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REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

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PRESIDING OFFICER: (SENATOR MUÑOZ)

The regular Session of the 97th 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 -- the invocation today will be given by Pastor Charlie Frederico, Harvest Community Church, Maroa, Illinois. Pastor.

PASTOR CHARLIE FREDERICO:

(Prayer by Pastor Charlie Frederico)

PRESIDING OFFICER: (SENATOR MUÑOZ)

Pledge of Allegiance. Senator Jacobs.

SENATOR JACOBS:

(Pledge of Allegiance, led by Senator Jacobs)

PRESIDING OFFICER: (SENATOR MUÑOZ)

Madam Secretary, Reading and Approval of the Journal.

SECRETARY ROCK:

Senate Journal of Sunday, May 29th, 2011.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Hunter.

SENATOR HUNTER:

Mr. President, I move to postpone the reading and approval of the Journal just read by the Secretary, pending arrival of the printed transcript.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Hunter moves to postpone the reading and approval of the Journal, pending arrival of the printed transcripts. There being no objection, so ordered. Madam Secretary, Resolutions.

SECRETARY ROCK:

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Senate Resolution 261, offered by Senator Hutchinson.

It is substantive.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Madam Secretary, Committee Reports.

SECRETARY ROCK:

Senator Muñoz, Chairman of the Committee on Executive Appointments, reports the following: Appointment Messages 1, 61, 62, 63, 64, 65, 66, 67, 68 and 124 recommended Do Advise and Consent.

PRESIDING OFFICER: (SENATOR MUÑOZ)

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 1179.

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 1.

It passed the House, as amended, May 29th, 2011. 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:

Senate Bill 109.

Together with the following amendment which is attached, in

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the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendment 1.

We have received like Messages on Senate Bill 539, with House Amendment 1; Senate Bill 1122, with House Amendment 1; Senate Bill 1652, with House Amendments 1, 2 and 3; Senate Bill 1835, with House Amendments 1 and 2. They all passed the House, as amended, May 30th, 2011. Mark Mahoney, Clerk of the House.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senate will stand at ease for a few moments. (at ease) Michael Tercha, Chicago Tribune, requesting to take photos in the Chamber. Seeing no objection, leave is granted. Senate will stand at ease for a few minutes to allow the Committee on Assignments to meet. The members of the Committee on Assignments will come to the President's Anteroom immediately. Senate will stand at ease. (at ease) Senate will come to order. Madam Secretary, Committee Reports.

SECRETARY ROCK:

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Refer to the Appropriations I Committee - Floor Amendment 1 to House Bill 2189; refer to the Executive Committee - Floor Amendment 3 to House Bill 1262, Floor Amendment 3 to House Bill 2972 and Senate Resolution 261; refer to the Public Health Committee - Motion to Concur with House Amendment 2, House Amendment 3 and House Amendment 4 to Senate Bill 1943; refer to the Redistricting Committee - Motion to Concur with House Amendment 1 to Senate Bill 1179.

Signed by Senator James F. Clayborne, Chairman.

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PRESIDING OFFICER: (SENATOR MUÑOZ)

We have some committee announcements. Appropriations I will meet in Room 212 at 2:35 p.m. Executive will meet in Room 212 at 3:05 p.m. To all Members of the Senate, the Chair will be going to some of the Executive Appointments that were passed this morning in committee. So if Members want to vote, please come to the Floor. We'll be taking that action shortly. Senator Crotty in the Chair.

PRESIDING OFFICER: (SENATOR CROTTY)

Senate will come to order. To fulfill our responsibilities under Article V, Section 9 of the Constitution, we will now proceed to the Order of Advise and Consent. Senator Muñoz.

SENATOR MUÑOZ:

Thank you, Madam President. I move that the Senate resolve itself into Executive Session for the purpose of acting on the appointments set forth -- Appointment Messages 61, 62, 63, 64, 65, 66, 67, 68 and 124.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Muñoz moves that the Senate resolve itself into Executive Session, for the purpose of acting on the appointments set forth in Appointment Messages 61, 62, 63, 64, 65, 66, 67, 68 and 124. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the motion carries. The Senate is resolved into Executive Session. Madam Secretary, Appointment Message 61.

SECRETARY ROCK:

Madam President, the Committee on Executive Appointments recommends that the Senate do advise and consent to the following salaried appointment:

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To be a Member of the State Board of Elections, for a term commencing July 1st, 2011, and ending June 30th, 2013: Charles Scholz.

