

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

152nd Legislative Day

7/24/2004

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PRESIDING OFFICER: (SENATOR HALVORSON)

The regular Session of the 93rd General Assembly will please come to order. Will the Members please be at their desks? Will the guests in the galleries please rise? The invocation today will be given by Reverend Brandon Boyd of Loami Christian Church, in Loami.

THE REVEREND BRANDON BOYD:

(Prayer by the Reverend Brandon Boyd)

PRESIDING OFFICER: (SENATOR HALVORSON)

Please remain standing for the Pledge. Senator Link.

SENATOR LINK:

(Pledge of Allegiance, led by Senator Link)

PRESIDING OFFICER: (SENATOR HALVORSON)

Randy Squires, a freelancer working for the Associated Press, requests permission to photograph the Senate. Is there leave? Leave is granted. Will all Members please come to the Floor? We're going to get busy. There will be Floor action. Madam Secretary, Reading and Approval of the Journal.

SECRETARY HAWKER:

Senate Journal of Friday, July 23rd, 2004, from the regular Session.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Maloney.

SENATOR MALONEY:

Thank you, Madam 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 HALVORSON)

Senator Maloney moves to approve the Journals just read by the Secretary. There being no objection, so ordered. Message from the House.

SECRETARY HAWKER:

A Message from the House by Mr. Mahoney, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 90.

Adopted by the House, July 23rd, 2004. And it is substantive.

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PRESIDING OFFICER: (SENATOR HALVORSON)

There will be a Rules Committee meeting immediately in the President's Anteroom. Madam Secretary, Resolutions.

SECRETARY HAWKER:

Senate Resolution 649, offered by Senator Watson, President Jones and all Members.

It is substantive.

And Senate Resolution 650, offered by Senator Clayborne. It is a death resolution.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senate Resolution 650 will go to the Consent Calendar. Senator DeLeo, for what purpose do you rise?

SENATOR DeLEO:

For purposes of announcement, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your announcement.

SENATOR DeLEO:

Thank you very much. The Senate Executive Committee will meet at the hour of 11 o'clock today on the -- I'm sorry. I've been corrected. 11:30 in Room 212 - at the hour of 11:30 - for subject matter only on the budget. Budget implementation bills. All -- all of 'em will be heard at 11:30 in Room 212, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you, Senator DeLeo. I know you're just excited to get started. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Viverito, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Be Approved for Consideration - House Joint Resolution 90 and Senate Resolution 649. (Senate Resolution 645 referred to Executive Committee, but inadvertently not read into the record)

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Walsh, for what purpose do you rise?

SENATOR WALSH:

Thank you, Madam President. For a point of personal privilege.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your point.

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SENATOR WALSH:

Madam President and Ladies and Gentlemen of the Senate, I have the honor to introduce a group of FOP officers from Joliet, from Lodge 58. They are taking part in the State Lodge Convention -- FOP Convention that's taking place over at the Crowne Plaza. So, would you join me in welcoming a great bunch of law enforcement officers from the City of Joliet, FOP 58?

PRESIDING OFFICER: (SENATOR HALVORSON)

Will our guests in the gallery please rise? Welcome to Springfield. Thank you for being here. Normally, if you came on this date, you would not see anything, but you're lucky today. Senator Sullivan, for what purpose do you rise?

SENATOR D. SULLIVAN:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your point.

SENATOR D. SULLIVAN:

Thank you, Madam President. As nice as it was to see Senator DeLeo, or "DeLayo" or whatever his name is, in the Chair yesterday - "Delleo"? - it -- I take it as a great sign that the kinder and gentler President is in the Chair today.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you, Senator, for the compliment. Let's hope that this lasts all day. Okay. If everybody will turn their Calendars to page 15, please. House Bills 3rd Reading. We're going to go to 7307. Senator Jones, on House Bill 7307. Senator Jones seeks leave of the Body to return House Bill 7307 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 7307. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Winkel, to explain your amendment.

SENATOR WINKEL:

Thank you, Madam President. Floor Amendment No. 1 to House Bill 7307 would add a provision that would extend the current ban on contingent fees for lobbyists...

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PRESIDING OFFICER: (SENATOR HALVORSON)

Excuse me, Senator Winkel. Please, we've only got a few things to do. Let's listen so Senator Winkel can explain his amendment. Go ahead, Senator Winkel.

SENATOR WINKEL:

What this language would do -- there's currently a ban on contingency fee contracts for lobbyists who are engaged in lobbying for the legislative outcome. That's already prohibited. What this amendment would do, would continue that ban and also make it prohibited for a contingency fee agreement to be entered into by a lobbyist that would be dependent on a -- an executive or administrative outcome or decision. Most people, frankly, think that's already the law. It certainly is the law in regard to the Legislative Branch. What this does is it makes it the law as it applies to the Executive Branch as well. I'd be glad to take any questions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion on the amendment? Seeing none, Senator Winkel moves the adoption of Amendment No. 1 to House Bill 7307. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

3rd Reading. Now on the Order of 3rd Reading is House Bill 7307. Senator Jones, do you wish to proceed? Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 7307.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jones.

SENATOR E. JONES:

Yeah. Thank you, Madam President. House Bill 7307, as amended, will reconstitute the Health Facilities Planning Board. The current nine-member Health Facilities Planning Board has been -- been the subject of public scrutiny as a result of State

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and federal investigation pertaining to the Board's decision on whether a new hospital should be constructed and which contractor should construct the new facility. On the 7th of this -- of July, the Governor issued an administrative order to call the -- the Board to cease and desist all of its activities pending the completion of this legislation which will reconstitute the Board. The bill, as amended -- as amended, terminates the terms of the current members of the Health Facilities Planning Board and provides that their replacement be -- reduce the membership from nine to five members appointed by the Governor with the advice and consent of the Senate. It stipulates that only three of the five members of the Board may be of the same political party at the time of appointment and establishes a -- a tiered term structure for these new appointments. It makes clear, there are no -- if there are -- no vacancy on the Board, then four members constitute a quorum. If there are vacancies, then the majority of the Board shall constitute a quorum. It takes an affirmative vote of at least three members for passage of any action required by a vote. It requires that the new appointments must be reasonable -- have reasonable knowledge of health planning, health finance and health care at the time of appointments and will serve three-year terms following his initial appointment. It prohibits the retaining of a -- or employing a person to lobby legislative, executive or administrative action for the compensation and contingency on the outcome of that action, and it prohibits individuals who themselves, or their immediate families hold an interest or have a business relationship with a health care facility from being appointed or continuing service on the Board. This is what the bill does, in essence. There have been those who say we should abolish the Board itself, but in one sense, we don't need a hospital every eight blocks throughout the State of Illinois. And in one sense, what it does it serves a very, very -- valuable use in cost containment, because if you have too many hospitals, too many beds, then the consumers will have to pay for those unneeded facilities. I think this is a reasonable compromise. It's something that we must do, and I ask for a favorable vote on House Bill 7307, as amended.

PRESIDING OFFICER: (SENATOR HALVORSON)

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Is there any discussion? Senator Petka.

SENATOR PETKA:

Thank you, Madam President. Will the sponsor of Amendment No. 2 yield for a question?

PRESIDING OFFICER: (SENATOR HALVORSON)

I believe Senator Winkel will yield.

SENATOR PETKA:

Thank you, Madam President. Yesterday, during a hearing in the Executive Committee, I had a couple of questions that were asked of the sponsor of the amendment which he did not know the answer to and which he has indicated that he would research and get back and report. And so, if -- if I may reiterate, the question is this: Under Article II {sic} (I), Section 10 of the United States Constitution, there is a provision that the State shall not pass any legislation which impairs the liabilities under a contract. Senator Winkel, in circumstances where a person has an -- or a lobbyist has an existing contingency fee contract today, would this language by virtue of the federal Constitution preclude the implementation of this legislation -- because it may be unconstitutional?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Winkel.

SENATOR WINKEL:

Thank you. The -- our research has shown that there's a -- there's an Illinois Supreme Court case, First of America versus Netsch, and a Fourth District Appellate Court case, McAleer Buick-Pontiac Company versus General Motors, where that -- that question came up. What the courts in Illinois have said is that if a statute says expressly that it's retroactive, then they will take that into account and it may have retroactivity in its application. In the event that it does not have that express retroactive language, it will be construed as applying only prospectively. In this case, the -- the language before us has no such express language that calls for retroactive application, and therefore, under the case law, this -- this law, if it goes into effect, would have only prospective application. And therefore, any contractual rights that are vested at the time of enactment remain in full force and effect. And therefore, the

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statute, if enacted, would not have retroactive application, but only prospective.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Petka.

SENATOR PETKA:

So that it is the -- for purposes of legislative intent, contracts which exist on this date, that for -- that those contracts would not be affected by this legislation.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Winkel.

SENATOR WINKEL:

That's correct. Any contractual right that is vested at the time of enactment of this language would remain in full force and effect, and this language would apply only prospectively - thus, only to future contracts.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Dillard.

SENATOR DILLARD:

Thank you, Madam President. I'd like to know if the sponsor would yield for a couple of questions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jones indicates he'll yield.

SENATOR DILLARD:

Thank you. Senator Jones, is there anything in this bill that prohibits a member of the Health Facilities reconstituted Planning Board from giving campaign contributions to politicians?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jones.

SENATOR E. JONES:

No, that's not included in the Act.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Dillard.

SENATOR DILLARD:

So, it would still be possible for somebody to give a large, say, twenty-five-thousand-dollar contribution one day to a political figure and get reappointed or appointed to this Board a couple of days later?

PRESIDING OFFICER: (SENATOR HALVORSON)



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Senator Jones.

SENATOR E. JONES:

There is no such prohibition for this Board or any other board, be it the Gaming Board, be -- there is no such prohibition.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Dillard.

SENATOR DILLARD:

Thank you. Another line of -- another question. Senator Jones, are you aware that yesterday the Federal Trade Commission and the United States Justice Department, after two years of study and hundreds of hearings, recommend to the states, for anti-trust reasons as well as competitive pricing advantages, that certificate of need plans by the states be abolished?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jones.

SENATOR E. JONES:

I saw some -- excerpts in the paper today. I didn't read the story in its entirety. But in my opening remarks, I still indicated that, as relate to cost containment, I don't think we should be in a position wherein these facilities would be located wherever the health facility -- interests want to place them, because the consuming public will have to pay for it whether it's needed or not. When you are a patient going to a hospital, for example, you pay for the cost of all that equipment, even though you may not use that equipment. So, you would be paying for those additional bed spaces even though you may not need them. I believe the Health Facilities Planning Board does a admirable job in holding down the costs and limiting the number of unnecessary hospital beds in the State of Illinois. So, just because the report is coming out of Washington, I don't agree with everything that comes out of Washington, especially the Bush administration.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Dillard.

