

STATE OF ILLINOIS
96th GENERAL ASSEMBLY
FIRST SPECIAL SESSION
SENATE TRANSCRIPT

3rd Legislative Day

6/30/2009

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PRESIDING OFFICER: (SENATOR CLAYBORNE)

The First Special Session of the 96th General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise? The invocation will -- today will be given by Mary Lou McLaughlin, of Baha'i Faith, Springfield, Illinois.

MARY LOU McLAUGHLIN:

(Prayer by Mary Lou McLaughlin)

PRESIDING OFFICER: (SENATOR CLAYBORNE)

The Pledge Allegiance will be led by Senator Mike Jacobs.

SENATOR JACOBS:

(Pledge of Allegiance, led by Senator Jacobs)

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Madam Secretary, Reading and Approval of the Journal.

SECRETARY ROCK:

Senate Journal of Tuesday, June 23rd, and Wednesday, June 24th, 2009.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Senator Hunter.

SENATOR HUNTER:

Mr. President, I move that the Journals just read by the Secretary be approved, unless some Senators has additions or corrections to offer.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Senator Hunter moves the approval of the Journal just read by the Secretary. There being no objections, so ordered. Madam Secretary, Messages.

SECRETARY ROCK:

I have a Message from the Office of the Secretary of State.

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June 30th, 2009.

To the Honorable President of the Senate:

Sir - In compliance with the provisions of the Constitution of the State of Illinois, I am forwarding herewith the enclosed Senate bill from the 96th General Assembly that is being returned by the Governor with specific recommendations for change:

Senate Bill 1905.

Signed by Jesse White, Secretary of State.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Madam Secretary, Messages from the House.

SECRETARY ROCK:

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 265, 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 Amendment 1 and House Amendment 2.

We have received like Messages on Senate Bill 1959, with House Amendments 1 and 2; Senate Bill 2052, with House Amendments 1 and 2.

All passed the House, as amended, June 24th, 2009. Mark Mahoney, Clerk of the House.

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:

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Senate Bill 415, 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 Amendment 2, House Amendment 3 and House Amendment 4.

All passed the House, as amended, June 29th, 2009. Mark Mahoney, Clerk of the House.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Assignments Committee will be meeting immediately in the President's Anteroom. Will all members of the Assignments Committee please come to the President's Anteroom immediately? Senator Schoenberg in the Chair.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Will all Members of the Committee on -- on Assignments please proceed to the President's Anteroom immediately? All members of the Committee on Assignments, please proceed immediately to the President's Anteroom.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Clayborne in the Chair.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

The Senate will come to order. Madam Secretary, Reports.

SECRETARY ROCK:

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Refer to the Executive Committee - Motion to Concur with House Amendment 1, House Amendment 2 and House

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Amendment 3 to Senate Bill 321, Motion to Concur with House Amendment 1 and House Amendment 2 to Senate Bill 256, Motion to Concur with House Amendment 1 and House Amendment 2 to Senate Bill 1959, Motion to Concur with House Amendment 1 and House Amendment 2 to Senate Bill 2052, Motion to Concur with House Amendment 1 and House Amendment 2 to Senate Bill 265, Motion to Concur with House Amendment 2, House Amendment 3 and House Amendment 4 to Senate Bill 415, and Motion to Accept Specific Recommendations for Change to Senate Bill 1905.

Signed by Senator James F. Clayborne, Chairman.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

The Executive Committee will meet in Room 212 at 1:30. Again, the Executive Committee will meet in Room 212 at 1:30. Senator Harmon, for what purpose do you seek recognition?

SENATOR HARMON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The Democratic Caucus would request a caucus meeting immediately.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

It will be granted - always in order. Senator Collins, for what purpose do you seek recognition?

SENATOR COLLINS:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Please state your point.

SENATOR COLLINS:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I have the honor today to introduce my Page for the Day, R'Lee Jones. And she is a fifth grader at Springfield Ball

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Charter School and a constituent of Senator Bomke. And she's the daughter of my very able assistant, Teresa Jones, who's the proud the mother standing behind her. So -- one of her favorite subjects in school is social studies. And so I just would like for you to give her a warm welcome today.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Welcome to the Senate. Charles Thomas seeks leave - with WLS-TV in Chicago - to videotape. Leave is granted. Senator Syverson, for what purpose do you seek recognition?

SENATOR SYVERSON:

Thank you, Mr. President. It's great to be back here. The Senate Republicans would also like to have a caucus upon adjournment. So, for those Senators that are not on the Floor, if they could go to the Leader's Office immediately upon recess or adjournment.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Upon recess. Okay, that's in order. Senator Noland, for what purpose do you seek recognition?

SENATOR NOLAND:

Thank you, Mr. President. For a point of personal privilege, if I may.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Please state your point.

SENATOR NOLAND:

Thank you. With me today from -- for -- as a Page for Today, is Frankie Vaughn, son of Margaret Vaughn, whom we're all familiar with - very nice lady. And he lives in Darien, but he attends the sixth grade at the Old Quarry Middle School in Lemont. His favorite sport is soccer. He plays through the

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Lemont Park District. He's both a Cubs and a Sox fan - a natural politician. And says that he's not sure whether he wants to be either a Senator or an actor when he grows up. And I'm sure we would all agree, there's not a whole lot of difference between the two, many times. But this is Frankie Vaughn. I ask us all to give him a big round of applause from the Senate. Thank you.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Welcome to centerfield, Mr. Vaughn. Senator Demuzio, for what purpose do you seek recognition?

SENATOR DEMUZIO:

Yes, Mr. President. A point of personal privilege.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Please state your point.

SENATOR DEMUZIO:

Yes. I have with me Ainsley Poe, who's my Page for the Day. And she is the eleven-year-old niece to my Legislative Assistant, Michelle Hampton. And Ainsley will be in the seventh grade at Carlinville Middle School. This summer, she's enjoying swimming and dancing and gymnastics, and just hanging out and being with her grandparents. So I'd like a warm welcome today for Ainsley Poe.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Congratulations. Thanks for being here. Senator Millner, for what purpose do you seek recognition?

SENATOR MILLNER:

Thank you, Mr. President. It's so nice -- so nice to be back today. And I'd like to introduce my intern/legislative aide, Jordan Klein, who's a University of Illinois graduate,

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going to DePaul. We'd like to give him a warm welcome to Springfield, the Capitol.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Welcome to Springfield, Mr. Klein. Thanks for being here. Senator Lauzen, for what purpose do you seek recognition?

SENATOR LAUZEN:

Thank you, Mr. President. It's great to see you today. You know, we're going to have so much fun today and we're going to be so productive that I decided that I'd bring my wife Sarah along with -- with me. And so, she's joining me. But down to the business, point of personal privilege.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Please state your point.

SENATOR LAUZEN:

I'd like to introduce an intern who's with me today. Twenty-three-year-old Jim Owen is a senior at Bradley University. He's majoring in criminal justice and sociology. He's from St. Charles, Illinois. Very interested in State and local politics. And he's working about two hundred hours in our office, both at the district and here now in the Capitol. He's in the gallery above your -- your platform. So, Jim. If we could welcome Jim to the...

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Please stand. Welcome -- welcome to Springfield, Jim. Also glad to see you, too, Mrs. Lauzen. Senator Raoul, for what purpose do you seek recognition?

SENATOR RAOUL:

Point of personal -- personal privilege.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

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Please state your point.

