now comes House Bill 629. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Walsh.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Walsh, to explain the amendment, sir.

SENATOR WALSH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Amendment No. 1 deletes all and becomes the bill and makes technical and -- changes to the Illinois statutes governing elections. Increase governmental entity access to voter registration, sets up a one-year ward residency for

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aldermen, referendum and a lot of language that the election officials need to do that puts us in compliance with the Help America Vote Act.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Senator Walsh moves the adoption of Amendment No. 1 to House Bill 629. 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 Walsh.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Walsh, on -- to explain Amendment No. 2, sir.

SENATOR WALSH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 2 specifies that the notice of the question and its purpose be written in neutral language - this is in regards to referenda - as well as plain language, and that it be supplied by the governing body of the political or governmental subdivision whose the voters question is to be submitted; that it is the responsibility of the originator of the referendum to explain it.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Senator Walsh moves the adoption of Amendment No. 2 to House Bill 629. 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. Now on the Order of 3rd Reading comes House Bill 629. Senator Walsh, do you wish to proceed, sir? He indicates he wishes to proceed on -- Madam Secretary, please read the bill.

SECRETARY HAWKER:

House Bill 629.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR DeLEO)

Senator Walsh.

SENATOR WALSH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 629 and amendment -- as amended, makes many corrections and changes to the Illinois statutes governing elections. I gave a report in the -- in the committee that many of these -- many of these items that we're dealing with in this bill are in response to bringing us into compliance with the requirements that were set forth by the Help America Vote Act. The four Leaders -- four caucus Leaders have all worked on this piece of legislation. They basically have put their input into it. And it has come out pretty much as -- as a -- an agreed bill. And so, with that, I'll be more than glad to answer any questions.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator Walsh. Is there any -- is there any discussion? Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President, Ladies and Gentlemen -- of the Senate. I rise in support of House Bill 629. It's an agreed bill and an initiative of the State Board of Elections. And I urge its passage.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Senator Walsh, to close, sir. Indicates he asks for a favorable roll call. The question is, shall House Bill 629 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 53 Ayes, 0 voting Nay, 0 voting Present. House Bill 629, having received the required three-fifths constitutional majority, is declared passed. Okay. Ladies and Gentlemen, moving to page 21 of your Calendar. On the bottom of page 21 is Senate Bill 2263 on Concurrences. On the Order of Concurrence is Senate Bill 2263. Senator Hunter, do you wish to proceed? She indicates she wishes to proceed. Madam Secretary, please read the motion.

SECRETARY HAWKER:

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I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 2263.

Motion filed by Senator Hunter.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hunter, to explain the motion, ma'am.

SENATOR HUNTER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 2263 with House Amendment 1 does not change the existing law. It simply reenacts existing law to preserve its validity. This is legislation to reenact portions of the Short Term Borrowing Act originally enacted by Public Law 88-669. Short term borrowing refers to the State's ability to borrow money for cash flow purposes and failures in revenue. In 1994 Public Act 88-669 created cash flow borrowing and authorized the Governor, Comptroller and Treasurer to borrow funds up to five percent of the State's appropriation of that fiscal year. Cash flow borrowing authorized the borrowing of funds within the same fiscal year if the timing of revenue receipts fall behind the accumulation of expenditures, Mr. President. And I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion? Is there any discussion? Seeing no discussion, Senator Hunter, to close.

SENATOR HUNTER:

I ask for a favorable vote, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. The lady asks for a favorable roll call. This is final action. The question is, shall Senate concur in House Amendment No. 1 to Senate Bill 2263. 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 52 Ayes, 0 Nays, 0 voting Present. Senate concurs in House Amendment No. 1 to Senate Bill 2263, and the bill, having received the required three-fifths constitutional majority, is declared passed. Madam Secretary, do you have any motions?

SECRETARY HAWKER:

I have a motion with respect to House Bill 1191.

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PRESIDING OFFICER: (SENATOR DeLEO)

That motion shall be reflected on the Calendar. Senator Burzynski, for what purpose do you rise, sir?