PRESIDING OFFICER: (SENATOR CROTTY)

President -- Senator Muñoz.

SENATOR MUÑOZ:

Madam President, I now seek leave to consider the appointment on a roll call. Will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR CROTTY)

Is there any discussion? There being none, the question is, does the Senate advise and consent to the appointment from the Appointment Message just read. All 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 voting Aye, none voting Nay, 3 voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the appointment just read. Madam Secretary, Appointment Message 62.

SECRETARY ROCK:

Madam President, the Committee on Executive Appointments recommends that the Senate do advise and consent to the following salaried appointment:

To be a Member of the State Board of Elections, for a term commencing July 1st, 2011, and ending June 30th, 2013: Judith C. Rice.

PRESIDING OFFICER: (SENATOR CROTTY)

President {sic} Muñoz.

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SENATOR MUÑOZ:

Madam President, I now seek leave to consider the appointment on a roll call. Will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR CROTTY)

Is there any discussion? There being none, the question is, does the Senate advise and consent to the appointment from the Appointment Message just read. All 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 54 voting Aye, none voting Nay, 3 voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the appointment just read. Madam Secretary, Appointment Message 63.

SECRETARY ROCK:

Madam President, the Committee on Executive Appointments recommends that the Senate do advise and consent to the following salaried appointment:

To be a Member of the State Board of Elections, for a term commencing July 1st, 2011, and ending June 30th, 2013: Ernest L. Gowen.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Muñoz.

SENATOR MUÑOZ:

Madam President, I now seek leave to consider the appointment on a roll call. Will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR CROTTY)

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Is there any discussion? Senator Radogno, did you have any discussion on... Seeing there is none, the question is, does the Senate advise and consent to the appointment from the Appointment Message just read. All 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. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the appointment just read. Minority Leader Radogno, for what purpose do you rise?

SENATOR RADOGNO:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR CROTTY)

State your point.

SENATOR RADOGNO:

I just wanted to be sure the Body was aware that our State Treasurer and former colleague, Dan Rutherford, is wandering in the Chamber somewhere. I've lost sight of him at the moment, but -- oh, he's over there. Thank you.

PRESIDING OFFICER: (SENATOR CROTTY)

Thank you and welcome back to the Senate Floor, our good friend. Madam Secretary, Appointment Message 64.

SECRETARY ROCK:

Madam President, the Committee on Executive Appointments recommends that the Senate do advise and consent to the following salaried appointment:

To be a Member of the State Board of Elections, for a term commencing July 1st, 2011, and ending June 30th, 2013: Betty J. Coffrin.

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PRESIDING OFFICER: (SENATOR CROTTY)

Senator Muñoz.

SENATOR MUÑOZ:

Madam President, I now seek leave to consider the appointment on a roll call. Will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR CROTTY)

Is there any discussion? There being none, the question is, does the Senate advise and consent to the appointment from the Appointment Message just read. All 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 57 voting Aye, none voting Nay, and 1 voting Present. A majority of the Senators elected concurring by the -- record vote, the Senate does advise and consent to the appointment just read. Madam Secretary, Appointment Message 65.

SECRETARY ROCK:

Madam President, the Committee on Executive Appointments recommends that the Senate do advise and consent to the following salaried appointment:

To be a Member of the State Board of Elections, for a term commencing July 1st, 2011, and ending June 30th, 2015: Jesse R. Smart.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Muñoz.

SENATOR MUÑOZ:

Madam President, I now seek leave to consider the appointment on a roll call. Will you put the question as

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required by our rules?

PRESIDING OFFICER: (SENATOR CROTTY)

Is there any discussion? There being none, the question is, does the Senate advise and consent to the appointment from the Appointment Message just read. All 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 -- on that question, there are 53 voting Aye, none voting Nay, 1 voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the appointment just read. Madam Secretary, Appointment Message 66.

SECRETARY ROCK:

Madam President, the Committee on Executive Appointments recommends that the Senate do advise and consent to the following salaried appointment:

To be a Member of the State Board of Elections, for a term commencing July 1st, 2011, and ending June 30th, 2015: Bryan A. Schneider.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Muñoz.

SENATOR MUÑOZ:

Madam President, I now seek leave to consider the appointment on a roll call. Will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR CROTTY)

Is there any discussion? There being none, the question is, does the Senate advise and consent to the appointment from the Appointment Message just read. All those in favor will vote

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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 53 voting Aye, none voting Nay, 2 voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the appointment just read. Madam Secretary, Appointment Message 67.