SENATOR RAOUL:

With me today are my Pages for life, Che -- my son -- eleven-year-old son, Che Raoul, and my daughter, Mizan Raoul, nine years old.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Welcome to the Senate. Well, we have a caucus. We will recess -- recess to the call of the Chair after -- probably after Executive Committee, which will start at 1:30. So, we have caucus immediately in the President's Office for the Senate Democrats and caucus immediately for the Republicans in the Minority Leader's Office. We stand in recess. Senate stands in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Senate will come to order. Madam Secretary, Messages.

SECRETARY ROCK:

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 No. 1.

Offered by Senator Schoenberg.

(Secretary reads HJR No. 1)

Adopted by the House, June 30th, 2009. Mark Mahoney, Clerk of the House.

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PRESIDING OFFICER: (SENATOR CLAYBORNE)

On the Order of Resolutions is House Joint Resolution 1. Madam Secretary, read the resolution. Senator Schoenberg moves to suspend the rules for the purpose of immediate consideration and adoption of House Joint Resolution No. 1. Those in favor will say Aye. Opposed, Nay. The Ayes have it, and the rules are suspended. Senator Schoenberg moves for the adoption of House Joint Resolution No. 1. All in favor, say Aye. Opposed, Nay. The Ayes have it, and resolution is adopted. We will recess to the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HENDON)

Senate will come to order. Madam Secretary, Committee Reports.

SECRETARY ROCK:

Senator Silverstein, Chairman of the Committee on Executive, reports Motion to Concur with House Amendments 1 and 2 to Senate Bill 265, Motion to Concur with House Amendment 2, 3 and 4 to Senate Bill 415, Motion to Concur with House Amendments 1 and 2 to Senate Bill 1959, Motion to Concur with House Amendments 1 and 2 to Senate Bill 2052, and Motion to Accept the Specific Recommendations of the Governor as to Senate Bill 1905 recommended Do Adopt.

PRESIDING OFFICER: (SENATOR HENDON)

All Members under the sound of my voice, please come to the Senate Floor. Would all administrative assistants please send your Senator to the Senate Floor? Senator Hendon in the Chair.

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Will...(microphone cutoff)...of my voice come to the Senate Floor. We're going to go to immediate Senate action. I'm just letting 'em know, 'cause we're moving it out. Will all Senators under the sound of my voice please come to the Senate Floor? We're going to Supplemental Calendar. We will be voting very, very, very soon. Will all Senators under the sound of my voice come to the Senate Floor? The Supplemental Calendar is about to be distributed. Will all administrative assistants please contact your Senator, your Legislator, and direct them to the Senate Floor? Thank you. Will all Members under the sound of my voice please come to the Senate Floor? We're about to circulate the Supplemental Calendar and call the bills for a vote. Would all Members under the sound of my voice please come to the Senate Floor? Supplemental Calendar is about to be distributed and you need to be on the Senate Floor. Supplemental Calendar No. 1. Will all Senators under the sound of my voice please come to the Senate Floor, especially those who are sponsors of the bills? You know who you are. All bills that just came out of the Executive Committee - we need the sponsors on the Senate Floor immediately. We're about to go to Supplemental Calendar No. 1. We need the sponsors of the various measures on the Senate Floor immediately. Will all Members under the sound of my voice -- will all administrative assistants send your Senator to the Floor, because Supplemental Calendar No. 1 is being distributed right now? Will all Members under the sound of my voice please come to the Senate Floor? As the Presiding Officer, I intend to call these measures immediately. You need to be on the Senate Floor. Will all administrative assistants do your job and send your Senator to the Senate Floor? It is the intention of the

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Presiding Officer to call these bills in the next five minutes or less. Now on the Order of Supplemental Calendar No. 1 is Senate -- Senate Bill 265. Senator Trotter. 265. Senator Trotter. Out of the record. Senate Bill 415. Senator Schoenberg. Senator Schoenberg, 415? Now on the -- now on the Order of Concurrence is Senate Bill 415. Senator Schoenberg, do you wish to proceed? Madam Secretary, please read the motion.

SECRETARY ROCK:

I move to concur with the House in the adoption of their Amendments 2, 3 and 4 to Senate Bill 415.

Signed by Senator Schoenberg.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move that the Senate concur with House Amendments 2, 3 and 4 to Senate Bill 415. This would authorize a 2.23-billion-dollar bond issuance to cover the State's Fiscal Year '10 contribution to the State's retirement system beyond normal cost. The normal cost would be paid for through GRF. And it would -- you may recall, in the Governor's -- earlier in the Governor's budget message that he sought to take a pension holiday as a way of dealing with our budgetary shortfall. This in turn would be a staycation and enable us to meet the fully scheduled payment. I'd be happy to -- Senator Harmon is really the architect of this and I'd be happy to defer to him to make any further comments or answer any questions from the Members.

PRESIDING OFFICER: (SENATOR HENDON)

Any discussion? Senator Syverson.

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SENATOR SYVERSON:

Thank you, Mr. President. I would ask if we have -- if we could stand at ease for a few minutes for our Members to get here. If not, we'll -- I'll have to ask for a -- a caucus. But, otherwise, if we could have a few minutes for our Members to get here, I would appreciate that.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Syverson, I -- the -- it is the decision of the Chair that we will continue with the discussion for a moment. That will give Members an opportunity to be here, because I would not wish for you to call a caucus. If you would allow me, there are people who want to speak on the bill, and after that has been exhausted, I will come back to you, sir, and -- and -- and hear your request. Senator Meeks. Senator Meeks. Jack Connery {sic} (Conaty) from Fox TV seeks leave to videotape. Is leave granted? Leave is granted. The Senate will stand at ease for a few moments. Will all Members under the sound of my voice please come to the Senate Floor? The Senate is going to stand at ease for a few moments to give you that opportunity. (At ease) All right. The -- we will proceed with Senate Bill 415. Senator Schoenberg and Senator Harmon. Senator Harmon, on Senate Bill 415. Any discussion? Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. I -- I rise in support of the Senator's motion and appreciate the opportunity to present some of the details of the proposal. We do, as Senator Schoenberg mentioned, authorize the issuance of 2.23 billion in pension obligation bonds. These are different than the pension obligation bonds we authorized in 2003, in that they are short-

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term notes designed to get us through the current fiscal crisis. They would be payable over the next five fiscal years, with level principal payments beginning in Fiscal Year '11. We also provide that if those bonds are not issued for any reason, the continuing appropriation would remain. So there is no chance that the pension funds would receive less than would be paid under the current continuing appropriation. We also have adopted some asset-smoothing models that are not applicable today. They are similar to the asset-smoothing models used by the IMRF and the Chicago teachers' pension system. Basically it says that if we have unexpected gains or losses - that is, gains in excess of what we predict or losses in this fund - we have to recognize them over the following five fiscal years. We can't take credit for unexpected gains more quickly. We don't have to make up for unexpected losses more quickly. Finally, there in the last amendment from the House, there is a requirement that the money saved by doing this financing be used for human services. I would defer to Senator Schoenberg, but if I can help answer any questions, I would happily do so.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Syverson.

SENATOR SYVERSON:

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

PRESIDING OFFICER: (SENATOR HENDON)

Senator Syverson, go right ahead, sir.

SENATOR SYVERSON:

Thank you. And this may make some sense, but, I guess, is this being -- are we, in this step, using this bonding to pay

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for operations, since these are pension payments?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. Senator, I would answer that no, and -- and this is one way in which this POB is fundamentally different from the POB we authorized in 2003. In 2003, we did use the entire -- or we substituted proceeds from the pension bonds for the entire current year's contribution, which included both normal costs and the unfunded liabilities that are dating back to decades of underfunding. In this program, we are still making the current year's normal costs out of GRF; we are refinancing the portion that would otherwise come from -- from GRF relating to the long-term liability. So we're essentially refinancing that long-term debt, turning it from soft debt into hard debt, hopefully on better terms. We are not shorting the pensions, but we are taking advantage of the markets to make sure we make the full payment this year - part from GRF, part from the proceeds of the bonds.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Syverson.