SENATOR BURZYNSKI:

Thank you, Mr. President. Like to announce that there will be a Republican Caucus immediately after the Education Committee adjourns. And I'm assuming that that should be someplace around 3:30, 3:45. So a Republican Caucus, 3:45, in Room 212.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. The Senate will stand in recess to the call of the Chair. After committee -- meetings, the Senate will -- will reconvene to receive Committee Reports and for further Floor action. The Senate will stand in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DeLEO)

The Senate will come to order for the purposes of an announcement. The Senate will come to order for the purposes of an announcement. Senator Burzynski, for what purpose do you rise, sir?

SENATOR BURZYNSKI:

Thank you, Mr. President. For purpose of announcement. It's my understanding that we might be coming back on the Floor for a Supplemental. If that's the case, then our Caucus will convene immediately after that.

PRESIDING OFFICER: (SENATOR DeLEO)

So the request is that the Republicans will caucus after we come back from -- from Floor action -- Senate Floor action this afternoon. After the committees, after Floor action, the Senate Republicans will request a caucus in Senator Watson's office.

SENATOR BURZYNSKI:

No, in room 212, and I couldn't have said it better myself, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Once again, the Senate will stand in recess to the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

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PRESIDING OFFICER: (SENATOR DeLEO)

The hour of 4:30 having arrived, the Senate will come to order. Would ask all Members, please come to the Floor. Would all Members within the sound of my voice please come to the Floor? There'll be a Rules Committee meeting immediately in the President's Anteroom on the Senate Floor. So would ask all members of the Rules Committee, please come to the President's Anteroom. And all Members please come to the Floor. Senator Halvorson, for what purpose do you rise? Madam Secretary, Committee Reports, please.

SECRETARY HAWKER:

Senator del Valle, Chairperson of the Committee on Education, reports House Bill 4431 Do Pass, as Amended.

Senator Silverstein, Chairperson of the Committee on Executive, reports Senate Amendment No. 1 to House Bill 7307 and the Motions to Concur with House Amendments 1 and 2 to Senate Bill 1668 and House Amendment 2 to Senate Bill 1960, all Be Adopted.

PRESIDING OFFICER: (SENATOR DeLEO)

Madam Secretary, do you have any resolutions?

SECRETARY HAWKER:

Yes. Senate Resolution 647, offered by Senator Hendon and all Members.

And Senate Resolution 648, offered by Senator Link and all Members.

They're both death resolutions.

PRESIDING OFFICER: (SENATOR DeLEO)

Resolutions Consent Calendar. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Viverito, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Re-refer from Education to Rules Committee - Floor Amendment 2 to House Bill 759; and Be Approved for Consideration - Floor Amendment 1 to House Bill 766.

Senator Viverito -- pardon me.

PRESIDING OFFICER: (SENATOR DeLEO)

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Once again, all Members within the sound of my voice please come to the Senate Floor. We will be doing final action. Final action. Please come to the -- report to the Senate Floor immediately, please.

SECRETARY HAWKER:

Senator Viverito, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Be Approved for Consideration - Floor Amendment 2 to House Bill 759.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR D. SULLIVAN:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your point, sir.

SENATOR D. SULLIVAN:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I know we're all desperately looking for some good news, and here it is. Starting today our colleague, Senator Steve Rauschenberger, is the President-elect of the National Conference of State Legislators.

PRESIDING OFFICER: (SENATOR DeLEO)

Congratulations, Senator Rauschenberger. Senator Hendon, for what purpose do you rise, sir?

SENATOR HENDON:

I just wanted to point out to Senator Rauschenberger, his new appointment will probably help him if he reconsiders and decides to get in the race against Senator Obama for the U.S. Senate. So, with this new appointment, maybe he should rethink that.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Ladies and Gentlemen, on your Calendars, on page 9 we have House Bills 3rd Reading. We'll be going, with leave of the Body, to House Bill 766. Senator Maloney. Senator Maloney seeks leave of the Body to return House Bill 766 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. Okay. There's -- understand there's a Senate sponsor change on House Bill 766. In lieu of Senator Maloney, it'd be Senator Walsh. And on the Floor amendment is Senator

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Althoff. So on the Order of 2nd Reading right now is House Bill 766. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Senator Althoff, to explain the amendment, ma'am.