SENATOR DILLARD:

Thank you, Madam President. Thank you, Senator Jones. To the bill. I rise in support of the bill because, primarily, Senator Winkel's amendment makes this bill a lot better. It's

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always astonished me why we don't ban contingency fees for what I call Executive Branch type of lobbying, and I think Senator Winkel's idea is a great one. I do want to point out that twenty other states, within the last decade, have gotten rid of their certificate of need boards. Senator Rauschenberger has had legislation in, in the past, to get away with -- or, do away with the CON process here, and the American Hospital Association has issued a report which says that states which have gone away from the health facilities planning board type of model actually have as many hospital beds available and costs actually are slightly lower. We'll re-explore this topic, I'm sure, in the upcoming years. This reconstituted Board is better than the current Board, which we have to do away with. But I think we need to continue to take a look at our certificate of need process in the future. We clearly have a real problematic situation. And I do think we need to, Senator Jones, whether it comes from the Bush administration or not, look at why other states have gone away from the certificate of need board, and we should take the Justice Department and the FTC's recommendation of yesterday at least under advisement. So, I reluctantly support this bill, and I do so, at least for the part of Senator Winkel's, enthusiastically. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:

Thank you, Madam President. To the bill. You know, I think that this is, in my view -- like Senator Dillard, you know, I'm -- I'm a reluctant Yes on this bill today. I think it's a -- it's -- there's some good elements to it, and I think the ex parte language is good, which -- which is clearly an improvement. But, you know, the notion of -- I mean, the reason that we're here is because of allegations of potential corruption of a group of nine people. Now, under that theory, if you're going to corrupt a group of nine people, the only amount of people that you have to corrupt is five. Now we're reconstituting the Board and we're actually lowering the threshold of people that you have to pluck off. Now if you're corrupt, you don't have to waste your time with five people. Now you just have to get three. And I think that's a weakness

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in this approach. The other thing is the bill is silent as to any changes in the vetting. We heard in -- in the course of testimony in the Executive Committee that there would be a vetting and a background process that would be reinvigorated. Well, the current "vetter" and the "backgrounder" on the Second Floor, who placed all of these individuals on the Health Facilities Planning Board, apparently completely failed in that vetting and backgrounding. This bill is silent as to any changes, any more vigorous backgrounding, more vigorous vetting, and frankly, it leaves the same amount of authority in the same person that we're criticizing implicitly today for failing to appoint good people, allegedly. The -- Senator Silverstein raised a question that really hasn't been answered today. In the course of the debate, he raised this question in the Executive Committee, and that was the definition of a business relationship. What is a business relationship? How is it defined? Business relationship is not a term of art in the law, and I think it needs to be more carefully defined so that somebody doesn't get caught up in that. So, I know, Senator Jones, that this is an attempt on your part to take a complicated situation and make it better, and I respect that. My hunch is that this will be an area that we'll continue to be working on in the months and maybe next Session, as well. And I just put those, and particularly Senator Silverstein's question, on the record for your consideration for the future. I reluctantly urge a very weak push on the green button.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I appreciate the sponsor, as well, trying to make a bad situation better, but I would point out to Members that we have -- there is in the Senate Rules Committee a bill that would abolish the Health Facility Planning Board. Twice in the last decade I've introduced bills to abolish the Board. I think we need to pause and think about what's -- what's happened. We have more than a decade of abuse in -- in that Board, not just a few years. It's been highlighted now with cases that the federal prosecutors are pursuing. More than twenty states have

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abandoned centralized planning as a way to manage their health care system. In fact, the Soviet Union, the -- the Grand Pooh-Bah of centralized planning, is now a thing of the past. I -- I think we ought to seize on this opportunity not to give a Governor who's got his hands full and has not performed particularly well in the appointment process, not give him the responsibility to reappoint a board that doesn't work, but we ought to eliminate it. Lower costs will be the result of market forces that take place. The protectionist process in the State of Illinois has not resulted in lower costs. In fact, our costs are higher than most of the surrounding states. I would urge the Senate sponsor to consider taking this out of the record. We have plenty of time today, as we kind of wind our way through the budget implementation bills, to discharge the bill that's in the Rules Committee which would dissolve this Board. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jones, to close.

SENATOR E. JONES:

Yeah. Thank you, Madam President. In previous remarks by one of the speakers, they -- they mentioned about the vetting process that the Governor's Office took to. Let it be understood that those mere allegations were against -- were made as regard to members who had been reappointed, and that's the Chairman and several other members had been reappointed to the Board. And you do your level best when you go out and try to get good people to serve in that capacity. And so, this legislation is -- is in no way to say that the Governor's Office didn't do its proper job. They did its proper job as far as looking at the backgrounds of individuals, and many of those individuals had been previously appointed by the previous administration. So -- so, therefore, we're trying to look for five good people. We trust that they would do their job diligently; they will be honest and forthcoming. However, this bill does not cast any aspersions on any of the current Board members because they are mere allegations. We don't know any facts. But we wanted to have confidence in the Board that they would do the job for the benefit of all the people of Illinois. I ask for a Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

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The question is, shall House Bill 7307 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Yeas, none voting Nay, 1 voting Present. On the -- so, House Bill 7307, having received the required constitutional three-fifths majority, is declared passed. If we -- if everybody can turn to page 20, on Secretary's Desk, Concurrences, we're going to go to Senate Bill 1668. On the Order of Concurrences, Senate Bill 1668. Senator Viverito, do you wish to proceed? Madam Secretary, please read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 1668.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Viverito, to explain your motion.

SENATOR VIVERITO:

Yes. Thank you, Madam Chairman, Members of the Senate. House Amendment 1 is really the bill, and House Amendment 2 to Senate Bill 1668 extends the death benefits to the families of those Illinois service members that have been killed in the line of duty while on military duty in Operation Iraqi Freedom and Enduring Freedom in Afghanistan. This is one opportunity that we have to be able to take care of those individuals that have been in combat, and it will be the same as we treat our firemen, our policemen and all others that are killed in the line of duty. And I believe we have lost forty-one between Afghanistan and Iraq. And certainly, I hope that each and every one of you will find that the State of Illinois will be the leader in providing at least something in helping those individual families that feel the great loss of their young people. If there's any particular questions that needed to be answered, I'd be very pleased to answer them. I certainly want to thank Michael Madigan, who worked very, very hard, and many others in this Chamber, as well. And I'd be happy to answer any questions. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator John Sullivan.

SENATOR J. SULLIVAN:

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Thank you, Madam President. I just want to stand up and salute Senator Viverito for his leadership on this bill. I know Senator Viverito is a decorated Korean War veteran, and he's worked very hard. I've worked with him on this particular legislation, and I just encourage an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR ROSKAM:

Senator, like Senator Sullivan, I want to congratulate you. I know you've been passionate on this and you've been an advocate, and I know the Speaker has made this a priority, as well. One of the areas that has been sort of under discussion, and some of the questions came up in the Executive Committee, have you considered or was there discussion of including veterans of previous conflicts in this bill? Did you consider that at all?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Viverito.

SENATOR VIVERITO:

We have a -- Senator, we have a particular schedule, and as I said, it will go to the Afghanistan as well as the -- Iraq war, and they will be compensated when -- in the period that they were killed in combat.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:

Have -- was there any discussion, Senator, given to -- for example, let's say somebody is stationed in Germany and they're supporting the troops in Iraq. Would someone have to have lost their life -- actually physically in that theater of war that you've just described, or would someone who is -- is supporting the troops that are on their way to Iraq, and so forth, that loses his or her life in Germany also be included?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Viverito.

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SENATOR VIVERITO:

I think that's a very good question, but I believe the -- the way the -- the bill has been written is for those that have actually been in combat. And I know what that is to be there, because, you know, you have a four-point -- area in Korea. That was the most dangerous, and I think this is basically what they're saying here, too. You have to be designated in combat in order to be eligible. Thank you for the question.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Soden.

SENATOR SODEN:

Thank you, Madam President. To the outstanding sponsor of this bill, I want to really give you my compliments for reaching out to the families of those who have been killed in action. This will mean a great deal to them. Money isn't everything, but it certainly helps in certain instances. So, again, my congratulations on behalf of all the veterans and all of those serving from Illinois in Iraq. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Rutherford.

SENATOR RUTHERFORD:

If I could have everybody's attention just for a moment, and it -- and it is relevant to this. Our colleague, Dave Sullivan, just got a phone call. His nephew was just killed in Iraq. Twenty-two years old. Marine. From New Jersey. Apparently just married last year. It is his brother's son. And David is here with us. He just got the phone call. So, how timely.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Sullivan, our hearts go out to you and your family. And maybe at this point, we can have Senator Viverito close and then we'll take a moment of silence.

SENATOR VIVERITO:

My -- and I'm sure the entire Body feels the sensitivity of the loss of the Sullivan family. This is very, very difficult to even imagine, a young man being lost. The family bearing the loss of someone that they really loved. And I think this is but a small token and a great opportunity for us, in the State of Illinois, to be the leader in at least providing some relief to

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the family. I pray that we, all of us, end this quickly, but I hope and pray that all of you find in your hearts to vote for this bill. It's a good bill, and I want to thank all of you for supporting it. And God bless the Sullivan family.

PRESIDING OFFICER: (SENATOR HALVORSON)

This is final action. The question is, shall the Senate concur in House Amendments No. 1 and 2 of Senate Bill 1668. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Yeas, none voting Nay, none voting Present. And the Senate does concur in Senate Bill -- in House -- in Amendments No. 1 and 2 to Senate Bill 1668, and the bill, having received the required three-fifths constitutional majority, is declared passed. And now, before we go on, if we could all just have a moment of silence for Senator Sullivan and his family. Thank you. And, Senator Sullivan, to you, every one of us in this room are here in case you need anything. If we could turn to page 21, we will be going to Senate Bill 1960. On the Order of Concurrence is Senate Bill 1960. Senator Winkel, do you wish to proceed? Madam Secretary, please read the motion?

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 2 to Senate Bill 1960.

Motion filed by Senator Winkel.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Winkel, to explain your motion.

SENATOR WINKEL:

Thank you, Madam President. This is here on a motion to concur on Senate Bill 1960. What this bill does is it reverses an experiment that the State of Illinois engaged in, starting about 1996, which changed the process by which we select the University of Illinois Board of Trustees. For years before then, it had been done by statewide election and worked for many years that way. In -- around 1996 we changed that process to an appointed process. I have to say I supported that effort, and it was an experiment to see if it would work or improve that process. In my opinion and the reason why I have filed this motion to concur, in my opinion that experiment has not worked.



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What we need for the University of Illinois, for the Board of Trustees, is we need our trustees to be independent, independent in their -- their trust, because that is what they are - they are trustees. They're entrusted with the University, with its assets, with the way it's operated and making sure that we provide quality higher education, and it needs to be independent from outside undue influence, and it needs to be independent in a way that allows these trustees to be strong and to stand up to that sort of undue outside influence. They should not be treated as if they are agency heads that are at the beck and call of the Executive Branch. Rather, it's designed, and has been for years, - the idea - that the Board of Trustees would be an independent board that would be able to represent the best interests of the University of Illinois, the students, the faculty, the staff and, of course, the taxpayers. This is, after all, our flagship university. And what this would do is this would return us, in a phased-in way, back to the -- the statewide elections. As trustees would come up for -- as their appointed terms would end, the first round would be -- the new election would be in 2006. Then after that, it'd be 2008 and 2010. And by -- by 2010, all nine of the members would be elected, rather than appointed. So, it'd be phased in. And no appointed trustees would be replaced; rather, at the end of their term, that position would be an elected position. And, of course, we want to make sure that elected U of I trustees would continue in the requirement that they file statements of economic interests and that the candidates of U of I trustee would be nominated at the State Convention of each political party. All other qualifications and powers of the U of I trustees would remain the same. It's not the powers or the duties of the Board that we're seeking to change by this legislation; rather, it's how they're able, unimpeded, entrusted by us and the people who elect them, to execute those duties and powers. They should be able to do so in a strong and independent manner and that's why I'm moving to concur with the House amendment on Senate Bill 1960. I'd be glad to take any questions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Shadid.