SECRETARY ROCK:

Madam President, the Committee on Executive Appointments recommends that the Senate do advise and consent to the following salaried appointment:

To be a Member of the State Board of Elections, for a term commencing July 1st, 2011, and ending June 30th, 2015: William McGuffage.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Muñoz.

SENATOR MUÑOZ:

Madam President, I now seek leave to consider the appointment on a roll call. Will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR CROTTY)

Is there any discussion? There being none, the question is, does the Senate advise and consent to the appointment from the Appointment Message just read. All 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 54 voting Aye, none voting Nay, 2 voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and

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consent to the appointment just read. Madam Secretary,
Appointment Message 68.

SECRETARY ROCK:

Madam President, the Committee on Executive Appointments recommends that the Senate do advise and consent to the following salaried appointment:

To be a Member of the State Board of Elections, for a term commencing July 1st, 2011, and ending June 30th, 2015: Harold D. Byers.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Muñoz.

SENATOR MUÑOZ:

Madam President, I now seek leave to consider the appointment on a roll call. Will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR CROTTY)

Is there any discussion? There being none, the question is, does the Senate advise and consent to the appointment from the Appointment Message just read. All 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 voting Aye, none voting Nay, 2 voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the appointment just read. Madam Secretary, Appointment Message 124.

SECRETARY ROCK:

Madam President, the Committee on Executive Appointments recommends that the Senate do advise and consent to the

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following salaried appointment:

To be Assistant Secretary of the Department of Human Services, for a term commencing May 27, 2011, and ending January 21st, 2013: Grace B. Hou.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Muñoz.

SENATOR MUÑOZ:

Madam President, I now seek leave to consider the roll call -- the appointment on a roll call. Will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR CROTTY)

Is there any discussion? There being none, the question is, does the Senate advise and consent to the appointment from the Appointment Message just read. All 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 voting Aye, none voting Nay, 2 voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the appointment just read. President {sic} Muñoz.

SENATOR MUÑOZ:

Thank you, Madam President. I move that the Senate arise from Executive Session.

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Muñoz moves that the Senate arise from Executive Session. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the motion carries. The Senate has arisen from Executive Session. Senator Muñoz in the Chair.

PRESIDING OFFICER: (SENATOR MUÑOZ)

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Senator Schoenberg, for what purpose do you seek recognition?

SENATOR SCHOENBERG:

On a point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR MUÑOZ)

State your point, Senator.

SENATOR SCHOENBERG:

Mr. President, on this Memorial Day weekend, I'm privileged to have some dear friends and fellow congregants from my synagogue in -- in Wilmette. Dr. Howard and Beverly Reinglass are with me today in the gallery and they're with their grandchildren, Shia and Shula, who are exceptional students at the -- at the Solomon Schechter Day Schools. They're here today on their way to and from St. Louis and I wanted them to have the opportunity to see us in action. And could we please give our guests a warm Senate greeting? Thank you very much.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Will our guests in the gallery please rise? Welcome to the Senate. Senator LaHood, for what purpose do you seek recognition?

SENATOR LaHOOD:

Mr. President, point of personal privilege.

PRESIDING OFFICER: (SENATOR MUÑOZ)

State your point, Senator.

SENATOR LaHOOD:

Mr. President, I'm joined today by my family here from Peoria. They're probably the four most important people in my life - my wife, Kristen; my son, McKay, who's eight; my son, Lucas, who's seven; and my other son, Theodore, who is four. So

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please welcome them to Springfield and the Senate. Thank you.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Ladies and Gentlemen of the Senate, welcome Senator LaHood's family. Welcome to the Senate. Senator Hutchinson, for what purpose do you seek recognition?

SENATOR HUTCHINSON:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move to waive all posting requirements so that Senate Resolution 261 can be heard in the Senate Committee, Executive, today at 3:05 p.m.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Hutchinson moves to waive all posting requirements so that Senate Resolution 261 can be heard in Senate Committee, Executive, today at 3:05 p.m. All in favor will say Aye. Opposed, Nay. The Ayes have it, and the motion is adopted. 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 123.

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 2.