SENATOR ALTHOFF:

Thank you, Mr. President. Floor Amendment No. 1 to House Bill 766 creates a new Section in the School Code that provides for fast-growing grants to school districts. Subject to appropriation, a school district will be eligible to receive a fast-growing grant if there has been an increase in student population over the most recent two school years and either, one, the increase is greater than 1.5 percent in a district with over ten thousand students in an average daily attendance or, two, the student population growth is over 7.5 percent in any other district.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Is there any discussion? Is there any discussion? Okay. Senator Althoff moves the adoption of Amendment No. 1 to House Bill 766. 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)

Okay. 3rd Reading. Now on the Order of 3rd Reading is House Bill 766. Senator Walsh, do you wish to proceed, sir? He indicates he wishes to proceed. Madam Secretary, please read the bill.

SECRETARY HAWKER:

House Bill 766.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Walsh.

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SENATOR WALSH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. As the sponsor of the amendment so adequately explained what the -- House Bill 766 does in regards to fast-growth grants, I would be more than willing to allow Senator Althoff to answer any questions that any of the Senators may have.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you very much, Senator. Senator Althoff, to close.

SENATOR ALTHOFF:

I would just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Oh, I'm... Excuse me. Excuse me. There is discussion. Senator del Valle, for what purpose do you rise, sir?

SENATOR DEL VALLE:

On the bill, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

To the bill, sir.

SENATOR DEL VALLE:

I will be voting for this bill, but I wanted to get something on the record here. We've got a real difficult situation here with -- with the growth that's taking place in many school districts throughout the State. I think that this is an honest attempt on the part of -- of the sponsor and -- and others who are supporting this bill to -- to address the hardships that are being created by this growth in many school districts. But I just wanted to point out that Chicago School District 299 will not be eligible for any of these dollars because they don't meet the criteria. And -- and the reason they don't meet the criteria is because they haven't experienced the percentage growth on a district-wide basis that is required by this bill. Now, I represent a -- a legislative district where, on the one end of my district, I have declining enrollment in the Chicago public schools, and on the -- on the other end of the district, I have severe overcrowding. Now, ironically, the reason why we need this bill is to deal with the growth that's been created by development, primarily. And yet, the reason I have declining enrollment in some of my schools is because of development. Development is having the exact opposite effect, and it is displacing people that then move into

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other parts, where then schools become severely overcrowded. But because this bill does not allow for schools to be treated on an individual basis, rather on a district-wide basis, we are not going to be able to provide some relief. Now even if it included Chicago, ten million dollars is not a whole lot of money when you consider statewide. So, obviously, what we need to do to address the needs of school districts like Chicago and others across the State that are experiencing growth in enrollment, is to be able to facilitate school construction. And that's why I couldn't let this opportunity go by without reminding this Body that we do need to take action on the school construction program, because we've got many school districts that are on hold right now, not knowing where they're going to be in terms of the support that this Body can give them to construct schools to relieve overcrowding. And so I -- I want to say, let's move with this, but let's also take care of the school construction program, hopefully soon. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator del Valle. Is there any further discussion? Any further discussion? Senator John Sullivan, for what purpose do you rise, sir?

SENATOR J. SULLIVAN:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR J. SULLIVAN:

Senator, of course in committee we discussed this -- this language, and I'd like to ask, why are we not putting this money into the ADA formula?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Althoff.

SENATOR ALTHOFF:

As stated in committee again, Senator, that was tried two years ago on two separate attempts, and it did not pass either Chamber. So this is an attempt to use a new approach.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator John Sullivan.

SENATOR J. SULLIVAN:

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Wouldn't it be fairer for all the school districts and all the children of the State of Illinois to -- obviously the ADA is going to reflect those growing populations. Wouldn't that be a fairer way to distribute that money?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Althoff.

SENATOR ALTHOFF:

I feel this legislation is truly a fair way to deal with a problem, a phenomenon that is happening throughout the State of Illinois in areas that are -- is experiencing extreme growth.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator John Sullivan.

SENATOR J. SULLIVAN:

Again, wouldn't it be fairer to do that through the ADA and let every student, every child in the State, have that opportunity to have access to those funds, instead of the criteria that you're using with this formula?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Althoff.

SENATOR ALTHOFF:

Senator, we do -- poverty grants. We do grants to assist people in technical areas. I really feel that this is a phenomenon that is being experienced specifically in areas that have tremendous amounts of -- growth, and this is the best way to address the problem, currently.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator John Sullivan.