SENATOR SHADID:

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Thank you, Madam President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR SHADID:

Senator Winkel, I've had some conversations with you. I think we agree on most everything that I'm going to bring up. I support the idea that trustees should be elected, but I support the idea they should be elected by regions or districts and that would guarantee representation to all the taxpayers in the State of Illinois. It would also give members -- or, trustees more independence when they're serving. I would ask you if you would be willing to -- if we could put some amendments on to get some of these questions that I have -- or, concerns presented.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Winkel.

SENATOR WINKEL:

Well, certainly you and I discussed this, and Senator Hendon, yesterday in committee. You've got my commitment. I agree with you one hundred percent. I'd rather see the elections done on a regional basis. As I said in my opening remarks on this bill, this is our flagship university we're talking about. We've got people who care about the university statewide who want to be involved and want to have the opportunity to, perhaps, be a trustee, and I think the best way of making sure they have representation statewide for the U of I Board of Trustees is that we provide for the election process to be done on a regional basis. Unfortunately, as we're presented with this today, this is a motion to concur and it would be on a statewide basis. I made my commitment to you yesterday, to you and Senator Hendon, and I would renew that commitment today on the Senate Floor, that I would be very happy to work with you on trailer legislation, a trailer bill, that would provide for the sort of regional election process that you're -- you're suggesting. I agree with you. And I think we should pass this legislation, send it to the Governor and get to work on a trailer bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Shadid.

SENATOR SHADID:

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Yeah. I would -- I would like to urge all the Members to vote Present so that we can come back and get together and put some amendments on this, and get it passed the way we should get it passed. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Risinger.

SENATOR RISINGER:

Thank you, Madam President. To the bill. I'm going to support this bill because I think we should elect the trustees at the University of Illinois. I -- I do echo the concerns of Senator Shadid, though. I think it's very important that the trustees be elected on a regional basis so that we don't have all of the trustees from one area, because the University of Illinois certainly is a -- a concern of all the State of Illinois, and it is a university for all the State. So, I would encourage you and -- and throw my support into a trailer bill to make that happen.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon.

SENATOR HENDON:

Thank you -- thank you, Madam President. To the bill. Senator Winkel, as you said, we have discussed this and this is something that I'm very, very interested in. I do want to echo the sentiments of the past -- previous two Senators who spoke about the concerns that it should be regional. And if it's regional, then I can support it. Right now it's statewide and -- and that's the only reason why I won't today. But I will certainly -- I'm encouraged by your kind words and what you said. I look forward to working with you so that we can work this out and eventually get it regional, and then we could pass it.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion? Senator Winkel, to close.

SENATOR WINKEL:

Well, I appreciate the comments and concerns. I've expressed my agreement. And I would also point out and I would ask you to reconsider what you just said, because I think it's time for us to put on notice in this State and in this Board and -- and the Governor's Office that, look, we're serious about

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returning -- changing this process. You've got my commitment that I'll work with you on a trailer bill. Remember, this does not go -- Senator Hendon and Senator Shadid, this does not go into effect immediately. This gets phased-in 2006, 2008, 2010. There's time to work on trailer legislation. If we're in agreement on this approach that we should switch back from the appointed process to the elected process, you have my commitment that I'll work hand in hand with you to make sure we get that done. I would rather show the resolve today that we -- we change how we do this, that we go back to the elected method, that we send that message today, that we get to work on that process. To vote Present, I think, today would be -- would not be the right message to send. The message we want to send to this -- today - and I would urge you to vote Yes on this - we need to change the process. We need a strong and independent Board of Trustees that's not treated like they're agency heads. They are to be an independent body. Obviously, they have to be responsive to the Legislature. We do send them appropriations. But by the same way of reasoning, we need to have a strong and independent Board that looks out for the best interests of the students, the staff, the faculty, the administration and the taxpayers of this State. We need to switch to an elected process. I urge a Yes vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

This is final action, and the question is, shall the Senate concur in House Amendment No. 2 to Senate Bill 1960. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 27 Yeas, 23 Nays, 4 voting Present. And the Senate -- the motion fails. The Chair would now entertain a motion to nonconcur -- oh! Senator Winkel.

SENATOR WINKEL:

I'd like to put this on Postponed Consideration.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Winkel, could you just renew your motion?

SENATOR WINKEL:

You can count on it. Thanks.

PRESIDING OFFICER: (SENATOR HALVORSON)

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Okay. We're going to go to Supplemental Calendar No. 1. It's been distributed to your desk. On the Order of Secretary's Desk, Resolutions, we have House Joint Resolution 90. Senator Jones, do you wish -- do you wish your resolution considered? Madam Secretary, please read the resolution.

SECRETARY HAWKER:

House Joint Resolution 90, offered by President Jones. There are no committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jones.

SENATOR E. JONES:

Yeah. Thank you, Madam President. I move to suspend the rules for the immediate consideration and adoption of House Joint Resolution 90.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jones moves to suspend the rules for the immediate consideration of House Joint Resolution 90. All in favor, say Aye. Opposed, Nay. The Ayes have it, and the rules are suspended. Senator Jones, do you wish to explain the resolution? Senator Jones.

SENATOR E. JONES:

Yeah. Thank you -- thank you, Madam President. Senate -- House Joint Resolution 90 is the resolution which appoints the Inspector General for the General Assembly, by the name of Tom Homer. This is to comply with the ethics laws that we passed. We must have an Inspector General, and all the Leaders met. We have concurred that Tom Homer will fill that position, and that's what House Joint Resolution is and what it contains, and I ask for favorable consideration.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Watson.

SENATOR WATSON:

Yes. Thank you very much, Madam President. I concur with President Jones in this resolution, House Joint Resolution 90. Tom Homer is a former Member of the House. He made himself accessible and available to all of us when he was here for a couple of days several months ago. Came into our caucus. I think we all feel very comfortable with him in that position. Personally, I think it's good to have someone who's kind of

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lived the life we live to be in that position, to understand some of the problems that we have. So I think he's an excellent choice. I -- I recommend him highly, and hope we'll have a unanimous vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion? Senator Jones now moves the adoption of House Joint Resolution 90. It is the opinion of the Chair that this resolution requires the expenditure of State funds and therefore a roll call vote must be taken. 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 Yeas, none voting Nay, none voting Present. The resolution is adopted. Senator Sullivan, for what purpose do you rise?

SENATOR J. SULLIVAN:

Thank you, Madam President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your point.

SENATOR J. SULLIVAN:

I have some guests here with me today. The first young man I'd like to introduce is Grant Flynn. He is the son of Jeremy Flynn, one of our Senate staffers, and he's actually Senator Petka's constituent, I understand. But I'd like you to welcome him to Springfield.

PRESIDING OFFICER: (SENATOR HALVORSON)

Welcome -- it's good to have you here. Senator Sullivan.

SENATOR J. SULLIVAN:

Thank you. And I'd also like to welcome some of my constituents. Down here on the Senate Floor is Dwayne Schuyler and Demi McNealy, and up in their gallery is their parents, David and Delaine. And I'd like to -- for you to welcome them here, as well.

PRESIDING OFFICER: (SENATOR HALVORSON)

Will our guests in the gallery please rise? Welcome to Springfield. Illinois Information Services wishes to videotape the proceedings? Is there leave? Leave is granted. On the Supplemental Calendar is the Order of Secretary's Desk, Resolutions. Senator Watson, do you wish your resolution to be considered? Madam Secretary, please read the resolution.

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SECRETARY HAWKER:

Senate Resolution 649, offered by Senator Watson and others.

It is substantive. There are no committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Madam President. I'd like to move to suspend all applicable rules in regard to hearing -- Senate Resolution 649, if I could.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Watson moves to suspend the rules for the immediate consideration of Senate Resolution 649. All in favor, say Aye. Opposed, Nay. And the rules are suspended. Senator Watson, would you like to explain the resolution?

SENATOR WATSON:

Yes, I would, and thank you very much. This will be a tougher vote for most of you than the last one, I'm sure. We're going to -- we want to nominate and elect Scott Kaiser, who -- Scott, would you stand up? He's in the Well there. He's -- we'd like to welcome Scott to the Senate. He's not -- this is nothing new to Scott. He was on our staff for several years. From there he went to work for Governor Jim Edgar, and probably most of you recognize him as the Governmental Affairs Office Director for Southern Illinois University. Scott and his wife, Julie, are -- Scott's actually from Tremont. They -- they live here in the area. They have two children, Jake and Laura. And as we -- we -- we're excited about Scott's opportunity to work with us and -- all of us, all fifty-nine of us and staff. He'll do an outstanding job, and I'd like to place his name in nomination and -- and also want to thank Jim Harry, who -- who's not here. But Jim Harry served -- he took the early retirement, served his seventy-five days, and then, of course, May 31st came and we were here a lot longer than what many had expected. And Jim did that without pay. He came in every time we asked and helped train Scott, and I just think Jim Harry deserves our thanks - certainly mine. And I really appreciate his work. Unfortunately, he's not here today to -- to hear that. But this

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is about Scott, and would like to have the resolution heard and voted on and certainly welcome you, prematurely I guess, as the Assistant Secretary of the Senate.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Watson now moves the adoption of Senate Resolution 649. It is the opinion of the Chair that this resolution requires the expenditure of State funds and therefore a roll call vote must be taken. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 56 Yeas, none voting Nay, none voting Present, and the resolution is adopted. Welcome, Scott. Senator Link, for what purpose do you rise?

SENATOR LINK:

Purpose of an announcement, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your announcement.

SENATOR LINK:

There will be a Democratic Caucus immediately and -- in -- upon recess, in the President's Office. And this will delay the Executive Committee by one-half hour. We will only be in caucus for one-half hour.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you, Senator Link. Senator Burzynski, your light's not on, but I'm sure you want to speak.

SENATOR BURZYNSKI:

Thank you. It's a beautiful day here today, July 24th..

PRESIDING OFFICER: (SENATOR HALVORSON)

But get to the point, please. Thank you.

SENATOR BURZYNSKI:

I've -- I've been x-ing out the dates on my -- on my T-shirt, but anyway..

PRESIDING OFFICER: (SENATOR HALVORSON)

The point.

SENATOR BURZYNSKI:

There will be a Republican Caucus in Senator Watson's Office at the same time as yours, immediately upon recess. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)



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Thank you, Senator Burzynski. The Senate will stand in recess to the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HALVORSON)

The regular Session of the Senate will come to order.  
Madam Secretary, Messages.

SECRETARY HAWKER:

A Message from the House by Mr. Mahoney, 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 73, together with House Amendment 1.  
Passed the House, as amended, July 24, 2004, by a three-fifths vote.

I have like Messages on Senate Bill 1046, with House Amendment 1; Senate Bill 1737, with House Amendments 1, 3 and 4; and Senate Bill 2287, with House Amendment 1.  
All passed the House, as amended, July 24, 2004.

PRESIDING OFFICER: (SENATOR HALVORSON)

There will be a Rules Committee meeting immediately in the Anteroom. The President's Anteroom immediately, Rules. Madam Secretary, Introduction of Bills.

SECRETARY HAWKER:

Senate Bill 3389, offered by Senator Roskam.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Madam Secretary, Resolutions.

SECRETARY HAWKER:

Senate Resolution 651, offered by Senator Dave Sullivan and all Members.