SENATOR SYVERSON:

Thank you. Let's go to the question, then, about the -- the repayment. If we're having trouble making our pension payments this year because of extraordinary circumstances, how do you envision, then, next year making the full pension payment and then, on top of that, having to make the -- the five-hundred-million-dollar payment for this? Is this going to create a pretty big cliff for us then next year?

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PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

It is similar in scope to the cliff we face this year. And -- and I don't think anyone would dispute the fact that, yes, because of the extraordinarily difficult budget times in which we find ourselves, we are using this financing vehicle to push off that cost, to amortize it over five years, and we can hope that we'll be in a better position next year to make the payments.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Brady.

SENATOR BRADY:

The sponsor yield?

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will. Senator Brady.

SENATOR BRADY:

Senator, how much money are you borrowing?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

2.23 billion dollars.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Brady.

SENATOR BRADY:

What's the term of the borrowing?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

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Five years, Senator.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Brady.

SENATOR BRADY:

Will the -- these borrowed funds be financed through negotiated sales or will they be bid?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

They will be sold pursuant to a negotiated sale under the terms of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Brady.

SENATOR BRADY:

Is there an interest rate limit on it?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

Thank you, Senator. No, there is not an interest rate dictated. We would predict that the interest rate achieved on these would be between three and a half and four percent.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Brady.

SENATOR BRADY:

Senator Harmon, six years ago we had approximately ten billion dollars in debt in this State - bonded indebtedness. Can you tell me how much this will increase our bonded indebtedness to?

PRESIDING OFFICER: (SENATOR HENDON)

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Senator Harmon.

SENATOR HARMON:

By 2.23 billion dollars.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Brady.

SENATOR BRADY:

I wish you were right, Senator. Ten billion total bonded debt six years ago, when the Blagojevich/Quinn administration took over and you were in control. This will take it another -- ten billion that you borrowed six years ago and then another two. So, is it fair to say that you will be leveraging the future of our children and grandchildren beyond the ten billion you took over six years ago, up to nearly twenty-three billion?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. No, Senator, this issue will increase the bond indebtedness by 2.23 billion dollars. And I appreciate your political point, but you can't have it both ways. We are either in debt to the pension systems for the unfunded liability, and that's a real debt, or we're not and it's a make-believe debt. I think it's a real debt. We are simply transforming one kind of debt into another kind of debt - a soft obligation that we can walk away from each year to the pension systems to a hard debt owed to bondholders that we cannot walk away from. This does not change the broader profile of our indebtedness; it simply refinances it into a different vehicle.

PRESIDING OFFICER: (SENATOR HENDON)

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Senator Brady, could you bring your remarks to a close, sir?

SENATOR BRADY:

Sure.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Brady.

SENATOR BRADY:

Senator, the people of Illinois are smarter than this. You aren't refinancing debt; you're spending operating deficits and borrowing against it. You're digging a deeper hole. Now, six years ago, you stood on this Floor and you said "We're going to save all kinds of money because we're going to borrow ten billion dollars; we're going to take two billion of it, though, by the way, and we're going to spend it in operations", like this, almost a similar number. You put eight billion, said "but we're going to make that work because we're going to invest it in the stock market and we're going to protect the people of Illinois and we're going to make great returns on this" - and you failed flat on your face. This is entirely similar, in that you are borrowing two billion dollars that you should be making into the pension payments, digging a deeper hole. Ladies and Gentlemen, there's thirteen million people in this State. Our children and grandchildren are going to be left with a legacy and saddled with debt that they're not going to be able to afford. When are we going to stop? Someone has got to stand up for the people that are going to have to pay this back. Let's get real. Let's balance our budget without borrowing against the futures of our children and grandchildren, like we did six years ago, and let's defeat this legislation and get to work

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providing Illinois and its citizens with a balanced budget that works for them.

PRESIDING OFFICER: (SENATOR HENDON)

Thank you, Senator Brady. Senator Lauzen.

SENATOR LAUZEN:

Thank -- thank you, Mr. President. I believe that Senator Syverson and Senator Brady's -- make very good points about the danger of borrowing. This afternoon I believe that Senators in both parties are presented with -- are put in the position of a real dilemma. Senator Harmon is arguing for a -- a potential step in the right direction of trying to solve where we find ourselves financially. I -- I believe that the majority of the people who I serve prefer temporary borrowing that we pay back to a permanent tax increase. My small business clients used to call me after I'd send them a note about their taxes and I'd say, "You know, Mr. and Mrs. Smith, it'd be a good idea if you made a deposit to your pension plan, to your IRA." I'd get a call back and they'd say, "Well, but, Chris, we don't have any money to do that right now; cash flow's really tight." I used to encourage them to go ahead and borrow, because they'd borrow the money and still have the money in a -- in their savings account. They also had the advantage of a tax deduction. I hope that we have an advantage of loosened -- you know, making our payments under Medicaid and to social service agencies and to education. I hope that that's the benefit, the public benefit, here. So, I rise in support of this -- this step that is certainly better than a permanent tax increase.

PRESIDING OFFICER: (SENATOR HENDON)

Is there further discussion? Senator Burzynski.

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SENATOR BURZYNSKI:

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

PRESIDING OFFICER: (SENATOR HENDON)

They indicate they will yield. Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. I believe in one or the other of your comments that you made mention of the fact that a portion of these funds were to go to restore certain human services cuts. Is -- is that what I heard one of you say?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

Yes. Thank you, Mr. President. Yes, Senator, if you look at Amendment No. 4, I believe it was at the initiative of the Republican Leader in the House, it defines the legislative intent, that the -- the money that is saved from GRF by this refinancing should be made available for the State's operational expenses to fund programs and services provided by community-based human service providers to ensure that we continue assisting the most vulnerable of our citizens.

PRESIDING OFFICER: (SENATOR HENDON)

Further -- Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Along those lines, Senator, we've not seen the bill appropriating those funds at this point. It's my understanding that the House has a bill that has just a lump-sum appropriation. Is that correct?

PRESIDING OFFICER: (SENATOR HENDON)

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Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. Yes, Senator, that's my understanding. I will confirm that it is appropriated in lump sums to those appropriate agencies to fund the human services. But... Oh..

PRESIDING OFFICER: (SENATOR HENDON)

Senator Burzynski.

SENATOR BURZYNSKI:

So, in other words, it is at the discretion of the administration as to how those funds will be distributed or what agencies might -- what contract agencies might receive some of the funds?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon.

SENATOR HARMON:

Thank -- thank you, Mr. President. Senator, I -- I have been told that as are we awaiting the bill, we believe that it is appropriated to the Governor's Office. So, it does in fact yield discretion to him to make the expenditures, but clearly states the legislative intent is to make whole or as near as whole as possible those human service providers.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. Just a couple more quick questions. But, Senator, then, at what level would those agencies be funded?

PRESIDING OFFICER: (SENATOR HENDON)

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Senator Harmon.