We have received like Messages on Senate Bill 669, with House Amendments 1 and 2; Senate Bill 1394, with House Amendment 1; Senate Bill 1613, with House Amendment 2. They all passed

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the House, as amended, May 30th, 2011. Mark Mahoney, Clerk of the House.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Schoenberg in the Chair.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Gordon Graham, from WAND-TV in Peoria {sic}, requests permission to videotape today's proceedings. There being no objection, permission is granted. The Senate will now stand in recess until the call of the Chair. Please be advised that after committee meetings, the Senate will reconvene for -- to receive committee reports and for further Floor action. The Senate now stands in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SECRETARY ROCK:

Senator Steans, Chairperson of the Committee on Appropriations I, reports Senate Amendment 1 to House Bill 2189 recommended Do Adopt.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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:

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Senate Bill 145.

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, House Amendment 4.

I have a like Message on Senate Bill 744, with House Amendments 1, 2, 3, 4, 5, 6 and 7, and on Senate Bill 2133, with House Amendment 1. They all passed the House, as amended, May 30th, 2011. Mark Mahoney, Clerk of the House.

PRESIDING OFFICER: (SENATOR SULLIVAN)

The Senate will stand in recess to the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR SULLIVAN)

The Senate will come to order. Would all Members within the sound of my voice please come to the Senate Floor? We're ready to go to action -- take action here on the Senate Floor. Will all Members within the sound of my voice please come to the Senate Floor? Madam Secretary, Committee Reports.

SECRETARY ROCK:

Senator Harmon, Chairperson of the Committee on Executive, reports Senate Resolution 261 Be Adopted; Senate Amendment 3 to House Bill 1262, Senate Amendment 1 to House Bill 1716 and Senate Amendment 3 to House Bill 2972 recommended Do Adopt.

Senator Harmon, Chairperson of the Committee on Executive, reports Motion to Concur with House Amendment 1 to Senate Bill 1933 recommended Do Adopt.

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PRESIDING OFFICER: (SENATOR SULLIVAN)

Ladies and Gentlemen, once again, will all Members please come to the Senate Floor? We're ready to take Floor action, immediately. Will all Members please come to the Senate Floor? Ladies and Gentlemen, Supplemental Calendar No. 2 has been distributed. We will be going to that Order, Secretary's Desk, Resolutions. Madam Secretary -- Senate Resolution 261. Senator Hutchinson. Indicates she'd like to proceed. Madam Secretary, please read the motion {sic}.

SECRETARY ROCK:

Senate Resolution 261, offered by Senator Hutchinson.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Hutchinson, to present your resolution.

SENATOR HUTCHINSON:

Thank you, Mr. President and Members of the Senate. Senate Resolution 261 expands the size of the Senate Committee on Procurement from three Members of the Majority and three Members of the Minority to five Members of the Majority and five Members of the Minority.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion on the resolution? Is there any discussion? Seeing none, all those in favor will say Aye. Opposed, Nay. The Ayes have it. Having received the -- having received the required constitutional majority, is declared adopted. Ladies and Gentlemen, if you will turn to the regular printed Calendar, on page -- middle of page 59, House Bills 3rd Reading, is House Bill 2189. Senator Kotowski. Senator Kotowski seeks leave of the Body to return House Bill 2189 to the Order of 2nd Reading. Leave is granted. Now on the Order

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of 2nd Reading is House Bill 2189. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 1, offered by Senator Kotowski.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Kotowski, to present your amendment.

SENATOR KOTOWSKI:

Just like to, again, present the bill on 3rd -- the amendment on 3rd Reading, please, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion on the amendment? Is there any discussion on the amendment? Seeing none, 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 ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. Now on the Order of 3rd Reading is House Bill 2189. Madam Secretary, please read the bill.

SECRETARY ROCK:

House Bill 2189.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Kotowski.

SENATOR KOTOWSKI:

Thank you very much, Mr. President. How are you?

PRESIDING OFFICER: (SENATOR SULLIVAN)

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Very well.

SENATOR KOTOWSKI:

Good. Thank you. And thank you, Ladies and Gentlemen of the Senate. House Bill 2189, as amended by House Amendment No. 1, No. 2 and 3, includes reappropriations for the capital plan that was created by Public Act 96-35 and 96-39, as well as new appropriations for the annual pay-as-you-go capital projects, which would mean the multiyear plan for IDOT. As amended, Senate Floor Amendment No. 1 includes cost-neutral changes to existing capital projects and appropriates 464.4 million other State -- General Revenue Fund/other State funds to various agencies for Fiscal '12 -- Year '12 expenses. Of this amount, 430.9 -- 430.9 million is GRF. It also makes supplemental appropriations for the State Board of -- Education for fourth quarter MCAT payments, and that would be putting that into the Educational {sic} (Education) Assistance Fund. Just to be very specific about what this bill does, I'm going to go through this and make sure that we're very clear. For the State Police Merit Board, it includes a cost-neutral transfer among personal services and operations. For the Department of Commerce and Economic Opportunity, it appropriates 3.5 million other State funds to the Department of Commerce and Economic Opportunity for a grant for the Illinois (Community) College Sustainability Network. This would come from fees from co-ops. Also, the -- Executive Inspector General - appropriates 1.16 million GRF to the Office of the Executive Inspector General for Fiscal Year '12 operations. This will allow them to meet the -- the demands of the legislation that was passed to address some of their challenges they're facing, and increasing the amount of -- well,