It is a death resolution.

PRESIDING OFFICER: (SENATOR HALVORSON)

Resolutions Consent Calendar. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

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Senator Viverito, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to State Government Committee - Motion to Concur with House Amendment No. 1 to Senate Bill 73 and the Motion to Concur with House Amendment 1 to Senate Bill 2287.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hunter.

SENATOR HUNTER:

I'd like to make an announcement, Madam Chair.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your announcement, please.

SENATOR HUNTER:

The State Government Committee will meet in Room 230. I'm sorry, will meet in Room A-1 at 2:30. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Alan Meshberg of WFLD-TV, Chicago, requests permission to film from the Senate gallery. Is there leave? Leave is granted. An announcement to the Members: We have State Government meeting at 2:30, and other than that, there will be no Floor action till approximately 5 p.m. Senate stands in recess to the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDENT JONES:

Will the Members, if you're in your office, kindly come to the Senate Floor? We are about ready to convene Session. Senator Rauschenberger is here. The regular Session of the 93rd General Assembly, will you please come to order? Madam Secretary, Messages from the Governor.

SECRETARY HAWKER:

A Message for the Governor by Joseph B. Hanley, Deputy Chief of Staff for Legislative Affairs. July 20, 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

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

PRESIDENT JONES:

Madam Secretary, Messages from the House.

SECRETARY HAWKER:

A Message from the House by Mr. Mahoney, 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 2205, together with House Amendments 1, 2 and 3.

Passed the House, as amended, July 24, 2004, by a three-fifths vote.

I have a like Message on 2206, that's Senate Bill 2206, with House Amendments 1 and 2.

Passed the House, as amended, July 24, 2004.

PRESIDENT JONES:

Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Schoenberg, Chairperson of the Committee on State Government, reports a Motion to Concur with House Amendment 1 to Senate Bill 73 and House Amendment 1 to Senate Bill 2287 Be Approved for Consideration.

PRESIDENT JONES:

Will -- will the members of the Rules Committee kindly convene in the Antechamber? Members of the Rules Committee, there'll be a Rules Committee meeting, immediately. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Viverito, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Be Approved for Consideration - a Motion to Concur with House Amendments 1, 2 and 3 to Senate Bill 2205 and the Motion to Concur with House Amendment 1 and 2 to Senate Bill 2206.

PRESIDENT JONES:

On the Order of Concurrence, on -- on -- on Supplemental -- Supplemental Calendar No. 2, is Senate Bill 73. Senator Halvorson. Madam Secretary, read the -- read -- read the motion.

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SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 73.

Motion filed by Senator Halvorson.

PRESIDENT JONES:

Senator Halvorson.

SENATOR HALVORSON:

Thank you, -- Mr. President. House Amendment No. 1 to Senate Bill 73 amends the Illinois Administrative Procedures Act and -- Procurement Code. Basically, in a nutshell, if I need to answer any questions, I will. But it gives the General Assembly an opportunity to have input in the process.

PRESIDENT JONES:

Senator Halvorson... Is there any discussion? Any discussion? Senator Righter.

SENATOR RIGHTER:

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

PRESIDENT JONES:

She indicates she will.

SENATOR RIGHTER:

Senator Halvorson, is this the legislation that deals with the change with regards to the Joint Committee on Administrative Rules?

PRESIDENT JONES:

Senator Halvorson.

SENATOR HALVORSON:

That is correct.

PRESIDENT JONES:

Senator Righter.

SENATOR RIGHTER:

I have not had a chance to review what's on our system, Senator, but is there another provision in here with regards to the construction of a bunker system with the Illinois Emergency Management Agency?

PRESIDENT JONES:

Senator Halvorson.

SENATOR HALVORSON:

Yes. It says this legislation also exempts the construction of an Emergency Operation Center for the Illinois Emergency

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Management Agency from the Procurement Code, regarding contracts in excess of two hundred and fifty thousand.

PRESIDENT JONES:

Senator Righter.

SENATOR RIGHTER:

What -- what does -- what does -- what are we doing by that? What do you envision happening as a result of that provision?

PRESIDENT JONES:

Senator Halvorson.

SENATOR HALVORSON:

Senator Righter, this gives them the opportunity to go after federal grants and get dollars to complete the process.

PRESIDENT JONES:

Senator Righter.

SENATOR RIGHTER:

Is it necessary that there be an exemption in the Procurement Code in order to go after a federal grant? I've never heard of that before.

PRESIDENT JONES:

Senator Halvorson.

SENATOR HALVORSON:

Under the Procurement Code, it speeds up the process.

PRESIDENT JONES:

Senator Righter.

SENATOR RIGHTER:

So we want to speed up the process of procuring federal dollars by exempting some -- some part of this process from the Procurement Code, and what is it that we are hoping to get the federal dollars to do? What are we looking to build, and -- and in such a hurry?

PRESIDENT JONES:

Senator Halvorson.

SENATOR HALVORSON:

Thank you, Senator Righter. There's things that they have to abide by. The majority of the funding for the project is from federal funds, as we mentioned. The bid of the successful bidder identifies the name of the subcontractor, if any, and the bid proposal cost for each of the five subdivisions of work set

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forth under current law. And the contract entered into with the successful bidder provides that no identified subcontractor may be terminated without the written consent of the Capital Development Board.

PRESIDENT JONES:

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Senator Halvorson, what are we building?

PRESIDENT JONES:

Senator Halvorson.

SENATOR HALVORSON:

It is the Emergency Operations Center for the Illinois Emergency Management Agency.

PRESIDENT JONES:

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Last question. Senator Halvorson, what is that and why are we building it? I mean, we -- you've just kind of glossed right over that, and I'm -- I don't exactly know how many of the State taxpayer dollars are going to go into building whatever it is you want to build and exempt from the Procurement Code. So, maybe you could explain that a little more, that would be helpful.

PRESIDENT JONES:

Senator Halvorson, in response.

SENATOR HALVORSON:

Well, currently we do not know. I'm -- I would imagine Senator Watson could probably help out Senator Righter maybe on what it is - because of fifty-however many days.

PRESIDENT JONES:

Okay. Thank you. Senator Garrett.

SENATOR GARRETT:

Will the sponsor yield?

PRESIDENT JONES:

She indicates she will.

SENATOR GARRETT:

I also have a question about procurement aspect of this particular legislation, and in listening to the -- the debate on

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2205, where they are reestablishing how the Procurement Code is going to be exercised, would this, then, fall outside of those parameters on State contracts?

PRESIDENT JONES:

Senator Halvorson.

SENATOR HALVORSON:

Senator Garrett, we do not think so.

PRESIDENT JONES:

Senator Garrett.

SENATOR GARRETT:

It -- it appears from that legislation that ten -- anything over ten thousand dollars has to go through some sort of a competitive or negotiated bid process, and if this is two hundred and fifty thousand dollars and there's no openness or competitive aspect to the process, then I guess I'm -- I'm just wondering how this fits in.

PRESIDENT JONES:

Senator Halvorson.

SENATOR HALVORSON:

Only the five subcontractors that I said in this bill, is exempt, nothing else. So everything else goes just like it always has.

PRESIDENT JONES:

Senator Garrett.

SENATOR GARRETT:

So if those five subcontractors are less than or more than ten thousand dollars, then how is that treated?

PRESIDENT JONES:

Senator Halvorson.

SENATOR HALVORSON:

This is for this project only. Period.

PRESIDENT JONES:

Senator Watson.

SENATOR WATSON:

Yes. Thank you very much, Mr. President. The bunker issue is a -- what we would call, I guess, a national command center that would be made available to IEMA, the State Police, National Guard, others, that would be a control center for them during a national emergency. That's what this is -- that's what this is

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for. The JCAR language in here is wonderful. It's -- I'm urging everybody to vote for this. So, it gives -- it gives the Legislature more authority and more power over -- over the administrative branch, is what it does. So, this is a good thing for us.

PRESIDENT JONES:

Senator Halvorson, to close. This is final action. The question is, shall Senate concur in House Amendments No. 1 to Senate Bill 73. Those in favor, signify by voting Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 49 voting Aye, 5 Nays, no one voting Present. This bill, having received -- the Senate concurs in the House Amendment No. 1 to Senate Bill 73, and the bill, having received the required three-fifths constitutional majority, is declared passed. On the Order of Concurrence is Senate Bill 2287. Madam Secretary, read the bill.

SECRETARY HAWKER:

I move -- I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 2287.

Motion filed by Senator Link.

PRESIDENT JONES:

Senator Link.

SENATOR LINK:

Thank you, Mr. President. Basically this is a follow-up on the subcircuit bill that we passed out of here last year. This is clarification to -- for Senator Petka. Basically what this does is make sure that the amount of -- number of associates in the nineteenth -- nineteenth circuit and the twelfth circuit remain the same as they presently are and that we change the number of resident judges to five. They are currently composed of three resident judges in the twelfth circuit. Be more than happy to answer any questions.

PRESIDENT JONES:

Is there any -- any discussion? Any discussion? Senator Petka.

SENATOR PETKA:

Thank you, Mr. President and Members of the Senate. First of all, I'd like to thank the sponsor of this legislation for



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accepting this amendment. This amendment does reverse something that was done under Senate Bill 75, restores a formula for associate judges, and Will County now is treated like any other circuit in this State. I want to thank you, Mr. President, and I also want to thank the Speaker of the House for their assistance in this matter. I would urge all my colleagues for an Aye vote. Thank you.

PRESIDENT JONES:

This is final action. The question is, shall Senate concur in House Amendment No. 1 to Senate Bill 2287. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the -- on that question, there are 53 voting Yea, 3 Nays, no one voting Present. The Senate concurs in House Amendment No. 1 to Senate Bill 2287, and this bill, having received -- having received the required three-fifths constitutional majority, is declared passed. On the Order of Concurrence, on Supplemental Calendar No. 3, is Senate Bill 2205. Madam Secretary, please read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1, 2 and 3 to Senate Bill 2205.  
Motion filed by Senator del Valle.

PRESIDENT JONES:

Senator del Valle, explain your motions.

SENATOR DEL VALLE:

Thank you, Mr. President. This is the education BIMP bill. I'll just quickly indicate what's -- what's in it and then we can move on. This is the bill that increases the foundation level to four thousand nine hundred and sixty-four dollars, a one-hundred-and-fifty-four-dollar increase. It creates new funds - the State Board of Education Department of Education Fund, the State Board of Education Federal Agency Services Fund, and the State Board of Education Federal Department of Agriculture Fund - with each of these funds established as a federal trust fund in the State Treasury to accept deposits from the federal government for specified uses. It continues the poverty grant hold harmless and also continues the transitional assistance payments. The bill also includes a provision that

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gives the Illinois Student Assistance Commission authority over the expenditure of funds in the National Guard Grant Fund for the Illinois National Guard Grant Program. And there's also a provision that removes the current requirement for State assessments of students in writing, physical development and health, fine arts, and social sciences, as well as removing the requirement that the Prairie State Achievement examination include testing in writing and social science. And I hope that this would be an issue that we would revisit next year, because I think that we're making a mistake here in eliminating the writing assessment. These changes will bring State assessment requirements, according to the authors, more closely in line with the federal No Child Left Behind assessment requirements. And then, lastly, for those of you that are wondering what will happen with the bill that we passed increasing the foundation level by two hundred and fifty dollars that is on the Governor's desk, this bill indicates that this amendatory Act, being the last act -- upon, is controlling, and therefore, that House Bill, House Bill 4266, would, in effect, be cancelled out. And so that's what this bill does, and I'll -- I'll be glad to answer questions.