SENATOR HARMON:

Thank -- thank you, Mr. President. It's difficult to answer that question, Senator, because we are, in fact, giving much discretion to the Executive to manage the budget. I presume some could be a hundred percent funded, others may be less than a hundred percent funded. But this is -- we are appropriating, in combination with a budget we've already passed, a significant amount of money to the Governor to exercise managerial control as the Chief Executive.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you -- thank you, Mr. President. So then, in reality -- and you did answer my concern. And my concern is that even though some of these agencies are drastically impacted by this budget, there is no assurance, even by putting these funds into the budget, that all of those agencies will receive any kind of funding. That is going to be discretionary, based on contracts that the administration, Department of Human Services, et cetera, want to enter into with these providers. So, I -- I have a -- a great concern with that. I know that's not an issue that you're raising here. You're trying to trust the administration to do the right thing with the limited resources that they're going to have from -- from this sale. Just one last question: Can any of these funds be used for Medicaid providers, doctors, any others, or do they strictly go to the human services line, even though Medicaid is a part of that?

PRESIDING OFFICER: (SENATOR HENDON)

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Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. Well, first of all, to your first point, if you guys are ready to vote for a tax increase, we could probably pass a budget that fully funds all these different items in -- in very specific detail. But barring that, right now we are -- we are doing a lump-sum appropriation. It is broad in its nature and we're counting on the Governor to exercise managerial control.

PRESIDING OFFICER: (SENATOR HENDON)

President Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. First of all, any discussion of the pension system requires us to acknowledge that there's been discussions about imposing a two-tiered system in the State of Illinois. And this has been in discussion throughout the whole year. I have stated to our -- our labor friends that I am actually in favor of that concept. We're talking about people who haven't been hired yet, much less retired. And that we should, indeed, consider that. And there's a Pension Commission meeting and I would urge them to make a recommendation along those lines as soon as possible. And if we do that, we will be able to save money in the future years. It's -- it's -- you can say to the labor friends that it's not their fault their pension benefits are not overly generous, that we're the ones that didn't fund it properly. But that having been said, it's still something that we have to do. And I believe we will do it in this next month. And we would urge them to do it voluntarily with us and to support it. Now,

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that having been said, with regard to this obligation that we have, a legal obligation to pay money to fully fund our pension obligations, we are not changing that; we have a legal obligation. There's a statute that says there's a continuing appropriation for this amount of money. We're not changing that. We have two options: We can do it with this pension obligation note, which is a real obligation, a document that fulfills that obligation, or, if vote it down, we then have to take 2.2 billion dollars out of the General Revenue Fund and pay it. Maybe you don't think we need that tax increase, maybe you think we have a balanced budget, but if we take 2.2 billion out of general revenue funds and pay it to the pension obligation -- to our -- fulfill our pension obligation, clearly that will establish a deficit. It's the equivalent of a one-percentage-point increase in the income tax, an income tax that many people here have not indicated a willingness to vote for. So, this is pretty simple to me. This is pretty simple. This is a -- a -- a note; it's an obligation. It can be done, and should be done, in conjunction with a two-tiered system that'll save billions of dollars over the next thirty-six years. But to not vote for it increases our obligation to take 2.2 billion dollars out of the General Revenue Fund and not spend it on the obligations of the State, to create an increase in the deficit and to create pressure on us, I guess, to raise the income tax by an extra one percent. That doesn't make sense to me. That's why I believe it's obvious that we should vote Yes for this bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Schoenberg, to close. Senator Schoenberg.

SENATOR SCHOENBERG:

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Thank you, Mr. President and Ladies and Gentlemen of the Senate. If we were not to do this, we would, in fact, underscore criticism that the rating agencies made in reducing our bond rating the last time for not fulfilling our entire obligation this year to the State's pension systems. If we were not to do this and we were to have a soft debt, as Senator Harmon alluded to, we'd be borrowing the money. If we don't do this, we'd be borrowing the money from ourselves at between eight and eight and a half percent. In 2003, we went to market for ten billion dollars' worth of bonds at 5.05 percent. The market conditions currently would seem to indicate that between -- somewhere in the neighborhood of three to four percent that these five -- these five-year notes would go for. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

This is final action. The question is, shall the Senate concur in House Amendments No. 2, 3 and 4 to Senate Bill 415. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. The motion -- there are 30 -- 34 voting Aye, 19 voting Nay, 3 voting Present. The motion fails. The -- the Chair will now entertain a motion to nonconcur. Senator Schoenberg. Out of the record. Senator Hultgren, for what purpose do you seek recognition, sir?

SENATOR HULTGREN:

Thank you, Mr. President. I was at my desk and, for some reason, my switch did not work. I intended to vote No on - I think it's 415 - the bill we just voted on.

PRESIDING OFFICER: (SENATOR HENDON)

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The record will so reflect. Senate Bill 1959. Senator Sullivan. Madam Secretary, read the bill -- the motion.

SECRETARY ROCK:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 1959.

Signed by Senator Sullivan.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Sullivan.

SENATOR SULLIVAN:

Thank you, Mr. Chairman, Members of the Senate. The -- the amendment -- the bill does two things basically. It removes the - at the request of AT&T and ComEd - language requiring IDOT and CMS to collaborate on the installation of fiber-optic cable in all State-funded projects that open, bore or trench alongside roads, railways and bridges. This was an initiative of the Governor's Office with regard to broadband. The second thing it does is that it allows a forest district -- a forest preserve district that owns and operates a zoo to apply for and receive grants for capital construction. I'd be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR HENDON)

Mike Melchiorre from WICS seeks leave to videotape. Is leave granted? Leave is granted. Terry Martin from Illinois Channel seeks leave to videotape. Is leave granted? Leave is granted. Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. To the motion, please.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter.

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SENATOR RIGHTER:

Thank you, Mr. President. I simply rise in support of the motion. This legislation is both a good idea and necessary and received unanimous support in the Senate Executive Committee. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

This is final action. The question is, shall the Senate concur in House Amendments No. 1 and No. 2 to Senate Bill 1959. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Aye, none voting Nay, none voting Present. The Senate concurs in House Amendments No. 1 and No. 2 to Senate Bill 1959. And the bill, having received the required constitutional majority, is -- and the motion -- is declared passed. Senate Bill 2052. Senator Haine. Madam Secretary, read the gentleman's motion.

SECRETARY ROCK:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 2052.

Signed by Senator Haine.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Haine.

SENATOR HAINE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This amends the CHIP plan, the medical insurance policy renewal. It allows -- Amendment No. 2 allows the discretion to be given to the CHIP Board of Directors to adjust the terms of a plan during the -- the fiscal year to be a period less than one

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year. And that's to give them flexibility in these uncertain budget times.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR HENDON)

Indicates he will yield. Senator Righter.

SENATOR RIGHTER:

Senator Haine, at the very end of your comments there, when you said designed to provide them with a measure of certainty, are you referring to the Department or the people who depend upon the program for the insurance?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Haine.

SENATOR HAINE:

Both.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter.

SENATOR RIGHTER:

How, Senator Haine, does it provide greater certainty for the people who are on these insurance programs to tell them that you don't have health insurance for a year by State statute; we're going to let the Department decide how long your term of insurance will be? How does that provide them with greater security?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Haine.

SENATOR HAINE:

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It avoids them being cut off if the -- if the CHIP program runs out of money.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter.

SENATOR RIGHTER:

To the motion, please, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

To the bill. Senator Righter.