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a review that they have of agencies like the RTA. Illinois Community College Board - appropriating two hundred thousand GRF to the Illinois Community College Board for costs associated with the Re-Enrollment Student Program. Illinois Student Assistance Commission - it appropriates 17.2 million GRF to the Illinois Student Assistance Commission for the MAP program, the Monetary Awards {sic} (Award) Program. This appropriation is in addition to the 386.7 million appropriated by House Bill 3700. The reason why we did this is because the MAP grants have already been committed. Students across the State of Illinois have received notice that they're receiving MAP grants and reducing the amount of money on a MAP grant for them -- available to them would jeopardize schools and their ability to provide educational services, as well as students and their ability to make good decisions -- or, financial decisions based on where they're going to go. Department of Public Health - appropriated 1.2 million for epilepsy-related programs. This appropriation is in addition to 132.3 million appropriated by 3717, House Bill. Amendment also specifies funding for minority AIDS/HIV prevention/outreach and breast and cervical cancer. Funding for the minority centers represents a cost-neutral shift within the agency. It's not an increase in anything. Retirement Services {sic} (Systems) - it appropriates 33.5 million GRF to the Public Schools {sic} (School) Teachers' Pension and Retirement Fund of Chicago. This is something suggested in law. We're addressing that to make sure that we have that allocation in there. Department of Aging - it appropriates two hundred thousand to the Department of Aging for the home delivered meals program. This is for seniors,

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homebound seniors, to make sure that they can have meals delivered to their home. Department of Children and Family Services - this is very, very important on this. We've restored -- or -- 7.9 million GRF to the DCFS. It's in addition to 1.25 million appropriated by House Bill 3717. And I just want to be clear on why we're doing this. This is related to the B.H. Consent Decree, which requires the maintenance of all services, programs, foster parent reimbursements, daycare services, counseling services, adoption subsidies, and monitoring -- contracts, and caseload standards for Department of Children and Family Services. Moving on to Department of Juvenile Justice - it appropriates 13.2 million to DJJ for personal services. This is related to aftercare and education. Criminal Justice Information Authority - it appropriates three hundred and sixty thousand to the Criminal Justice Information Authority for operations. This is in addition to the 1.8 million GRF that is appropriated by House Bill 2168. This will allow them -- this appropriation will allow them to secure federal matching dollars for their programs. Department of Corrections - it appropriated 1.5 million GRF to Department of Corrections for juvenile methamphetamine pilot program. It's for substance abuse and prevention. The State Board of Education - it appropriates 216.6 million GRF to State Board of Education. It's funding primarily for General State Aid, 152.2 million. It is also allocated for other programs, including class size reduction, textbook loans, principal and teacher mentoring, early childhood education, intervention in lowest-performing schools. It also includes a supplemental appropriation to the State Board of Education for the fourth quarter MCAT programs {sic}.

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Guardianship and Advocacy Commission - it appropriates 882.7 thousand to the Guardianship and Advocacy Commission for Fiscal Year '12 expenses. This is something that came up in our Appropriations Committee. If we don't appropriate this money for the Guardianship and Advocacy Commission, they will not satisfy the terms of the law, which requires them to visit people who are homebound and disabled and do not have guardians. And this will allow us to -- to satisfy the terms of that law. Violence Prevention Authority - this is -- appropriates 27.1 million. This appropriation is in addition to the 12.5 million GRF appropriated by House Bill 2168. The additional funding is also allocated to Neighborhood Recovery Initiative, 23.5, and the Safety Net Works program, 3.4 million. This is a program that includes afterschool programming, mentoring, violence prevention services in high crime, high poverty areas. In Department of Human Services, there's an absolute bevy of services that we're addressing here. It appropriates 109.9 million GRF to Department of Human Services for its Fiscal Year '12 expenses. Says everything from State Transitional Services, the Children and Adolescent Mental Health Programs, its Community-Based Addiction Treatment Services, Food Stamp Employment and Training Program, Emergency Food Program, Addiction Prevention and Related Services, Emergency Food and Shelter Program, Teen Parent Services Program and After School Youth Support Programs, Homeless Youth Services, and Parents Too Soon Program. More than happy to answer any questions.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you, Senator. Before we begin the discussion, Melissa Leu, Illinois Statehouse News, requests permission to

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videotape the proceedings. Seeing no objections, leave is granted. Is there any discussion on the legislation? Senator Murphy, for what purpose do you rise?