SENATOR J. SULLIVAN:

We also talked in committee about the impact fees, and that actually helps address the very problems that this legislation is trying to attempt to solve. And I know that you said in committee that's for bricks and mortar, that that money can only be used for that. But are you aware that Plainfield Community Consolidated School District No. 20 {sic} - this is off of their website, by the way - is expected from the revenue generated by impact fees over the course of fifteen years, is expected to generate eight hundred million dollars? That's an average of five million dollars a year. You know, what -- what is this legislation doing for some of the rural districts that are

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actually losing population? This is taking money away from -- from some of those districts. Is that correct?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Althoff.

SENATOR ALTHOFF:

I believe we have hold harmless. No school district is going to get less money than they currently get. This is a situation where we have school districts that are receiving students on an annual basis that cannot afford to pay for those students because there's the tax lag. They're not getting their property taxes, nor are they getting State aid, until almost a year after that student is in school.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator John Sullivan.

SENATOR J. SULLIVAN:

I'd say that those districts that we're -- you're referring to certainly have the potential, the growth potential down the road, to take care of those students. And I would encourage all Members to vote No.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Senator Larry Walsh, for what purpose do you rise?

SENATOR WALSH:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

To the bill, sir.

SENATOR WALSH:

I appreciate Senator Althoff's pushing this -- this issue, and -- and for -- for us legislators that represent fast-growth areas, Will County being the fastest growing county in the State of Illinois, and many Senators right in this Chamber represent a portion of -- of Will County and the surrounding areas that -- that is to the west and that is showing that growth, too. I think I'd like to echo the comments of Senator del Valle. If there's one thing that maybe will come out of this piece of legislation, to show the uniqueness of the -- the need of additional funding for those schools that are finding this fast growth, almost uncontrollable growth, taking place, is Senator del Valle's attempt later on in the summer, into the fall, of

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conducting hearings on finally looking at and coming up with a plan that we change how education is funded here in the State of Illinois. That if anything comes out of this, other than the fact that these fast-growth areas are going to receive additional dollars to help educate their students, that we will recognize, as legislators, that the time has come, and I believe the voters of the State of Illinois are going to demand, that we bite the bullet and take charge and be the leaders that they expect us to be here in this State Chambers, and look at a complete revision of how education is funded in this State. It's going to be a difficult task when we start talking about taxes, we start talking about income taxes, when we start talking about taxes on businesses that we've been dealing with over the last number of -- couple of years. Nobody wants to see any more taxes, but there's going to come a time when we have to be fair and equitable, and for a diverse state like the State of Illinois, that's going to be a difficult task. But I truly believe that if we put our minds to it, and really want to have a solution, it can be done. So, again, I commend the sponsor of this piece of legislation for this issue, and wish the very best of luck to Senator del Valle in his attempt. I know he's been doing this for a number of years down here to try and come up with a solution. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Senator Burzynski, for what purpose do you rise?

SENATOR BURZYNSKI:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

To the bill, sir.

SENATOR BURZYNSKI:

Thank you. We talked about this in committee and -- and several of the speakers have already alluded to a lot of the topics that we talked about. I made the comment in committee, and I'll make it again here on the Floor for the record, the fact that this is nothing different than we already do in many of our school districts for other reasons. We have poverty grants, that a lot of us that have rural districts downstate and even, I would imagine, some upstate or in the City of Chicago

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receives poverty grants. That's something that's outside of the school aid formula, but it benefits certain schools, based on certain parameters. No different than what this bill does. We have mandated categoricals. Benefits some school districts based on certain parameters, not all school districts. We have special education funding. We have transportation grants. And we even have transitional grants that give money to school districts because they have fewer students, not because they have an influx of new students. Now I agree with Senator del Valle, we really do need to look at a comprehensive reform in -- in how we fund schools, and I think most of us here are willing to do that. But until that day comes, we have to push forward, we have to provide for school districts that are in high-growth areas, as well as for those school districts that receive poverty grants. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. No further -- seeing no further discussion, Senator Althoff, to close. The lady wishes -- asks for a favorable roll call. The question is, shall House Bill 766 pass. Those in favor will vote Aye. 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 39 Ayes, 12 Nays, 0 voting Present. House Bill 766, having received the required constitutional three-fifths majority, is declared passed. Okay. Ladies and Gentlemen, once again, continuing on the Calendar. On page 23 of the Calendar, Motions to Concur. On the top of page 23 is Senate Bill 3000. On that Order of Concurrence, Senate Bill 3000. Senator del Valle, do you wish to proceed, sir? He indicates he wishes to proceed. 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 3000.
Motion filed by Senator del Valle.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator del Valle, to explain your motion, sir.