SENATOR RIGHTER:

Thank you. Ladies and Gentlemen of the Senate, you know, there's that old saying that sooner or later you reap what you sow. Sometimes that takes awhile, and sometimes it's right around the corner. And, boy, isn't this one. Ladies and Gentlemen, funding for this program comes out of what you put in Senate Bill 1197, the fifty-percent-cut legislation. This program depends on money from that bill, and you cut that fifty percent. And now this motion says, you know what, in order to make up for that, in order to deal with that, what we're going to do is we're going to tell the people, who have nowhere else to go for insurance - and I hope all my friends, all my friends, who have stated publicly and privately what I know are their heartfelt concerns for lack of health insurance, I hope they're paying attention to this - you're telling those people, yes, this is your last stop for health insurance but it may not last very long, because you used to be guaranteed for a year and now maybe nine months, maybe six months, maybe ninety days, maybe thirty days, and then you're off the wagon. And why? Why? Because the General Assembly said it was okay to cut the money to this program by fifty percent. This is a bad idea that is a

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fruit of what was a bad idea at the end of May. I would urge a
No vote.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Senator Syverson.

SENATOR SYVERSON:

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

PRESIDING OFFICER: (SENATOR HENDON)

Indicates he will yield. Senator Syverson.

SENATOR SYVERSON:

Senator Haine, I know a -- insurance is an important issue
on your side of it. Can you tell me -- a couple questions.
Number one is, what is the -- what is the reduction to the CHIP
program under this bill? What's the dollar amount?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Haine.

SENATOR HAINE:

Senator Syverson, there is -- there isn't any reduction in
the CHIP program under this bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Syverson.

SENATOR SYVERSON:

Then this -- but this bill now is going to give the ability
to -- for the Department to change the contract -- or the length
of the contract. And what's the purpose of that if there is --
funding is going to be at the same level as -- as last year?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Haine.

SENATOR HAINE:

If there aren't sufficient resources in the budget for the

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full year, then this allows the Department -- or the CHIP Board to make these contracts at a -- less than a year to be honest with the people in the program and to avoid a situation where they have to cut anybody out.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Syverson.

SENATOR HAINE:

Because we...

PRESIDING OFFICER: (SENATOR HENDON)

I'm sorry, Senator Haine. Senator Syverson.

SENATOR SYVERSON:

Historically, though, we funded CHIP with enough dollars that it was able to cover those people that were in the plan, and then if there was going to be a concern over running out of resources, we would just put a cap on any new members coming into the plan. This is a reverse from that, that we're taking those individuals who are existing, who are in the plan, and we're saying to them that there may be a possibility that we are going to change your contract, either change your benefits that you were told or give you a lesser amount of time with the coverage than what we have done in the past. Is that -- am I getting that correct?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Syverson, was -- Senator Syverson, that was -- that was a question? Okay. Senator Haine.

SENATOR HAINE:

That is a fair characterization in a time of extraordinary budgetary turmoil in the State and the apparent inability to vote new resources to the budget, given the previous vote, as

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well as the failure to address the revenues through any consideration of a tax increase. Those are both in play. So the CHIP Board is taking the prudent approach to make this system last as long as they can through the year until we in the General Assembly straighten it out. It's the prudent -- fiscally prudent and responsible thing to do, consistent with their fiduciary duty to those who are uninsured and those who face the -- the prospect of being thrown out of the CHIP program. They have nowhere else to go.

PRESIDING OFFICER: (SENATOR HENDON)

The Chair would appreciate succinct questions and answers. Senator Syverson, to the bill, sir? Or could you bring your questions to a close? Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. I appreciate your indulgence. I certainly understand what you are trying to do. And I -- and I know that providing health coverage has been something you've been concerned about over the years. So, I -- I appreciate that. But at a time when we hear so much about people losing their health care, for us to potentially have this kind of dramatic impact on, literally, the most feeble, because these are uninsured individuals, these are people that can't get insurance anywhere else, to pull that out from them -- the uncertainty out of them, I think is a mistake in this budget. I'd almost rather have us design a -- a -- a smaller plan or a lesser benefit for everyone so they'd know what they're getting going in, than to -- to set something up and then have it taken out from them once they get services started or once they're starting a treatment for a certain illness to have that pulled

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out. So, I think we could do better than that with this. And so -- but I appreciate what you're trying to do, but I think this just hurts too hard for those uninsured people in this State. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Haine, to close.

SENATOR HAINE:

This is the only option, Ladies and Gentlemen of the Senate, to -- to achieve the goals of the CHIP program. The previous speaker had a very heartfelt, sincere recommendation. I would certainly consider looking at that. Obviously we can't do it now. This is the only way out, to give the CHIP Board the flexibility to assure those that have the insurance that they will continue to have it and not give them a false premise of one year with the prospect of the -- the program literally running out of -- of money. I -- I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

This is final action. The question is, shall the Senate concur in House Amendments No. 1 and No. 2 to Senate Bill 2052. All those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 37 voting Aye, 19 voting Nay, none voting Present. The Senate concurs in House Amendments No. 1 and No. 2 to Senate Bill 2052. And the bill, having received the required constitutional majority -- three-fifths majority, is declared passed. Senate Bill 1905. Senator Garrett. Out of the record. Senate Bill 265. Senator Trotter. Madam Secretary, please read the gentleman's motion.

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SECRETARY ROCK:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 265.

Signed by Senator Trotter.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Trotter.

SENATOR TROTTER:

Are we adopting just the two amendments? We want to explain... Well, House -- House Amendment No. 1, we'll adopt House Amendment No. 1...

PRESIDING OFFICER: (SENATOR HENDON)

House Amendment No. 1...

SENATOR TROTTER:

Just -- there's nothing in it. Right. Concur...

PRESIDING OFFICER: (SENATOR HENDON)

Motion to concur on 1 and 2. Senator Trotter.

SENATOR TROTTER:

Thank you very much. On this bill, it amends the State Finance Act, which regards to fund transfers to the General Revenue Fund. We had put in some certification language when we got out of here last May. What we're doing is tightening it up a little bit more with this bill, allowing the Governor's Office of Management and Budget to determine if any transfer jeopardizes any federal funding or court order, then the Director of OMB may order the State Treasurer and State Comptroller to transfer the money back from the General Revenue Fund. This is in addition to the two provisions that we passed in May.

PRESIDING OFFICER: (SENATOR HENDON)

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Is there any discussion? This is final action. The question is, shall the Senate concur in House Amendments No. 1 and No. 2 to Senate Bill 265. All those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Aye, 3 voting Nay, none voting Present. The Senate concurs in House Amendments No. 1 and No. 2 to Senate Bill 265. And the bill, having -- having required {sic} the constitutional three-fifths majority, is declared passed. The First Special Session of the Senate will stand in recess until the call of the Chair. The First Special Session of the Senate stands in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HARMON)

The First Special Session -- the First Special Session of the Senate of the 96th General Assembly will please come to order. Madam Secretary, Messages.

SECRETARY ROCK:

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 1221, together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendment 3.

Passed the House, as amended, June 30th, 2009. Mark Mahoney,

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Clerk of the House.

PRESIDING OFFICER: (SENATOR HARMON)

Ladies and Gentlemen of the Senate, in a few moments, we will stand at ease to permit the Committee on Assignments to meet. If the members on the Committee on Assignments could assemble in the President's Anteroom immediately. Senator Schoenberg in the Chair.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Will the members of the Committee on Assignments please proceed immediately to the President's Anteroom? Will all members of the Committee on Assignments proceed immediately to the President's Anteroom?

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Harmon in the Chair.

PRESIDING OFFICER: (SENATOR HARMON)

Madam Secretary, Committee Reports.

SECRETARY ROCK:

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Be Approved for Consideration - Motion to Concur with House Amendment 3 to Senate Bill 1221.

Signed by Senator James F. Clayborne, Chairman.