PRESIDENT JONES:

Is there any discussion? Any -- any discussion? Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President. I -- I rise in support of the bill and commend all those that worked on this -- this effort here. I did want to offer, if I may, just a cautionary word. This BIMP bill, this budget implementation provision, is -- changes the law as it relates to assessments, and I just want to make sure everybody knows that, a couple of years ago, we had a bill before us that won a lot of praise from both sides of the aisle, in that we were assessing our students in the area of social studies, writing, fine arts and P.E. And to a lot of folks in this Chamber, particularly on -- my friends on the Democratic side of the aisle, physical education has been quite important. The fine arts, you know. So just be aware that we are changing the law and no longer requiring assessments in those areas. Nonetheless, I rise in support of that. These are

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difficult times and we have to make difficult decisions, and I join my -- my Chairman and colleague and encourage our side of the aisle to support this necessary legislation.

PRESIDENT JONES:

Senator Burzynski.

SENATOR BURZYNSKI:

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

PRESIDENT JONES:

He indicate he will.

SENATOR BURZYNSKI:

Thank you. First of all, Senator del Valle, again this has been a lot of work, a long Session. We really appreciate your work as we've gone through this. But I have a couple of questions relative to the bill itself: When we start talking about the trust funds that are set up, and -- and I hope maybe you can help clarify me, walk me through. As I look at the bill I see three different funds. I see the federal Department of Education Fund, and I'm guessing that's for the State Board of Education, then the State Board of Education Federal Agency Services Fund, and then one for the Department of Agriculture Fund. Why three funds, and what is the difference in the distribution of the monies collected in those funds? 'Cause it's basically for the same purposes.

PRESIDENT JONES:

Senator del Valle.

SENATOR DEL VALLE:

Well, my -- my understanding is that -- what we're doing is -- is consolidating what are six funds, that are currently in place, into -- into three funds for the purpose of receiving deposits of federal funds and other -- other funds.

PRESIDENT JONES:

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. So -- so it really doesn't change past practices, necessarily with the exception of consolidation of funds. Is that what I understand, Senator? Or, consolidation of the trust funds.

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Senator del Valle.

SENATOR DEL VALLE:

That's correct, Senator.

PRESIDENT JONES:

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Kind of as -- as a follow-up then, when I look at this, these are funds that are recovered from federal programs and they'll still be distributed similarly to what they already are, or are we allowing for new or additional federal funds?

PRESIDENT JONES:

Senator del Valle.

SENATOR DEL VALLE:

These funds would, again, be used for depositing whatever federal funds are -- are coming to the State. I don't think that the bill in any way changes the distribution method of those funds.

PRESIDENT JONES:

Senator Burzynski.

SENATOR BURZYNSKI:

And I'll try and bring it to a close, Mr. President. I appreciate your indulgence. What I'm -- I guess my question, in -- formerly, we didn't -- we did not appropriate these funds. Is that correct? But -- now they're -- they're going to be flowed through the State Board at the State Board's discretion. In other words, did these funds go to other sources in the past and now are they being collected within the Department?

PRESIDENT JONES:

Senator del Valle.

SENATOR DEL VALLE:

My understanding is that the federal funds that currently flow into the State Board of Education will continue to come in. The fund -- the funds are restructured. There's a consolidation that takes place, but other than that, in terms of deposit, there is -- there are no other changes. There's certainly no changes in how the funds will be distributed by the State Board to local school districts or other entities.

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Any further question? Any further question? The question -- this is final action. The question is, shall the Senate concur in House Amendments No. 1, 2 and 3 to Senate Bill 2205. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 -- 56 voting Yea, no Nays, no one voting Present. The Senate concurs in House Amendments 1, 2 and 3 to Senate Bill 2205, and the bill, having received the required three-fifths constitutional majority, is declared passed. On the Order of Supplemental Calendar No. 3 is Senate Bill 2206. Senator Patrick Welch. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 2206.

Motion filed by Senator Welch.

PRESIDENT JONES:

Senator Welch, to explain your motion.

SENATOR WELCH:

Thank you, Mr. President. Senate Bill 2206 creates the Fiscal Year 2005 Budget Implementation Act.

PRESIDENT JONES:

Pardon me a minute, Senator. It's getting very difficult to hear, Gentlemen and Ladies. Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This creates the Fiscal Year 2005 Budget Implementation Act concerning State finances. In summary, the budget implementation bill sets new standards regarding State healthcare benefit contracts, creates workers' compensation, professional services and facility management funds within CMS. It includes two hundred and sixty million dollars in General Revenue Fund sweeps of special funds. Provides for additional fund transfers. Creates incentives for early termination of State employment. Defines the Procurement Policy Board as a State agency and provides additional powers to the Board. It transfers certain State functions to other agencies. It creates new standards regarding debt management. And it allows Department of Corrections to receive and

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temporarily house federal detainees. I'd be glad to try to answer any questions.

PRESIDENT JONES:

Is there any question? Any question? Senator Clayborne.

SENATOR CLAYBORNE:

Yes. Will the sponsor yield?

PRESIDENT JONES:

He indicate he will.

SENATOR CLAYBORNE:

Senator, for the purpose of legislative intent, can you explain why provisions of Senate Bill 2206 direct the Governor's Office of Management and Budget to comply with the Business Enterprise for Minorities, Females, and Persons with Disabilities Act?

PRESIDENT JONES:

Senator Welch.

SENATOR WELCH:

Senate Bill 2206 contains the provisions requiring compliance with the Business Enterprise for Minorities, Females, and Persons with Disabilities Act because the State of Illinois has a compelling interest in ensuring that businesses owned by minorities, women, and persons with disabilities participate in the issuance of State debt. The Business Enterprise for Minorities, Females, and Persons with Disabilities Act establishes goals for the utilization of business owned by minorities, women, and persons with disabilities on State contracts, requires outreach to and reporting on the utilization of those businesses to the Governor and General Assembly.

PRESIDENT JONES:

Chicago -- the Chicago Tribune and the Leaders Union asks leave so they can take photos. Is leave granted? Leave is granted. Senator Garrett.

SENATOR GARRETT:

Will the sponsor yield?

PRESIDENT JONES:

He indicate he will.

SENATOR GARRETT:

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Senator Welch, I have a question regarding the Procurement Policy Board and the composition of the Board. Can you explain that to me?

PRESIDENT JONES:

Senator Welch.

SENATOR WELCH:

The Procurement Policy Board will consist of five members. The Governor will appoint one and each of the four caucus Leaders will appoint one person.

PRESIDENT JONES:

Senator Garrett.

SENATOR GARRETT:

The composition -- the way in which the contracts are going to be awarded. You -- you've got it -- can I ask you a question about how the contracts will be awarded? The way I understand it, it's twenty-five percent will be competitively bid and seventy-five percent will go through a bond-bidding negotiation. And so -- is that correct?

PRESIDENT JONES:

Senator Welch.

SENATOR WELCH:

I -- I think you're mixing the Procurement Board with the new proposal on -- on issuing bonds. That is in the bill, yes, but it's in a different provision.

PRESIDENT JONES:

Senator Garrett.

SENATOR GARRETT:

Can I get some clarification on how the bidding process will be implemented? The way I understand it, is that you have seventy-five percent of which -- of the State contracts will be negotiated and twenty-five percent which will be competitively bid.

PRESIDENT JONES:

Senator Welch.

SENATOR WELCH:

Let me find that in my analysis, Senator. At least twenty-five percent of bonds issued each fiscal year, based on the total principle, must be sold by -- by competitive sealed bidding. The Governor's Office of Management and Budget shall

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comply with the Illinois Procurement Code in doing so. Now let me look for the seventy-five percent provision, Senator.

PRESIDENT JONES:

Senator Garrett.

SENATOR GARRETT:

Waiting for an answer. I just want to get it clarified.

SENATOR WELCH:

Senator, the seventy-five percent remaining -- Senator, the -- the seventy-five percent remaining would be negotiated, but also be subject to the Procurement Code. Mr. President, we can't hear anything. We've got -- we've got all kinds of conversations going on here.

PRESIDENT JONES:

All right, Members, let's hold it down a little bit. It's very difficult to hear. Senator Welch.

SENATOR WELCH:

I -- I think I answered the question.

PRESIDENT JONES:

Senator Garrett.

SENATOR GARRETT:

Excuse me for asking questions, but...

PRESIDENT JONES:

No. You can ask questions. That's your job. You got to represent the...

SENATOR GARRETT:

Thank you.

PRESIDENT JONES:

...interests of your constituents.

SENATOR GARRETT:

So, here's my question. How are the -- how -- how does this -- how does this play out when you have bids? We just talked about the contract for two hundred and fifty million dollars, something that won't be put out to bid. How do you differentiate between the women, minorities and the regular competitively sought bids? How is that -- is that going to be negotiated or put out by the dollar amount or by the number of bids? How is that going to be implemented? How are you going to do the split of the twenty-five/seventy-five percent?

PRESIDENT JONES:



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Senator Welch.

SENATOR WELCH:

When the Office of Management and Budget -- are -- are you watching me? When the Office of Management and Budget decides how much to issue in bonds, they will divide it one-fourth and three-fourths. Seventy-five percent will be -- seventy-five percent will be negotiated from there. Twenty-five percent would be bid out. That's -- that's when they determine how to divide it.

PRESIDENT JONES:

Senator Garrett.

SENATOR GARRETT:

How are they going to determine the twenty-five/seventy-five percent split? Who makes that determination? Is that the Procurement Policy Board, or is that just another group of people? And is that done -- how's that done?

PRESIDENT JONES:

Senator Welch.

SENATOR WELCH:

The Office of Management and Budget will do that. They'll determine the twenty-five and the -- and the seventy-five, then they will have the bond issue and then allow for the bids or determine who gets the contracts at that point. The idea on the -- on the non-bidding was to allow for minority groups to get involved in the bidding, otherwise we would have these gigantic bond houses getting one hundred percent of the contracts. That was the problem. So, there has to be some way to help minorities, people with disabilities, get these contracts. That was the purpose of this.

PRESIDENT JONES:

Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President. I rise in support of this bill. Any bill has a few things we -- we may not like in it, but I think on balance, that the bill that we have before us has a lot of good policy initiatives in it, and policy initiatives that strengthen the role of the General Assembly. For example, the facility closures initiative, which means that no longer are we going to hear one day this facility's closing, the next one's

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closing, without any real study behind that -- those announcements, and without any real consideration to the impact of what that would have on the communities that those facilities have. Another issue that's addressed here that has been of a lot of interest, I know, to a lot of our constituents was it -- it requires that any willing provider be able to provide medications for folks that are on maintenance medications. It -- they do not have to automatically, now, go through a mail-order house. I've had a lot of calls on that; I'm sure others of you have, as well. It also includes -- we've limited the fund sweeps that were originally proposed, from over five hundred million to about half of that, and eliminated some of the more objectionable fund sweeps. And finally, I want to call attention to the debt responsibility package and the minority piece of that was just being discussed. This is something that the -- that our side has argued for for some time. We think there's a very good package in here that is going to make sure that the debt that's issued in this State, going forward, is going to be handled in a responsible manner and paid back immediately, and that we won't be shifting the economic burden of our decisions today onto future generations. So I am very happy to urge everyone to vote Aye on this piece of legislation.