SENATOR DEL VALLE:

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Thank you, Mr. President. Senate Bill 3000 is the product of long negotiations that involved both Chambers, both sides of the aisle, and many other groups interested in improving the quality of public education in the State. The process, as you'll recall, began when the Governor made his proposal to create a Department of Education. Several hearings were held in the Senate and in the House, and as a result of the input, we came up with a negotiated bill and this is the bill. I'll quickly mention the -- the key components of the bill, and then will be glad to respond to -- to questions. This bill terminates the terms of seven current members of ISB and allows the Governor to fill those seats. It aligns the State Superintendent's contract with the term of the Governor and allows, until January of 2007, a -- a Superintendent's contract to be terminated for cause without a buyout of the contract, other than the current Superintendent. It creates specific divisions within the Board, which include teaching and learning services, school support services, fiscal support services, special education support services, internal auditor and human resources. It requires the newly appointed Board to review all current rules and prohibits the Board from making policies with the effect of rule without going through JCAR. It requires ISB to develop and maintain a five-year comprehensive strategic plan. It expands the duties of the regional superintendent of schools, requiring them to assist schools in completing and submitting grant applications and other functions. It grants ISB power to provide the specified regional services. It creates a voluntary statewide education purchasing program for contracts with expenditures of -- in excess of ten thousand dollars. And it -- it allows for a voluntary prescription drug benefits program to also be established. And it also calls for what we refer to as line-item budgeting. These provisions were all agreed to. There was a concern expressed by Senator Cronin regarding the -- the appointment -- the timing of the appointments and there not being sufficient time to be able to consider the appointments of the Governor prior to the Senate having an opportunity to confirm. That, in my opinion, is almost a moot point, given the amount of time that -- that we've been here. But for those who are wondering, I did ask for a

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list of the appointments that have been made, so far, by this administration and the amount of time that it has taken to confirm from the time of the message to the time of confirmation, and the average -- the average is sixty-three days. And so, with the Community College Board, for example - two hundred and thirteen days, a hundred and fifty-nine days, a hundred and eighty-six days. Board of Higher Education - a hundred and eighty-six days, a hundred and seventy-six days. I guess what I'm saying is that, given how long we've been here, by the time that this bill is signed and the Governor makes his appointments, we will be close to the fall Veto Session here. Executive Appointments will be able to meet. And I'm confident that when we come back for the fall Veto Session, we'll be able to act on those appointments. And so, it's important to get this moving so that we can begin the process of -- of improving the State Board of Education, particularly at a time when we're going to be talking about school finance reform. I have said from the very beginning that we need a dual track here. As we talk about reforming how we finance public education, we also have to gain the confidence of the public by demonstrating that we're creating a more efficient system and that we're taking steps to improve the quality of education and the administration of education in the State of Illinois. And so this is part of that process, and I ask that we move this along so that we could get on with our -- our business of -- of improving the overall quality of public education in the State of Illinois.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR LUECHTEFELD:

Thank you, Mr. President and Members of the Senate. Question -- question of the sponsor, please.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR LUECHTEFELD:

Senator, the Governor will appoint seven new members, I understand. Will those seven new members then immediately take

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over as soon as he appoints them and actually act until we approve those appointments in the fall?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator del Valle.

SENATOR DEL VALLE:

They will, in -- in effect, do the same thing that all other appointees do, whether it's a department head or -- or an appointment to a board. They will be functioning, yes.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Senator, as you know, and you were very active in -- in this process, the Governor made this one of his highest priorities and it's -- you know, it's been a -- it's been a struggle up and down on this issue. And I think you were one of the people who sort of led the opposition or at least were in opposition to what the Governor wanted to do. My question to you is, this bill, would you characterize how this bill is different than maybe the way the Board used to operate? How is it different or -- or is -- what's the relationship? What's the power that the Governor has over this Board, other than appointing it? Is there still a -- a separation between this Governor, or any Governor, and the State Board?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator del Valle.