SENATOR MURPHY:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will yield. Senator Murphy.

SENATOR MURPHY:

Senator, in your amendment, there are -- there is funding for programs that we haven't funded in a couple of years, effectively creating new programs at -- at a time when we've got about the worst budget we've ever had. Why are you starting to re-fund programs that haven't been prioritized for years?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Kotowski.

SENATOR KOTOWSKI:

I appreciate your question, Senator Murphy, and that was a point that you had brought up in committee. One of the areas that we focused on in committee was the Class Size Reduction Pilot Program, which was a three-year pilot. Then after the pilot, did not receive any funding. We made the decision, based on a priority in the budget, to -- to fund it this year. And in -- in reference to the other line that you're talking about, I believe that you're referring to the textbook media program that you're referring to, something you had brought up in committee. This is something that's been funded in the past. We decided it was a spending priority at this point.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Murphy.

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SENATOR MURPHY:

I believe in committee you had indicated that it is the intention of the Majority here in the Senate to pass the House budget bills without amendment, with the exception of this one, where you are amending four hundred and thirty million in GRF spending onto the capital appropriation. Is that an accurate statement of your intentions?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Kotowski.

SENATOR KOTOWSKI:

Thank you, Senator Murphy. An accurate statement of the intentions is that we've identified these items within the State budget - Department of Human Services, education-related items, health care related items - as priorities that we want to see funded and we have included them in the capital reapprop bill. So we hope that we realize success with this and that they are voted on and passed in the House.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Murphy.

SENATOR MURPHY:

And I -- I -- I took that from the fact that you amended it onto that bill. But do you intend to pass the other House budget bills without amendment?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Kotowski.

SENATOR KOTOWSKI:

Yes.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Murphy.

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SENATOR MURPHY:

Now, with regard to this bill, you have amended four hundred and thirty million dollars in GRF spending onto the capital appropriation bill. Did the House appropriate any of this four hundred and thirty million? Did they prioritize it into their other budget bills?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Kotowski.

SENATOR KOTOWSKI:

No.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Murphy.

SENATOR MURPHY:

Has the Speaker or anyone in House Leadership given you a commitment that they will call your amended bill, this -- this bill with your amended four hundred and thirty million on it, for a vote in the House, if it were to pass out of the Senate?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Kotowski.

SENATOR KOTOWSKI:

No.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Murphy.

SENATOR MURPHY:

So, if they choose not -- if they choose again not to prioritize the four hundred and thirty million that you have put in your amendment, and choose not to accept this amendment, what happens to the capital bill appropriations in the underlying House Bill 2189 and all the projects that are expected to be

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funded by those and all the jobs that are expected to come from those capital projects?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Kotowski.

SENATOR KOTOWSKI:

Just wanted to -- it's a -- it's an amendment, so the House has a decision to concur or to not concur on the amendment.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Murphy.

SENATOR MURPHY:

What if they choose not to concur? What...

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Kotowski.

SENATOR KOTOWSKI:

Thank you, Senator Murphy. I -- I appreciate your -- your questions and your persistence on this matter. The -- we've identified what we consider to be, based on feedback that we've received through the appropriations process from human service agencies, from providers, as priority items. And included in that is --- is MAP grants, and as you know, you know, your -- your district, you receive a great deal of support from MAP grants and students benefit from it significantly. And general State aid is something that impacts people upstate and downstate, and human service programs. So we've identified these as priorities and our goal is to make sure that they have a -- a hearing over in the -- in the House and they get -- they're included in this legislation. We've included it for a reason, and we want to see 'em get passed. So we're hopeful that they're going to get passed and -- and I think if Members

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look at this and they see how we've identified these key priority areas, that they're going to want to vote for it.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Murphy.