PRESIDING OFFICER: (SENATOR HARMON)

Ladies and Gentlemen of the Senate, Senate Supplemental Calendar No. 3 is being distributed to the Members' desks. Supplemental Calendar No. 3 of the First Special Session of the

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96th General Assembly. On your Supplemental Calendar No. 3, on the Order of Secretary's Desk, Concurrence, is Senate Bill 1221. Madam Secretary, motions.

SECRETARY ROCK:

I move to concur with the House in the adoption of their Amendment No. 3 to Senate Bill 1221.

Signed by Senator Trotter.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Trotter, to explain your motion.

SENATOR TROTTER:

Thank you very much, Mr. President, Members of the Senate. If I can have everyone's attention. This Senate Amendment No. 3 is the capital cleanup for FY'10 and it also has -- makes operational appropriations. It includes appropriations for capital expenditures and makes several technical changes to the capital language that was included in House Bill 1313. In addition, this bill appropriates 3.75 billion in operating funds to various agencies, of which 3.55 billion is GRF. Specifically what this bill will do is appropriate 1.2 billion dollars, the GRF portion, to the normal cost of the State's five retirement systems; one -- 175.1 million dollars of the other State funds portion of SERS, the normal cost; and 83.6 million dollars for - - GRF for the teacher and the community college retiree health reforms. Additionally, it -- when passed, 2.23 billion dollars, which will be freed up by the pension obligation note, which will go into GRF, will go to the Governor's Office for the purpose - the sole purpose - of funding community-based human service providers and agencies with assistance-based service programs. Thirdly, it incorporates Senate Amendment No. 3 to

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House Bill 1313, which was our capital bill, and makes several technical changes to that language. And it amends the definition of "operational expenses" to include professional and artistic services, provided in both Senate Bill 1197 and House Bill 2145, in addition to employee retirement pick-ups, awards and grants, allowing greater flexibility to agencies to fund programs.

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR BURZYNSKI:

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

PRESIDING OFFICER: (SENATOR HARMON)

The sponsor indicates that he'll yield. Senator Burzynski.
SENATOR BURZYNSKI:

Thank you. Senator, I -- I just have a -- a couple of questions. And I know you referred, if I'm not mistaken, to Senate Bill 415. The bill that -- that has not received the appropriate majority, at this point anyway. And my understanding is, the amendment that -- that we're looking at here, the bill, will include the authorization to spend those funds. Is -- is that correct? Or the appropriations for those funds or for that bill - is that correct?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Trotter.

SENATOR TROTTER:

That is correct, Senator.

PRESIDING OFFICER: (SENATOR HARMON)

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Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. Well, I -- I guess my question would be, are we getting the -- the cart in front of the horse? What happens if we don't pass 415?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Trotter.

SENATOR TROTTER:

Then this bill, not in its entirety, but the 2.23 billion dollars will be null and void. But we still have time, hopefully, to pass the other bill, the bill of Senator Schoenberg.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any further discussion? Senator Righter, for what purpose do you rise?

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR HARMON)

Sponsor indicates that he will yield.

SENATOR RIGHTER:

Senator Trotter, I want to discuss for just a moment the funds here with -- that are in place for human service providers. Specifically, how is the language crafted so as to give the Governor's Office guidance on how that money would be spent?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Trotter, to respond to the gentleman's question.

SENATOR TROTTER:

Okay, in Article 15, Section 5, it spells it out, that an

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amount of two billion, two hundred and thirty million dollars, or so much of that amount as may be necessary, is appropriated from the General Revenue Fund to the Office of the Governor to be expended, in the discretion of and as determined by the Governor and upon written direction of the Governor to the Comptroller, for the costs - including operational expenses, awards, grants, and permanent improvements - of community-based human services providers and agencies that are associated with programs and other services that provide assistance for those in need.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Senator Trotter, above and beyond the language that you've just quoted, do you have any feel or any personal knowledge for how the Governor's going to handle this? As I'm sure you're aware, Senator, the Governor's Office has sent out a lot of letters and there's been a lot of communication with these community human service providers, telling them that your program has been canceled or it's been cut by fifty percent, and other letters like that. I mean, given that he's had that outreach already, do you have a feel for how the Governor will allocate this money?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Trotter.

SENATOR TROTTER:

Not exactly, sir. But we know that even when he talked of the budget that we have passed and will probably send to him, that he talks to veto, it is his authority which gives him --

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the spending authority that gives him the discretion to spend dollars the way we wants. This just ensures that the dollars will stay at least for the social service providers and he doesn't use this for public safety or anything else. So that's the specificness of it. But we do not take liberty to impose upon his constitutional authority to spend dollars anyway he wants within these lines.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Well, Senator Trotter, I mean, assuming you don't have any personal knowledge above and beyond what's in the bill, then we're left to trust the Governor. This Chamber's record of trusting the Governor and the record of how that worked out for this Chamber is pretty clear. So, I guess, I want to ask you in more direct fashion, I mean, do you trust this Governor to take these funds and spend them in a wise and equitable fashion?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Trotter.

SENATOR TROTTER:

Yes. Governor Quinn has a long track record of -- of being very concerned and working for those -- the downtrodden of this State, fighting for their issues and their causes. Even in today's meeting that we had and -- and the Joint Chambers meeting that we had today, he spoke how compassion -- with compassion of how he really wants to deal with these individuals who really need help from the State. So I believe he is going to do the right thing if he gets these dollars in making sure

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that those dollars are earmarked to those in -- most in need.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any further discussion? Senator Clayborne, for what purpose are you seeking recognition?

SENATOR CLAYBORNE:

Thank you. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR HARMON)

Sponsor indicates that he will yield. Senator Clayborne.

SENATOR CLAYBORNE:

Thank you. Senator Trotter, will this provide funding - in Section 10, on page -- 989 - for the southern Illinois coal to synthetic natural gas facility in Jefferson County that will create two hundred and fifty permanent jobs and over one thousand construction jobs?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Trotter.

SENATOR TROTTER:

Yes, it does.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any further discussion? Seeing none, the question is, shall the Senate concur in House Amendment No. 3 to Senate Bill 1221. 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 45 voting Aye, 11 voting Nay, 2 voting Present. And the motion, having received a -- and -- the Senate concurs in House Amendment No. 1 to Senate Bill 1221 -- Senate - - Senate -- House Amendment No. 3 to Senate Bill 1221. And the bill, having received the required three-fifths majority, is

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declared passed. Madam Secretary, Messages.

SECRETARY ROCK:

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, to wit:

Senate Bill 349, 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 Amendment 1 and House Amendment 4.

Passed the House, as amended, June 30th, 2009. Mark Mahoney, Clerk of the House.

PRESIDING OFFICER: (SENATOR HARMON)

Ladies and Gentlemen, the Committee on Assignments will meet momentarily in the President's Anteroom. If all of the members of the Committee on Assignments could report there immediately. Senator Schoenberg in the Chair.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Supplemental Calendar -- Madam Secretary, Committee Reports.

SECRETARY ROCK:

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Be Approved for Consideration - Motion to Concur with House Amendment 1 and House Amendment 4 to Senate Bill 349. Senator James F. Clayborne, Chairman.

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PRESIDING OFFICER: (SENATOR SCHOENBERG)

Supplemental Calendar No. 4 has been printed and distributed. On the Order of Secretary's Desk, Concurrence... On the Order of Concurrence, Senate Bills, is Senate Bill 349. Senator Sullivan. Do you wish to proceed? Senator Sullivan. Senator John Sullivan. The gentleman indicates he wishes to proceed. Madam Secretary, please read the motion.

SECRETARY ROCK:

I move to concur with the House in the adoption of their Amendments 1 and 4 to Senate Bill 349.

Signed by Senator Sullivan.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Sullivan, to explain your motion.