PRESIDENT JONES:

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. I'd like to follow up on the questions or statements of the last three speakers with respect to the debt responsibility package. It's a good name. It sounds good. We are all for responsible debt practices. I have no doubt about that. And to be fair, there are many good things in that debt responsibility package, and I applaud the folks that negotiated it. But on a couple of points it sounds better than it is, and I want to highlight just two of them. First is the issue of competitive versus negotiated bonds sales, which was talked about on this side of the aisle. Competitive doesn't just mean competitive. It means blind, sealed bids, which are appropriate for fixed-rate, new money bond issues - vanilla bonds that don't have any special features. Negotiated sales are actually competitive sales in the best sense. There is a

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competitive selection process for all the participants, and that's followed by a back-and-forth negotiation to ensure that the best terms are achieved for the State. And that's done by tailoring it to meet the current appetites of the market. Negotiated sales are often cheaper for the State than the competitive sales. They allow the State to adapt quickly to market conditions and to change the price up until the very minute of sale. And this realizes in -- in some cases as much as a ten basis point advantage. For those -- basis points is an underwriter's term for a small percentage, but it adds up to real money quickly. On a one-billion-dollar project, we could save nine million dollars just from having that flexibility. The most dire consequence of moving towards competitive bidding, though, is -- is the impact on the minority, and women-owned and regional firms that's been talked about. Competitive sales, by their nature, favor the big New York money firms and they freeze out our own regional and MBE/WBE firms, undoing great strides that we've made in this regard. And no matter what the bill says about MBE/WBE participation, there's no real way to ensure that participation in the competitive bid. Just for reference, so folks understand what we're talking about, over the last two years we have made tremendous strides in inclusion. For underwriters, we've gone from just over seven percent participation to thirty-five percent participation. For law firms, we've gone from approximately ten percent or less to over twenty-one percent. And for financial advisors, we've gone from no participation at all to fifty percent participation by minority- and women-owned financial advisors. We are at great risk of undoing this, at least in part, with some of this legislation. In the House debate, the sponsor admitted that this is something we need to monitor carefully and something we may need to revisit in the very near future. So, I don't rise in opposition to the bill, but I want everyone to be aware, this is something we may need to look at again.

PRESIDENT JONES:

Senator Brady.

SENATOR BRADY:

Thank you, Mr. President. Can I speak?

PRESIDENT JONES:

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Briefly.

SENATOR BRADY:

Thank you. I rise in support of the legislation to compliment Senator Radogno and many of the Members, who in this Chamber, who've been involved in this. But I do rise in -- against the provisions that have been indicated earlier. And I may not understand it as well as you, Senator Harmon, but I -- I think I grasp that by allowing seventy-five percent of these -- these bonds to be under no-bid provisions, does open up the opportunity for something to be done not in a kosher way. It creates an opportunity that the public can't screen, that the public can't watch. It creates an opportunity that I think we should do away with. Now, to reach the goal of minority participation, there are other ways to do that. We do that in road contracts and other ways. We could require a certain percentage of the bonds go to minority firms, I believe. I don't know why we couldn't. And if you'd like to respond to that, Senator Harmon, I would. But I think this provision is one that is -- opens the State of Illinois up for the potential abuse, as Senator Garrett was trying to allude to earlier.

PRESIDENT JONES:

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I, too, arise to tell Senator Harmon we certainly appreciate his expertise but, you now, the majority of states use sealed competitive bids to do their bonding. You don't have to open the Tribune or the Sun-Times, anytime in the last few months, to see controversy around connected bond firms, Baer Sterns and others, and -- and the abuses that take place. I fully support this bill. I'm only disappointed that we're limiting it to twenty-five percent to be competitively bid. There's no question that you can optimize in business. There's no question that when you have a CEO who's in control, when you have a -- the interest of the shareholders at heart, that it's okay for private businesses to do things privately. We're in the public arena. We have the responsibility to be clear and to be clean and to be out front and open. That's why sealed competitive bids let the one most important minority in on the

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game, the public. Those -- those -- those firms that don't go to the picnics or the golf outings or don't have friends that show up or -- or hire connected people out of administrations, are the ones that are locked out of the system in many negotiated businesses. So, you know, I -- I'm sorry you're disappointed. This doesn't optimize the same way a business would, but I fully support competitive bidding. It was the practice in the State of Illinois before we changed the law at the request of the Ryan administration. It worked for four previous Republican and Democratic Governors. And I would argue this is a small step in the right direction, making sure we have a clean, honest process, and -- and, you know, to stand up and tell people that somehow this is not going to work, I just think is a mistake on the last night of Session.

PRESIDENT JONES:

Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President. Just like we practiced, I move the previous question.

PRESIDENT JONES:

It's amazing what overtime will do. Senator Don Harmon.

SENATOR HARMON:

Thank you, Mr. President, a very brief rebuttal to the two speakers that voiced concerns about negotiated sales. Let me be very clear, negotiated sales are competitive. They are competitive in a different way. The participants submit -- they present their qualifications in response to a request for qualifications. They are selected competitively. There is no doubt there have been abuses in the paper, of recent note. And these -- some of these reforms are very worthwhile. The prohibition on success fees for consultants and the teeth that have been imposed there at the urging of the government -- Governor's Office of Management and Budget, those are good reforms. But this is -- it is not anticompetitive to go negotiated. You say the majority of states do competitive. The ten largest, most sophisticated states, all do negotiated. And I don't believe that we need to carve out our own local, regional, minority- and women-owned businesses and cost the

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taxpayers more money by going to competitive bidding so that folks can score political points.

PRESIDENT JONES:

Senator Schoenberg. Senator Welch, to close.

SENATOR WELCH:

Thank you. Two other points I would like to make in closing is that the -- the bill will also end Road Fund chargebacks, prohibiting GRF chargebacks from the Road Fund, State Construction Account Fund, the Criminal Justice Information System Trust Fund, and the Mandatory Arbitration Fund for FY'05 through '07. In addition, the Economic and Fiscal Commission will have oversight of the benefit contracts. I think this is a good bill. It's a -- it's a move forward on -- on many avenues that we have discussed and have thought about over the years. So I would urge an Aye vote.

PRESIDENT JONES:

This is final action. The question is, shall the Senate concur in House Amendments 1 and 2 to Senate Bill 2206. 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 voting Yea, no one voting Nay, no Present. The Senate concurs in House Amendments 1 and 2 to Senate Bill 2206, and the bill, having received the required three-fifths constitutional majority, is declared passed. A point of information for the Members. Our fate is in our hands. The House has completed and sent all the bills over - the BIMP bills, as well as the budget. Our fate is in our hands. And I -- I know that the various caucuses and -- and committees have discussed these issues, so our fate is in our hands. We'll now proceed with Supplemental Calendar... Mr. Secretary, Messages from the House.

ACTING SECRETARY KAISER:

A Message from the House by Mr. Mahoney, Clerk.

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

Senate Bill No. -- 2207.

(Secretary reads title of bill)

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together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendments No. 1 to Senate Bill -- House Bill -- 2207, and House Amendment No. 2 to Senate Bill 2207.

I have like Messages on Senate Bill 2208, along with House Amendments No. 1 and 2; and Senate Bill 3340, along with House Amendment No. 1.

PRESIDENT JONES:

There will be a meeting of the Rules Committee immediately in the Antechamber. Senator Petka, what purpose do you rise?

SENATOR PETKA:

Thank you very much, Mr. President.

PRESIDENT JONES:

Pardon me, sir. Could you hold it down just a wee bit?

SENATOR PETKA:

Point of personal privilege, please, sir.

PRESIDENT JONES:

State your point.

SENATOR PETKA:

Yes. July 27th, 1945, we were a couple of weeks from ending the Second World War in victory over Japan. Also it was a -- a date that people in southern Illinois, the Watson Family, brought a little Watson into the world by the name of Frank. And Frank -- Senator Watson has never celebrated a birthday here in Springfield because this is the latest we've ever been down here. His birthday -- but his birthday is on -- on Monday, and I would ask all of our Members here to join myself in wishing Senator Frank Watson a happy 59th birthday two days in advance.

PRESIDENT JONES:

Well, now we understand why we're in overtime Session. You never had a birthday, so you wanted us to be here for your birthday. Senator Watson.

SENATOR WATSON:

Well, there is cake down here, I understand. And cards, gifts, cash - whatever you like. My birthday is Monday and I -- I -- the last one - fifty-nine. We don't go past sixty, do we? Don't do that here in this business do we? So, anyway, thank

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you very much. It's a pleasure to have been with all of you all this time in June and July. Thank you.

PRESIDENT JONES:

Senator Martinez.

SENATOR MARTINEZ:

Thank you, Mr. President. I, too, want to wish Senator Watson a very happy birthday. But just like -- wonderful day you're going to have on Monday, we should be celebrating a wonderful day today, because today happens to be the birthday of one of our Members on this side, who is our big education chairman, and we love him very much. He's - twenty-five is it? No. I'm sorry - fifty-three. But unfortunately, due to the budget constraint, there was no cake. So we want to wish -- we want to wish Senator Miguel del Valle a very happy birthday.

PRESIDENT JONES:

Mr. Secretary, Committee Reports.

ACTING SECRETARY KAISER:

Senator Viverito, Chairman of the Committee on Rules, reports that the following Legislative Measures have been assigned: Be Approved for Consideration - Motion to Concur with House Amendment No. 1 and No. 2 to Senate Bill 2207 and Motion to Concur with House Amendments 1 and 2 to Senate Bill 2208 and a Motion to Concur with House Amendment No. 1 to Senate Bill 3340.

Signed by Senator Viverito.

PRESIDENT JONES:

On Supplemental -- Supplemental Calendar... Supplemental Calendar No. 4 is being distributed on your desks, and on that Calendar is Senate Bill 2207. Senator Link. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 2207.

Motion filed by Senator Link.

PRESIDENT JONES:

Senator -- Senator Link, to explain your motion.

SENATOR LINK:

Thank you, Mr. President. This bill is the budget implementation bill; reduces the Industrial Commission Operation



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Fund Surcharge and Fee of workmen's compensation; increases income tax penalties; increases fees for identification cards issued through the Secretary of State's Office; imposes an Illinois lottery license application fees; increases replacement license plate fees; increases DUI fines; creates the Tax Shelter Voluntary Compliance Act; implements a Watercraft Use Tax; restores the graphic arts machinery sales tax exemption, manufacturer's purchase credit, and research and development tax credit; redefines business income; reduces the NPDES permit fees for facilities handling smaller flow rates; prevents companies from creating tax havens to shelter income, and makes other business- -- corporations-related tax changes. I'll be more than happy to answer any questions.

PRESIDENT JONES:

Is there any discussion? Any discussion? Seeing none, this is final action. The question is, shall the Senate concur in House Amendment No. 1 and 2 to Senate Bill 2207. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Aye, no Nays, no one -- 1 voting Present. The Senate concurs in House Amendments 1 and 2 to Senate Bill 2207, and the bill, having received the required three-fifths constitutional majority, is declared passed. On the Order of Concurrences on -- Supplemental Calendar No. 4 is Senate Bill 2208. Senator Trotter. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 2208.  
Motion filed by Senator Trotter.

PRESIDENT JONES:

Senator Trotter, explain your motion.