SENATOR MURPHY:

But why did you jeopardize the capital bill that the Governor has referred to as a major jobs bill and the funding for the continuation of that capital bill, when you could've just as easily amended the other appropriations bills that have the subject matter of the GRF spending you put on the capital bill? Why risk the...(microphone cutoff)

PRESIDING OFFICER: (SENATOR SULLIVAN)

Excuse me, Senator Murphy. Go ahead and continue. Senator Murphy.

SENATOR MURPHY:

Why -- why -- why jeopardize the capital bill and all the jobs? You could have easily put these amendments on to the other approp bills that came over from the House.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Kotowski.

SENATOR KOTOWSKI:

Senator, I thought it was only me who would get my microphone shut off on Floor debate. The -- the -- I think that the better way to look at this is, why jeopardize the funding for these essential programs? You know, why -- why are we going to jeopardize them and not address these challenges that we're faced with today? I mean, if you look at the services, they're -- here -- you and I come from similar backgrounds here. Right? We have similar backgrounds, similar thought process, similar --

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similar ways of looking at the world when it comes to looking out for people who are the most vulnerable. And I think this -- we can't afford not to act to try and make sure that we do our best to get these programs funded. I mean, the fact is, there are students who received letters saying they're going to get MAP grants. And if we cut the MAP grants, they're not going to get the financial assistance they need to attend the schools throughout the State of Illinois, and these are students in our district, in our respective districts. So my position, and I think the position of our caucus - I believe we all share the same vision on this - is to make sure that we fund them or -- and -- and advocate as much as we possibly can to realize that goal. So that's -- that's our position.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Murphy.

SENATOR MURPHY:

I think how we look out for people is a little bit different. And one of the ways that I try to look out for people is to create an environment where they have the best opportunity to get the best job they can get. One way you do that is by having a budget that's under control and brings the tax increase and makes it truly temporary. Fiscal Year '11 spending, according to GOMB, is 33.56 billion. The House budget on its face was 33.2. It actually kicked 1.1 billion in bills into the following year. So that really makes the spending from the House budget 34.3, to which you are adding another four hundred and thirty million. So we are now up to over -- 34.8 billion dollars, which gets us right into the neighborhood of the Governor's budget. Your budget with this amendment spends

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over one and a quarter billion dollars more in FY '12 than we spent in FY '11. Spending goes up, taxes went up, and you're going to spend more money one year over the next. That's not taking care of people, Senator. Do you deny that with this four hundred and thirty million that the -- that the spending would be about 33.63, not taking into account the 1.1 billion in bills pushed off, which is more than we spent in FY '11?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Kotowski.

SENATOR KOTOWSKI:

Thank you, Senator. A couple points here: The underlying bill is still the same. The underlying approp bill is still the same. This is an amendment to the underlying bill. Again, I get back to the fact that they can concur or not concur. But now that we're on the topic of numbers, I'm -- I'm glad you brought them up, because we have to keep in mind something here: This is -- what we did this year on the spend number is make sure we included all of our cost pressures, which weren't necessarily included in last year's spend number - all the cost pressures, which is the certified pension payment, the total amount of group health, the total amount of debt service. So if you want to compare, if you want to compare last year to this year - 'cause I think it's important 'cause we're -- we're talking numbers here, right? - I mean, the total overall spend last year, if you want to add the certified pension payment to it, this is -- is at 34.8, if we include that, and this year 33.1. So let's get back to your point, though, 'cause I think it's an important one. It's 31.2 and we're adding four hundred and thirty. You're absolutely right. You're absolutely right.

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We're -- 31.1 and we're adding four hundred and thirty onto that. That was your point about the underlying spend right now for this year. But I think we need to be clear about the fact that if you -- I've heard you compare this before and I commend you for doing it. I commend you for doing it, when you're comparing last year's expenses to this year's expenses. But the fact is last year's didn't include some of the numbers we did. We actually paid the certified pension number. We paid that this year. We didn't borrow, so it's included in this number this year. So it's not an apple to apple comparison. But I commend you on doing that, 'cause I think it's important, you know, to try and raise this and -- and -- and discuss this. But the facts remain this -- and -- and I get back to this issue, 'cause I know you want to get away from the fact that you and I see -- see the world the same way, 'cause I think we do. I know -- I know you don't want to get away from that. The fact is, there are services in there for people who are the most vulnerable in our State: Home-delivered meals for people; the guardian's advocacy council. People who don't have guardians. They're aged, disabled. They -- they need services. Transitional housing for homeless people. MAP grants. I mean, this -- this isn't waste, corruption, fraud, or mismanagement. This is social justice. That's what this bill is.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Murphy.