SENATOR SULLIVAN:

Thank you, Mr. President, Members of the Senate. Senate Bill 349 amends the Video Gaming Act to provide further safeguards against potential abuses of the Act. It also amends the Liquor Control Act to increase the tax rate for alcoholic cider beverages. These are recommendations of the Department of Revenue with regard to the capital bill that recently passed. I'll be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

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

SENATOR RIGHTER:

Thank you, Mr. President. Briefly to the motion, please.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Righter.

SENATOR RIGHTER:

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Thank you. Ladies and Gentlemen of the Senate, simply, particularly for Members on our side of the aisle, I just want to remind you, this is an adjustment to the capital funding bill. There were a handful of No votes on both sides of the aisle, involved some issues that some people are uncomfortable with. But if you recall that vote, if you care to be consistent, that's probably where you ought to stand. But I thank the sponsor for carrying what is a necessary cleanup bill. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

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

SENATOR SULLIVAN:

Thank you. I want to thank the previous speaker, pointing out the -- what the -- what the bill does. I will say that this actually tightens up and further restricts and puts additional safeguards into the previous passed legislation. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

This is final action. The question is, shall the Senate concur in House Amendments 1 and 4 to Senate Bill 349. Those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 42 voting Aye, 16 voting Nay, none voting Present. The Senate concurs in House Amendments 1 and 4 to Senate Bill 349. And the bill, having received the required constitutional three-fifths majority, is hereby declared passed. Senator Hendon in the Chair.

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PRESIDING OFFICER: (SENATOR HENDON)

Thank you, Senator Schoenberg. Did a great job. Will the members of the Committee on Assignments please gather in the President's Anteroom? Will the members of the Committee on Assignments quickly gather in the President's Anteroom? It shouldn't take you long at all. Thank you. Senate will stand at ease until the Committee on Assignments is done. Senator Righter, for what purpose do you seek recognition, sir?

SENATOR RIGHTER:

I have an inquiry of the Chair.

PRESIDING OFFICER: (SENATOR HENDON)

State your inquiry.

SENATOR RIGHTER:

Two, if I might. First, it's my understanding today that it's become traditional when the Assignments Committee is meeting that Senator Schoenberg is asked to man the Chair. Will that be the case this time?

PRESIDING OFFICER: (SENATOR HENDON)

Going to break tradition tonight in...

SENATOR RIGHTER:

Okay.

PRESIDING OFFICER: (SENATOR HENDON)

...honor of I don't know what, but something.

SENATOR RIGHTER:

Second question, Mr. President. I -- I know there is a record - I don't know what that record is - of the most times for the Assignments Committee to meet in one day. Do you know what that record is and do you know if we're close to -- to matching that record?

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PRESIDING OFFICER: (SENATOR HENDON)

Since it's a newly created committee, they can establish their own records practically every day. It wasn't like the very powerful Committee of Rules of which we served. Committee on Assignments will meet right now. Senator Schoenberg.

SENATOR SCHOENBERG:

Mr. President, Senator Righter mentioned my name just now. I think Senator Righter should think of this record as similar to when Roger Maris broke Babe Ruth's record. There was an asterisk next to it because the season was longer, and therefore, while it was the home run record, it was qualified. And I would still stay in the Chair, Mr. President, if for not the fact that I'm the next order of business. So, thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Duly noted, Senator.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HENDON)

John Marschitz and Mike Flannery from WBBM-TV seeks leave to videotape. Leave is granted? Leave is granted. Madam Secretary, Committee Reports.

SECRETARY ROCK:

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Be Approved for Consideration - Motion to Concur with House Amendment 2, House Amendment 3 and House Amendment 4 to Senate Bill 415.

Senator James F. Clayborne, Chairman.

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PRESIDING OFFICER: (SENATOR HENDON)

We're about to go to Supplemental Calendar No. 5 - Supplemental Calendar No. 5 - which has been distributed. Should be on your desks. Is being distributed. And it should be on your desks. Our able-bodied staff is taking care of that pretty much right now. Now you have it on -- in front of you, Supplemental Calendar No. 5. On the Order of Concurrence is Senate Bill 415. Senator Schoenberg. Madam Secretary, read the gentleman's motion.

SECRETARY ROCK:

I move to concur with the House in the adoption of their Amendments 2, 3 and 4 to Senate Bill 415.

Signed by Senator Schoenberg.

PRESIDING OFFICER: (SENATOR HENDON)

The Chair would like to remind everyone that this bill has been previously debated, so we're going to try to limit it as best as possible. Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. As the Presiding Officer has indicated, this is identical to the earlier concurrence motion for the Senate to adopt Amendments No. 2, 3 and 4 -- House Amendments 2, 3 and 4 to Senate Bill 415. What's -- the only thing that's different now than before is that now it's less than four hours until July 1st. We are faced with a range of imperfect options in order to solve an unprecedented budget crisis here in Illinois. It's going to require a number of tools - not just one - to achieve this goal. And this concurrence motion represents a very significant means, though not the entire answer, to achieving

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those goals. This has been thoroughly debated before. Senator Harmon and I have addressed all of the substantive questions, and I just want to say in closing that when the Governor first introduced his budget, he sought to not pay -- make the entire pension payment. He sought to take an action that the rating agencies specifically singled out in reducing our bond rating. When our bond rating is reduced, it costs us more money to borrow. This is an imperfect alternative, but yet provides us with a means to come out at the designated mark for this year. And for that reason and many more, I urge your Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Lightford.

SENATOR LIGHTFORD:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will. Senator Lightford.

SENATOR LIGHTFORD:

Senator Schoenberg, is there -- is there any way you could give confirmation to the fact that if we pass this that we would be giving the Governor an additional twenty percent so that the budget that he will be working with would be a seventy-percent budget? Is there any confirmation that after this takes place that there will not be a pursuit to fully fund agencies that are struggling, that are in dire needs, agencies that address mental health, agencies for early childhood education, and so forth? Is there any confirmation you can give to that?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Schoenberg.

SENATOR SCHOENBERG:

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Senator Lightford, what this concurrence motion does is speak to one of the two largest spending pressures that we face - one being health care and human services through Medicaid, the other being pensions. And by virtue of what we are required to pay, we are seeking this, coupled with a contribution from the General Revenue Fund, in order to meet that obligation. If we do not do that, we will have not only done precisely what the rating agencies asked us not to do, but what we will also have done is ensure that we have permanently shelved a significant way to help us achieve a solution to the funding problem for all our core needs.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lightford.

SENATOR LIGHTFORD:

Senator Schoenberg, then, are you saying that this bill solves our pension structural deficit problems?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Schoenberg.

SENATOR SCHOENBERG:

It does not, but the alternative, Senator Lightford, is far worse. And that, frankly, is what mystifies me as to where some of the opposition that has bubbled up over these last several hours originates. Because we want to ensure that the full pension payment that's scheduled to be made is made in total. If we don't do that - and this is our path to doing so - if we don't do that, it will cost us more money to borrow for all the capital needs that we have, for example, whether it's for school buildings or roads or bridges or community-based mental health agencies that are going to build a building. Anything that

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requires issuing bonds, if we don't do this, the -- the interest rate is going to go up. The cost of borrowing money will go up. Now, the last -- I just want to add that if we do nothing, not only will we have done precisely what the rating agencies asked us not to do - which is why we've come up with this alternative strategy to the Governor's pension holiday that was proposed in his introduced budget - not only will we have done that, if we do nothing, it's as if we are borrowing - it's a soft debt, as Senator Harmon had said - it's as if we're borrowing the money from ourselves at eight and a -- eight to eight and a half percent - almost two and a half times the interest -- the rate of what this would -- of what these instruments would be. These are not an IOU to ourselves. We're going to sell these -- attempt to sell these on the market.