SENATOR TROTTER:

Thank you very much, Mr. President, Members of the Senate. The motion here is what we are establishing into 2005 as the Budget Implementation Act to make changes in the State programs that are essential in implementing the Governor's plan and budget recommendations pertaining to human services. This bill will essentially address twenty-four separate issues. I will

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not go over all of 'em. I will just mention some of the highlights of this bill. It makes changes in the Community Mental Health Medicaid Trust Fund concerning the implementation of the memorandum of understanding between the Governor's administration and the General Assembly. It also makes changes and allows payments pertaining to the children's mental health screening and support service initiative to be made from the Family Care Fund. This initiative is a partnership between DHS, DCFS and DPA. For nursing homes, it provides a three-percent long-term rate increase to nursing homes and applies to skilled and intermediate care facilities. It has additional increase of three percent which will be provided if the hospital assessment program is approved in FY'05. It also, with the -- the intent of this bill is to create and to ensure that there will be dollars for bedholds or bed reserves. It'll be the first time since 2001. It would affect forty-two separate nursing homes with the specific criteria that these facilities must average ninety percent Medicaid for the year, the facilities average ninety-three percent occupancy for the year and that the -- facilities receive actual bedhold income by DPA that year. It also makes other technical cleanup in the Hospital Assessment Program. It abolishes the Technical Advisory Council in DPX -- in DPH to accelerate the reviews of the generic drug products. Under State Finance, it permits payments pertaining to children in mental health screening/support services from the funds, and allows transfers of one hundred and sixty million dollars in revenues resulting from the two years of the hospital provider assessment. And I'm available for any questions.

PRESIDENT JONES:

Thank you. Is there any discussion? Any discussion? This is final action. The question is, shall the Senate concur in House Amendments 1 and 2 to Senate Bill 2208. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the -- take the record. On that question, there are 56 voting Yea, no Nays, no one voting Present. The Senate concurs in House Amendments 1 and 2 to Senate Bill 2208, and the bill, having received the required three-fifths constitutional majority, is declared passed. On

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Supplemental Calendar No. 4 is Senate Bill 3340. Senator Welch. Madam Secretary, read the bill -- read the motion.

SECRETARY HAWKER:

I move -- pardon me. I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 3340.

Motion filed by Senator Welch.

PRESIDENT JONES:

Senator Welch.

SENATOR WELCH:

Mr. President, I filed a slip asking that Senator Trotter be the chief sponsor and that we change places on the bill, since he negotiated the -- the budget. So if Senator Trotter could handle this.

PRESIDENT JONES:

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President, Members -- Members of the Senate. This is what we all have been waiting for for the past two months. This is the budget for the State of Illinois. It is certainly not going to be what all of us would look at as being a good budget or even a great budget, but it is a fair and is a balanced budget. What it assumes is from the -- we will be having general funds of twenty-three billion six hundred million dollars spent. We will exempt from four-percent across-the-board cuts to K-12 lower education, FamilyCare, KidCare, higher education, mental health and developmental disabilities, transportation, Constitutional offices, legislative agencies and judicial agencies. The main highlight is the education piece, which we are -- we're spending new dollars, three hundred sixty-four million dollars - new dollars - for K-12. It approximately takes twenty-four million dollars in additional funding, being reallocated from the budget of the State Board of Education. We have increased the foundation level to one hundred and fifty-four dollars per student. We have the poverty hold harmless in here, one hundred -- be funded at one hundred percent. Mandated categoricals is an additional ninety-five million dollars for those reimbursements, which is 7.2 percent increase. We have put in additional ten million dollars for fast growth, those fast growth schools. Another thirty million dollars from Early

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Childhood Block Grant. In the Governor's budget, it was twenty million dollars. We have raised another ten. We have an additional 7.7 million dollars GRF for transitional assistance. Your higher education universities have been held harmless from this. They are -- have been exempted from the four-percent cut. There are more dollars in for the community colleges. They, too, were help harmless from the cuts that were proposed on the other agencies. Golden Apple Foundation has been put back in at 2.9 million dollars. We have -- increased the participation in the Monetary Awards Program, the MAP program in this bill. We have -- for DHS there has been an increase of twenty-five million dollars for childcare services that -- which brings that appropriation to six -- five hundred sixty-two billion dollars - - million dollars. We have a new initiative program in here for another three million dollars. We raised to seven percent for DD grants. We have in circuit breaker transfers. It includes 66.3 million dollars for the transfer of the circuit breaker program from the Department of Revenue to the Department of Aging. We have increased adult day care by 13.2 percent. Elder -- abuse and neglect rate increases is up 1.7 percent {sic}. They have been asked to have a 2 point -- two and a quarter percent cut over their lines, as well. But for those who are interested and are concerned about this agency, the agency does have a two percent transferability -- ability in their budget. And Public Aid, we have expanded FamilyCare by raising the federal poverty levels -- hundred thirty-three percent...

PRESIDENT JONES:

Pardon me a minute, Senator. Pardon me a minute, Senator.

SENATOR TROTTER:

Yes.

PRESIDENT JONES:

Could you hold it down just a wee bit? It's very difficult to hear. And Senator Halvorson in the Chair.

SENATOR TROTTER:

Thank you very much, Mr. President. Just again, fast forward again. We've all seen this budget in various phases over the past two months. Should not be too many surprises here. But what we have restored back into this budget are the dollars at the '04 level for OSLAD. We have put in twenty-nine million

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dollars for the Sparta World Shooting Complex, which will generate millions of dollars in economic development for southern Illinois. We -- there is no dollars in here for Opportunity Returns, yet. That will be negotiated in the fall. For State Police, we have included 2.1 million dollars more for two cadet classes of fifty cadets each. Corrections, all of the facilities have -- that were proposed to be taken out, have been put back in - Vandalia Correctional Center, Pontiac Correctional Center. We have fully funded Sheridan Correctional Center, the St. Charles Youth Facility and the Cook County Detention Center Boot Camp, which is at its level funding for '04. In Veterans' Affairs, the Anna Veterans Home has been put back on-line, all seventy-one employees. The budget has been -- placed back in full - LaSalle Veterans Home, Quincy Veterans Home, Manteno Veterans Home, and so on and so on. If there are any questions, I'm willing to answer.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. {sic} President. In the interest of moving along tonight, and the fact that we've had a lot of good briefings over on our side and I know that Members over there have probably been thoroughly briefed, I just thought I would stand up and point a couple of things out. First of all, this is the longest budget that Don Trotter and I have ever worked on together. We got to spend more time together, I think, than -- ever before. And I really enjoyed that. Don Trotter is a pleasure to work with. He really knows the budget and he -- he's been spectacular. This was a great sophomore year for Tim Anderson. He did an absolutely fabulous job representing the Senate President. The Senate President's staff spent countless hours helping us re-rack the budget as we would get new slips of paper down from the Leaders' meeting on a consistent basis. I'd also like to point out and thank, for his tireless work, Tim Nuding, on our Senate Republican staff. He's kind of the dean of the budget guys. Our staff cooperated very, very well with both the Senate Democrats and the House Democrats and the House Republicans. So, all in all, kind of at the staff level, I think we really, as an institution, can be very proud of the

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people that put this budget together. Because we had a lot of time, it's probably one of the most carefully looked-at budgets that our staffs have ever worked on. And you know, I guess the -- the sixty days is a real lesson, because I think the Senate President, I know Frank Watson, the Republican Leader, and the other two Leaders from the House Chamber, got to know a lot more about budgeting than most of us that do approp work would really like. So, I just want to thank Senator Trotter for his courtesy and his kindness, and let's all vote Yes and get the -- get -- go home.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Forby.

SENATOR FORBY:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR FORBY:

There won't be any prisons closed in this budget?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator -- Senator Trotter.

SENATOR TROTTER:

No, sir. Not in this budget.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Forby.

SENATOR FORBY:

I was listening to some debate and they tell me that they went to Corrections and asked him how much could they cut, and supposedly, what I heard, Corrections said, "We can cut this, and we will not lay anybody off." Is that correct?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Trotter.

SENATOR TROTTER:

There -- I don't have any idea. There is no intent for there to be any layoffs as a -- as a consequence of this budget. And you know -- in this budget we do have -- we will have an alternative retirement program in which we'll be looking at three thousand employees which will be leaving. But that was, again, is a retirement program and it is voluntary.

PRESIDING OFFICER: (SENATOR HALVORSON)

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Senator Forby.

SENATOR FORBY:

Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam President. Let's see. Just a comment and then a question if the sponsor would be willing to answer it. Senator, I think that you, with the budget negotiators and the Legislative Leaders, have done a remarkable job in coming to the common ground in this budget. And I think that we all thank you very much. Question, yesterday morning I had asked in Appropriations, and then today, I've asked the Governor's budget office the answer to the question: Are we living within our means? And the two questions that I asked were, "How much was the revenue last year, and then this year? And how much was expense last year and this year?" So that we can take a look at, are we not spending more than is coming in? And unfortunately, I haven't gotten an answer to those questions after those follow-up, and I'm hoping that perhaps you have.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Trotter.

SENATOR TROTTER:

Well, if -- if I must, I'll apologize that you didn't get those -- those numbers. But however, I have gotten those numbers from yesterday. The revenues for '04 were 27.1 billion. Spending without transfers -- with transfers was 24.9. This year we are -- have the assumptions that our revenues will be 25.6 and our spending with transfers out will be 25.6 billion.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Lauzen.

SENATOR LAUZEN:

Thank you very much, Senator Trotter. I'm sorry. I could not hear those -- those words. In '05 how much is the revenue and how much is the expense? And I know that that's -- I'm certainly not saying that it's any problem from -- you've done just yeoman's work. I was hoping to get some answer to that toward the end of yesterday, or sometime during the day. It didn't come in. I appreciate you having those. Could you repeat

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how much is the revenue in '04 and the expenditure in '04, and then the revenue in '05 and expenditures in '05?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Trotter.

SENATOR TROTTER:

It is my understanding, or the numbers that I have been given, that '04 revenues were at 27.1 billion. Spending with transfers out was 24.9. The '05 revenues were at 25.6 and the spending with transfers out was also 25.6.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch.

SENATOR WELCH:

Thank you, Madam President. I just wanted to say that this year, being the Chairman of the Appropriations II Committee, I just wanted to thank all of the staff who worked so hard on the Appropriations II Committee with me. It was -- it was an outstanding staff that we had on that committee. And I also wanted to thank, since it's our last day, the -- the substantive staff, as well, that made all of us look good. And of course, those who made us look even better, our press staff both -- on both sides of the aisle, as well as the executive staff that helped to keep this place running smoothly. In addition, all the Secretaries who worked hard and worked overtime helping us out. They deserve our gratitude as well. And of course, our Sergeant at Arms and her loyal assistants, and the Deputy Sergeant as well, what they did to keep the wrong people out of the Senate Chambers and the right people in. So I just wanted to thank all of them and ask for...

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Watson.

SENATOR WATSON:

Yes. Thank you very much, Madam President. Appreciate it and I, too, want to thank the President of the Senate, all the Members, for the cooperation that they've shown after May 31st and -- and -- when we became Members and participants in this process. This is not a perfect budget. There -- there's no doubt about that, can't be in times like this. But I definitely believe it's better than the budget that was introduced on February 18th. I can tell you for sure it's a better budget



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than was introduced on February 18th, and primarily because of the people sitting in the gallery. I just want to take a moment to introduce 'em, especially Mayor Ricky Gottman and his wife, Nita. Rick -- Mayor of Vandalia and his wife, Nita.