SENATOR DEL VALLE:

Senator, thank you for that question, because I did feel very strongly about that. I -- I was in opposition to and remain in opposition to the creation of a Department of Education. This Board will continue to operate as I think the State Constitution calls for. It will continue to be a Board that will respond, both to the Governor and to the General Assembly. But what this bill does, is that it allows the Governor to put his choices on the Board, therefore, having an opportunity to shape education policy with a Board that is in line with his efforts to improve education. That is not to say that the current Board or prior Boards have not -- have not wanted to do that. But I think it's clear that -- that if we're going to hold this Governor accountable for the condition of

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public education in the State of Illinois, we've got to eliminate the excuse that the Board is not a Board appointed by him. And that's what this bill does.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

So, other than the fact that he appoints those members, this Board would have as much independence as the Board before it?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator del Valle.

SENATOR DEL VALLE:

There is nothing in this bill that changes the role of the Board.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR RIGHTER:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

To the bill, sir.

SENATOR RIGHTER:

Thank you. I rise in support of Senate Bill 3000. And I want to first thank Senator del Valle for what I know has been hours and hours and hours of hard work, in taking what was a -- a very aggressive, overly so, proposal from the Governor's Office that would have been extremely burdensome to local school districts and to local property taxpayers and putting it into a form that's acceptable to the House and the Senate, and we hope the Governor, as well. I also want to thank, in his absence, Senator Dan Cronin, the Minority Spokesman of the Education Committee, who, I know, stood by you in order to work out an agreement that everyone could live with, and it's going to be good ultimately, hopefully, for the schoolchildren of Illinois. There was some hesitancy on this side of the aisle leading up to today with regards to the appointment issue that Senator del Valle mentioned, most notably the idea that the Governor would be appointing these new members and they would serve for some time before the Senate would have an opportunity to provide some advice and consent. It is my understanding that the Governor's

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Office has committed to the Minority Spokesman on Education Committee to run by the appointments before he makes those appointments, by Senator Cronin. I hope that's true for you as well, Senator. Given that pledge and what we know to be yours and Senator Cronin's commitment on this issue, I feel comfortable. I think the Members on our side feel comfortable. Thank you very much. I appreciate an Aye vote on this bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Senator Burzynski, for what purpose do you rise?

SENATOR BURZYNSKI:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Also to the bill, sir.

SENATOR BURZYNSKI:

Thank you. I -- I, too, rise, as Senator Righter did, just commending Senator del Valle for his hard work on this bill. I know that there's been a lot of discussion over the years and -- over the year, and as we started this spring talking about this particular concept in the Senate Education Committee, what it meant long term, what it meant short term to education in the State of Illinois, I know that we were all very concerned with it. The final product, while maybe not perfect, certainly is a far cry from where we started out with the Governor's recommendations earlier this spring. I know that Senator Cronin would like to be here today to discuss this issue, certainly, and provide his input into it. But there are some major differences than where we were earlier this spring, with the appointment of the Board. Now we're three -- basically three months from November when we'll be back here for the fall Veto Session. We'll have an opportunity, should the Governor make appointments between now and then, to -- to do an advise and consent during that time frame. I know that we were looking at prescription drug plan that was a mandatory plan, that's now a voluntary plan, on behalf of the school districts, can opt in or opt out, as well as a mandatory purchasing plan, statewide purchasing plan. So, while perhaps not perfect, I think this bill certainly has come a long way and intend to vote for it and just would like to commend the sponsor.

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PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Seeing no further discussion, Senator del Valle, to close.

SENATOR DEL VALLE:

First of all, let me say that -- that I certainly understand the concern that was -- that was voiced by Senator Cronin regarding the length of time that the new appointees would serve before confirmation. Senate President Emil Jones has indicated to me that the Executive Appointments Committee will meet prior to the fall Veto Session to consider the appointments. So that will give both sides of the aisle an opportunity to look at the -- the individuals that'll be appointed, as well as, of course, as -- as was just stated here, the Governor's Office will be in communication with all Members. And so I think that we have satisfactorily addressed that -- that concern. I want to just quickly thank also Senator Cronin for his -- his work on -- on this legislation. I want to thank the -- the House members, particularly Representative Kosel and -- and Representative Eddy and -- and Hoffman and -- and Calvin Giles and Speaker Madigan, who also worked with us to craft this -- this bill. And I also, of course, want to thank our -- our Leader here, President Jones, who, from the very beginning, gave me the support I needed to be able to carefully look at this issue, beginning with the Committee of the Whole hearing that was conducted here. We spent many, many hours on this. And without Senator Jones' support, as well as the support of our Education Committee members, it would not have been possible to arrive at this point. And so, I -- I thank everyone, and I -- I look forward to working with everyone to -- to continue our -- our -- our move here to improve public education. And I ask for -- for your support.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Okay. This is final action. The question is, shall Senate Bill {sic} concur in House Amendment No. 1 to Senate Bill 3000. Those in favor will vote Aye. 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 51 Ayes, 1 Nay, 0 voting Present. The Senate concurs in House