PRESIDING OFFICER: (SENATOR HENDON)

Senator -- Senator Lightford.

SENATOR LIGHTFORD:

Mr. President and Ladies and Gentlemen of the Senate, to the bill: I believe that if we're going to spend any time working on any type of borrowing or address the pensions in any way, that it should fully fix our pension obligation that we have; it should fix our deficit. You know, I wasn't feeling well back here on May 30th when we voted for House Bill 174, and I've been a strong advocate for the tax increase for the six years that Senator Meeks was trying to get it passed, but I feel remiss if the little strength that I have today to not acknowledge that I am so sick and tired of the games that we play year after year after year in the General Assembly. There's community not-for-profit groups that are really hurting.

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They're closing their doors. They're not providing services in the communities, as they should. And here's an opportunity for us to buckle down and get the job done. New leadership, but yet we're doing the same things over and over again. It bothers me more that we're more concerned about capital, about the doggone capital bill, than we are about the budget. That makes absolutely no sense as well. And I think passing this bill is just giving us over here in the Senate an excuse to go now. It's an excuse to say, well, we put forth an additional 2.3 billion dollars in spending money; we've increased the budget spending from fifty percent to seventy percent. Why can't we just get it done? And why can't we do it properly and do it right and do it just, instead of leaving here, leaving the people in the community wondering the next week, the next two weeks to three weeks if they're going to be able to keep their - their doors open? We're just going to go back to the same thing we left the communities with - what ifs. Just what ifs. What if we really came down here and got the job done this time? I voted Present when the bill came up before because I would like to make sure that mental health is addressed, I would like to make sure that substance abuse is not neglected or people with disabilities, children with disabilities. But passing this doesn't secure any of that. Passing this, all it does is give us cover to go back into our districts and say we did a little bit of nothing. Time will go by and we will not meet our obligation. And I think we should be ashamed of ourselves for even putting this out there without making sure that we are all on one accord and that we were trying to really get the job done for the people back at home in the districts that's really

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making the difference. And I urge a No or Present vote.

PRESIDING OFFICER: (SENATOR HENDON)

Further discussion? Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President, Members of the Senate. To the bill: We did do the right thing in this Chamber; we voted for Senate Bill 174. 174 addressed our pension needs. It didn't specifically say the dollars would go there, but we had dollars that would do that. That Senate Bill No. -- 174 in the outlying years had more dollars that would go for not only K to 12 but to -- also to higher education. It guaranteed that. But in the short term, we paid our bills this year. So, we don't have to hold our heads at all when we go back home because that was done. However, the bill did not get an audience in the House. So as a consequence, we are where we are today. We're looking at this bill. We're looking at Senate Bill 415, which is basically the precursor to Senate Bill 1221, which says that we will have more dollars. This pension obligation note will free up that 2.23 billion dollars. Which you heard me read about half an hour ago that those dollars in fact, by statute, will be going to assist those providers that help those individuals in our community that need the dollars the most. Once again, and I've been here now for twenty-one years, I can't remember voting on a perfect bill. But I know that the bills that I do vote on, I feel, at least make that measurable difference to try to -- to make something really happen and make something really work in our State. This gives us a -- another opportunity for us to catch our breath, to deal with those structural changes that the -- the other side and in the House

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have been asking for all along. We're looking at managed -- Medicaid managed care, which has been one of the issues. That has been a sticking point for many. We're looking at other reforms as we go through. We talk about the pensions. We talk about, one, really having a two-tiered system that -- that does work, which will save us money in the long run. So, again, it's not a perfect bill, but it's a bill that's going to work for our providers and for the people that sent us down here to serve.

PRESIDING OFFICER: (SENATOR HENDON)

We have two remaining speakers. Senator Meeks.

SENATOR MEEKS:

Thank you so much, Mr. President. To the bill: I acknowledge that one of the previous speakers said that it was not a perfect bill. And what's going to happen if we pass this bill tonight? The House has already adjourned. They passed this bill and they got out of dodge. And they're going to say that seventy percent of the money has been appropriated. So, there's not going to be any urgency to fix this problem. And so, if we allocate this two billion, who knows when we will get back here. Now, I happen to know some fine leaders here and they are negotiating in good faith, and the fine leaders who are negotiating in good faith actually believe that in the next two or three weeks we will come back and we will work on the remainder of the budget hole. I don't believe that everybody is negotiating with that leader in good faith. And I think that we should, if we have enough money to - and we do - to make it for a month, then we make it for a month. But we should not confuse people by throwing this two billion in and then making sure that there will be some who'll say, well, that's enough and that will

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solve the State's problems. I think this is a bad idea. I think this is a bad vote. And I would urge all my colleagues to vote No.

PRESIDING OFFICER: (SENATOR HENDON)

President John Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. First of all, I think there's some confusion as to whether or not the Governor is actually for this bill or not. He hasn't called me to say that he changed his mind. Earlier today, over in the House, he said, and I quote, "Now, we've proposed in recent days a 2.2 billion dollars in pension obligation notes, and this has been acted upon by the House of Representatives and the Senate in the last twenty-four hours to free up cash for vital State services, and I commend everyone for doing that." So I would assume, since he was for it at 4 o'clock today, he would still be for it today. So if anybody got any phone calls by the Governor's Office from someone sounding like the Governor, it must have been an impersonator and you've been tricked, because the Governor couldn't have changed his mind since earlier today. Number two, I just don't understand the logic. I think, right now, we are short money for our budget. I think we're short 6.2 billion dollars. This would bring it down to four billion dollars. If you think we're short 6.2 and you're in favor of getting 6.2, why would you vote against 2.2? It just doesn't make any sense to me. It's -- it's just all people's tactics and their -- and their ideas on how they can bring about a balanced budget. I'm not for a fifty-percent budget. I'm not for a seventy-percent budget. I'm for a

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hundred-percent budget. And we're going to continue to work on that in the days ahead with our Republican colleagues in both the House and the Senate, as we have all year. This makes eminent sense to vote for this bill, to vote Aye. I would ask for an Aye vote, please.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Schoenberg, to close.

SENATOR SCHOENBERG:

I think President Cullerton did an exceptional job at laying out the terms of the consequences for not voting for this bill. And I urge an Aye vote on this concurrence motion.

PRESIDING OFFICER: (SENATOR HENDON)

This is final action. The question is, shall the Senate concur in House Amendments Nos. 2, 3 and 4 to Senate Bill 415. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 32 voting Aye, 21 voting Nay and 4 voting Present. The motion fails. Madam Secretary, Messages.

SECRETARY ROCK:

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 No. 2.

Offered by Senator Clayborne.

(Secretary reads HJR No. 2)

Adopted by the House, June 30th, 2009. Mark Mahoney, Clerk of

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the House.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Clayborne moves to suspend the rules -- on the Order of Resolutions is House Joint Resolution 2. Madam Secretary -- Senator Clayborne moves to suspend the rules for the purpose of immediate consideration and adoption of House Joint Resolution 2. Those in favor will say Aye. Opposed, say Nay. The Ayes have it. And the rules have -- are suspended. Senator Clayborne -- and the rules are suspended. Senator Clayborne moves the adoption of House Joint Resolution 2. All those in favor, say Aye. Opposed, say Nay. The Ayes have it, and the resolution is adopted. There being no further business to become before the First Special Session, the First Special Session of the Senate stands adjourned until the call of the Chair.