PRESIDING OFFICER: (SENATOR HALVORSON)

Will our guests in the gallery please rise?

SENATOR WATSON:

Larry Cable, who works at the correctional center. Larry and Matt Hall, please stand. Matt's been here. You've see Matt around. They spent tireless hours here, spent many, many hours coming here to -- to Springfield, spent a lot of time with each of us to talk about the importance of the Department of Corrections and the various correctional centers throughout this State. They worked together with their fellow correctional officers and employees throughout this State to maintain the integrity of the system and keep Vandalia, Pontiac and St. Charles open. And I just want to thank them personally for their efforts and -- and what all they've meant to this process and make -- making this night possible. I just want to comment, briefly, about what I think is important for us as -- as a caucus on this side of the aisle. We -- we -- we didn't have any input obviously last year. This year after May 31st, we became part of the -- of the process. And -- and I'm very proud of what we've been able to accomplish. And I -- I just want to kind of talk a little bit about the message that we've been delivering as a caucus, actually for about the last year and a half. And that's -- that's a message of responsibility, of pro-jobs, and making sure that we have a climate in this State that's conducive for industry to expand and to grow and to try to attract industry and jobs to the people we represent. And that's something that we, as a caucus, established as a goal very early on. And we rejected this year all taxes that were not concurred with by the business community. We actually succeeded in repealing many of the anti-job taxes that were placed on the business community this -- this past year. We limited spending. We are actually four hundred million dollars less than the Governor's introduced level. That is significant. And that is responsible. And that's what you do in your -- your own daily life, 'cause you can't spend more than you take in.

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And we have been very consistent in trying to prioritize this spending - prioritizing and fairly funding education with a three-hundred-and-sixty-five-million-dollar increase in elementary/secondary education. And President Jones was a big part of that, as was this caucus on this side. We maintained the university systems' integrity of funding for the -- at the '04 level. We think that that's very, very important for us to maintain the university systems -- our -- our responsibility to fund the university systems in a manner in which they can succeed and hold down tuition. That was a huge priority of this caucus, the Road Fund. We were tired, tired of seeing the dollars taken out of the Road Fund and diverted into other projects and other general fund responsibilities. People that pay taxes in this State at -- for gasoline, the -- the money that they pay for taxes should go to build roads and maintain roads. We established the integrity -- this caucus established the integrity of the Road Fund and making sure that those dollars will build and maintain roads throughout this State, a huge issue for us. As I said earlier, the three prisons that were unfairly targeted for closure will remain open. And we helped our nursing homes. That's an industry that is in total possibility of collapse in this State. We established a rate increase for nursing homes in this State. We insisted -- this caucus insisted on debt responsibility - Debt Responsibility Act where we have level principle payments over the issuance of the bonds, and trying to move into a competitive environment, which -- in which bonds would be sold. We held the line on borrowing - no borrowing. We will talk about more borrowing over the -- over the rest of the summer and into the fall. And when we come back in the Veto Session, we'll talk about school construction; we'll talk about the possibility of a public works project that will be good for the entire State of this -- of Illinois. We kept our promise to the retirees by making sure that the pensions were adequately funded. Unfortunately, when the budget was introduced February 18th, not one dime was made available to -- the pensions. We -- we said no. So this caucus stood firm. We will not have a facility close in this State without a proper hearing. We passed -- we're going to pass -- have passed the Facility Closure Act, which will enable communities, employees,

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people of this State, the opportunity to come to Springfield and make a case for why that facility should remain open. And it also creates a responsibility by which the administration should make a case for why it should be closed. A huge issue for us over on this caucus. So we think the budget will meet the goals of what we've established and it'll be good for all the people of Illinois. And the Governor, we last -- when we last met with him, the Governor signed dozens, dozens of memorandums of understanding, memorandums of understanding that will make sure -- make sure that the commitments that are made on this budget will be followed through. He also committed not to amendatorily veto or veto any issue that we have talked about as a collateral or is in this budget. I commend the Governor for that. I commend the Governor for making that promise to all of us as Leaders and all of us in this General Assembly. So, thank you, Republican Senators. Thank you, President Jones, Democrat Senators. We're making a difference. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jones.

SENATOR E. JONES:

Thank you, Madam President. This is the final bill of this overtime Session and I know it's been very hard and difficult for many, 'cause many plans have been disrupted. So I really want to thank the Members for enduring this long overtime Session. I want to thank the Secretary of the Senate for the tremendous job that she's did with all the Special Sessions, and she had to call a record number of Special Sessions, but it was our duty to take care of the people of the State of Illinois. As I look at the budget we're about ready to vote on today, and I look at the budget that we passed on May 31st, and that budget that we passed on May 31st, there wasn't any borrowing in that budget, not one dime. What it did was require the business community to pay their fair share of the taxes of the State of Illinois. Not one dime in there was being borrowed to support that budget, but the two-and-a-quarter-percent reduction in the legislation that we passed, it was four hundred million dollars less than the Governor's introduced level in February. And here we are today, several weeks into overtime, and we still have a budget that's four hundred million dollars less than what the

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Governor introduced. Having served here -- having been in the -  
- in this Body, in the Legislature, the priorities have shifted. Over the past twenty-five years, the priority was to build, build, build and build prisons. Build so many prisons in Illinois we can't even fill 'em up. In the budget that the Governor had proposed he proposed saving money. Not directed at any particular group or anything, but why have vacant prisons that the people of the State of Illinois has paid for and not being used? Close the old ones and open the new ones. That's a wise budgetary item to do, even though it does have adverse impact. But it would have been a wise investment. That was in the legislation. But this is the compromised version. It's a compromised budget. But it's a strange, strange thing. Our priorities on this side of the aisle was investing in the future, investing in young people, investing in elementary and secondary education, investing in health care for the -- for the elderly, for the poor, for the kids, investing in early childhood education. All these weeks have gone by and those issues are still there. They are funded. Education didn't get the four hundred million dollars that we passed on May 31st. But it ended up with three hundred and eighty-nine million dollars. Some said three sixty-four. But it's a few percentage points off. The health care for families, health care for KidCare, the money for prescription drugs for the elderly, all of that's included in this budget. And sometimes it seems as though to me like the dog chasing the tail, he's going around and around in circles and he ended up at the same point we started off at. No one intentionally prevented the other side prior to May 31st, from being involved. You chose not to be involved. That was your choice. You didn't have to be in the overtime Session to -- to be involved. We spent an extra three hundred million dollars to end up in the same place we started off at. I firmly believe -- I strongly believe that our children in this State deserve what the children in Iraq are getting. The children in Iraq are getting new schools paid for off of future earnings of America. Even though they are six hundred billion dollars in the hole in Washington, they are still sending money to Iraq to build new schools. If we have to borrow for the children in Illinois, we should do it. We should

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build schools for our children so they can have a quality education just like everyone else. So is that being debt responsible? Yes. But we should invest in our kids. If we invest more into education on the front end, we will not have to pay for it on the back end in building prisons. That's what it's all about. So sometime we have misplaced values. The budget we passed was a balanced budget last -- last May. This is a balanced budget, but the priorities within how we accomplish it have changed somewhat. And not one dime in that budget was being borrowed. We shift the responsibility from the individual and said everyone must participate. Sure there were corporate loopholes that we passed that we wanted to close. This budget closed some of those corporate loopholes, but we should have closed many more. The years I've been here, I have seen the shift from the corporations to the individuals. One in five tax dollars that came to the treasury in the form of income tax came from the corporations twenty years ago. Today, one in nine come from the corporation. Which tell you that they have used their sharp, skilled lawyers to find loopholes to keep from paying taxes here in Illinois. We believe in children. We believe in investing in education. But it's been a good working relationship in all those budget negotiations, sitting down there with Senator Watson, Speaker Madigan and -- and Leader Cross from the House. But sometimes, you know, when sitting there, then you get a clearer picture as to what we're all about. And I got sort of confused at times. I was picking up the newspaper talking about the budget that we passed and all of the borrowing. I don't recall that budget having any borrowing in it. Not one dime. We tried in May to pass legislation for five hundred million dollars in bonds for schools, for our children, which would have been paid for on future earnings of the people of the State of Illinois. You rejected that. I haven't seen you criticize Bush for -- I haven't seen you criticize him for being six hundred billion dollars in debt, but yet and still they find money to invest in schools, hundreds of millions of dollars in schools, in Iraq. Certainly, if you can do it for Iraq, you can do it for the children in Illinois. And -- and -- and that's our priority. So, again, I appreciate all that you've done. We want to get out of here because -- we want

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to get out of here because I know many of the Members are going to Boston and one of our colleagues, who -- who will be leaving us shortly with your help on the other side of the aisle. And -- and I know you all wish him well as he gives that great keynote address in Boston next week, our -- our own, Senator Barack Obama. So -- so -- so with that, Ladies and Gentlemen, it's been wonderful. As we move toward the next Session, I trust that we will work sincerely together to resolve the issues of the -- people of the State of Illinois, but we will always hold onto our values. Our values are our young people. Our values are the elderly who help make this State and this nation possible. We will continue to insist that we take care of them, and also continue to invest in the future. So, again, thank each of you for your indulgence. God bless you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Trotter, to close. Senator Trotter.

SENATOR TROTTER:

Thank -- thank you very much, Madam President. I'd be derelict if I did not personally say thank you to all the staff that I've been living with, for all practical purposes, for the past seven months down here in Springfield. So thank all -- the two Tims - Tim Anderson and Tim Nuding. Of course, all the -- their staff that works with Andy and Sarah and Noe, and I'm not going to go through all the names. However, thank all of you. And thank you, the Members, too. Thank you, for one, being patient with us and allowing Steve and I to be your voices. And sometimes it was pretty raucous kind of a meeting. So thank all of you for putting up with us as well. Thank you, Mr. President, for the leadership, and with that being said, I just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

This is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 3340. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 51 Yeas, 5 voting Nay, none voting Present. And the Senate concurs in House Amendment No. 1 to Senate Bill 3340. And the bill, having received the required three-fifths constitutional

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majority, is declared passed. Excuse me. We have -- Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Madam President and Members of the Senate, I'd like to take this time to thank each and every one of you. Since May 11th, since I was appointed and came into Vince's seat here, I -- you have shown nothing but -- but kindness to me and have taken me under your wing, and that includes both sides of the aisle. And I just want to say thank you for all your kindness, all of your thoughts and your wisdom in sharing all of your expertise in committee meetings and Floor work. And again, I know Vince is watching over us and he would be very proud of each and every one of you for taking care of me. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Resolutions Consent Calendar. We will now proceed to the Order of Resolutions Consent Calendar. With 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?

SECRETARY HAWKER:

There have been no objections filed, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

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. And the motion carries. The resolutions are adopted. Madam Secretary, Messages from the House.

SECRETARY HAWKER:

A Message from the House by Mr. Mahoney, 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'm instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 96.

(Secretary reads HJR No. 96)

Adopted by the House, July 24th, 2004.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch moves to suspend the rules for the purpose of immediately -- immediate consideration and adoption of House

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Joint Resolution 96. Those in favor will say Aye. Opposed, Nay. The Ayes have it, and the rules are suspended. Senator Welch moves for the adoption of House Joint Resolution 96. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Pursuant to House Joint Resolution 96, the Senate stands adjourned until November 5th in Perfunctory Session and then until Monday, November 8th, at 12 noon. The Senate stands adjourned.