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Amendment No. 1 to Senate Bill 3000, and the bill, having received the required three-fifths constitutional majority, is declared passed. Ladies and Gentlemen, continuing on our Calendar, we'll return back to page 9 on House Bills 3rd Reading. We will now go to the Order of House Bills 3rd Reading. The top of page 9 is House Bill 759. It's Senator Lauzen. Senator Lauzen seeks leave of the Body to return Senate {sic} Bill 759 to the Order of 2nd Reading for the purpose of -- of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading now comes House -- Senate {sic} Bill 759. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Lauzen.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator -- Lauzen, to explain the amendment, sir.

SENATOR LAUZEN:

May I just get a clarification, Mr. President?

PRESIDING OFFICER: (SENATOR DeLEO)

Yes. I'm sorry. It's -- it's -- it is Amendment No. 2.

SENATOR LAUZEN:

Thank you very much, Mr. President. Amendment No. 2 to House Bill 759 simply gives the citizens of Yorkville School District permission to tax themselves in an amount so that they can build the four schools that they need, rather than one.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion? Is there any discussion? Senator Harmon, for what purpose do you rise, sir?

SENATOR HARMON:

Thank you, Mr. President. To the amendment.

PRESIDING OFFICER: (SENATOR DeLEO)

To the amendment, sir.

SENATOR HARMON:

The amendment helps a school district in Senator Lauzen's district, but by virtue of what it leaves out, it hurts a school district in my district. This deletes a validation measure to correct a faulty referendum that will cost the Mannheim School District in River Grove a million dollars a year. The Senate has already passed a legislative remedy due to the situation,

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but the House has not considered it. And it appears that by leaving in this provision in House Bill 759, it would doom this bill to the same fate, and that's not fair to the -- the schoolchildren in Senator Lauzen's district. We all have matters of concern in our own districts, and I plan to present this to the Senate again for your consideration. And I would ask you to remember today that Senator Lauzen is solving his problem. I plan to vote No on the amendment, but I will support the bill. And I ask all my colleagues to do the same.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Is there any further discussion? Seeing no further discussion, Senator Lauzen moves the adoption of Amendment No. 2 to House Bill 759. 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. Now on the Order of 3rd Reading is House Bill 759. Senator Lauzen, do you wish to proceed? He indicates, Madam Secretary, he wishes to proceed. Please read the bill.

SECRETARY HAWKER:

House Bill 759.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. First of all, I'd like to thank Senator Harmon for his consideration and help on the bill as it's now proposed. As I said before, it simply gives the citizens of Yorkville School District permission to tax themselves in an amount so that they can build four schools that they need, rather than one. There is no exception to the tax cap. There's no money from State -- from the State used. This is the tenth highest growth county in the country. The people of Yorkville will pay for their own schools through referendum. There have been at least twelve districts that have been given

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this type of relief, so there are precedent. This -- this language passed the House. There's no external opposition. I would like to express my thanks, not only to Senator Harmon, but also Senator del Valle, who has supported this in the past, Senator Haine, Senator DeLeo and Senator Link for their bipartisan support of this help. Excuse me.

PRESIDING OFFICER: (SENATOR DeLEO)

You made a WASP out of me.

SENATOR LAUZEN:

I would just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Okay. The question is, shall House Bill 759 pass. Those in favor will vote Aye. 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 47 Ayes, 3 Nays, 0 voting Present. House Bill 759, having received the required constitutional three-fifths majority, is declared passed. Ladies and Gentlemen, that being -- there being no further business to come before the Senate, the Senate will stand adjourned until the hour of 10 a.m. on Saturday, July 24th, the year 2004. The Senate stands adjourned.