SENATOR MURPHY:

I'm going to -- I'm going to ask you to say MAP grants one more time; I haven't heard MAP grants. But the 33.56 billion number is inclusive of everything; it's apples to apples. The

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attempt to -- to dissemble on that and confuse people by the -- by the comparison is not really an honest debate. It's 33.56, is what we're spending on the -- on the group health, on the pensions, and everything else for Fiscal Year '11. With your budget, with your amendment, it's going up to 34.8 next year. That is over one and a quarter billion dollars more spending than we had last year. To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

To the bill.

SENATOR MURPHY:

With this plan, with this amendment, you see spending on new programs during the worst, most difficult budget times of our -- of our -- really of a generation at a minimum. You see a billion plus in increased spending. After all we've heard all year about the tough cuts that were coming, to cover up a tax increase vote that everybody knows was a mistake, you have to try and sell cuts, but the truth is in the numbers. Spending is going up after a tax increase. The people expected to -- spending cuts and fiscal austerity and you're not delivering. Spending's going up after you raised their taxes. New programs, more spending, higher taxes, and you're jeopardizing the one jobs angle that you've ever put forth in the last five years - the capital bill. The one thing you did about jobs in the last five years is the capital bill and you're jeopardizing funding going forward on that because you can't say no to more spending. Finally, at the spending level you're at, 34.8 billion dollars, over a billion more than last year, will you please finally level with the people of this State that you never intended for the tax increase to be temporary? Will you finally, before we

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leave here tomorrow, level with the people of this State once and for all that the tax increase in your mind is permanent? For those on the Republican side of aisle, it's not. We're going to continue to push for spending cuts, which is why we had an amendment on all of the borrowing bills, which is why we had a bill -- legislation filed to put a spending cap in place - a real cap to implement the specific plan we put forth to make the tax increase temporary, to pay our bills without more borrowing, and to finally put this State on the path to fiscal responsibility and, most importantly, opportunity for the people we represent. I could not more strongly urge a No vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you, Senator. Further discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. Just two quick questions for the sponsor.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will yield. Senator Lauzen.

SENATOR LAUZEN:

Is it -- following the thought process of the previous speaker, is it your intention to fulfill the commitment that the ruling majority has made in passing the tax increase, that it will be temporary? Is it your intention to fulfill that commitment?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Kotowski.

SENATOR KOTOWSKI:

Absolutely.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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Senator Lauzen.

SENATOR LAUZEN:

Does spending four hundred and thirty-four million dollars more next year make it more likely or less likely that that commitment will be kept?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Kotowski.

SENATOR KOTOWSKI:

Does it make it more likely or less likely? It's -- it -- this -- yeah, I understand -- I understand. Thank you, Senator. Thank you. This is -- this is right in line with our approach. And I -- and I just want to kind of follow up to the previous statement that was made by my good friend from Palatine. 33.2, at the base, plus four thirty, that gets us to about thirty-three six. The Governor's introduced budget was 35.9. For those who are keeping score at home, those of you paying attention in the math here, that's -- that's close to a -- a 2.3 billion - billion - 2.3-billion-dollar cut off the Governor's introduced budget. This is historic. This is historic. We have a projected expense. And the other thing is this - I think this is important, so I want to follow-up on this - last year, last year, the total spend, including a pension payment, would be 65.8 billion dollars. This year, total spend, 58.9 - and that's with the -- that's with this base. So, let's say, for the sake of conversation, we're going to add the four hundred and thirty. So, it's 59.4. Still the difference is 65.8 to 59 -- actually, 59.34. The amount of reductions that we're doing to the State budget are dramatic on the total spend, federal funds, General Revenue funds, other State funds, a dramatic

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decrease. But the amount that we're decreasing is 2.3 billion dollars under the Governor's appropriated - 2.3 billion.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Further discussion? Senator Lauzen.

SENATOR LAUZEN:

Okay. To the bill: You know, I...

PRESIDING OFFICER: (SENATOR SULLIVAN)

To -- to the bill, Senator Lauzen.

SENATOR LAUZEN:

Ah, these are always entertaining conversations. There is an inverse relationship between the length of a -- an answer typically and its clarity. Most of the folks in this Chamber and outside, the twelve and a half million people who we serve, recognize that if you spend more money, it is less likely that you're going to be able to fulfill a commitment that a tax increase is temporary. I suggest a No vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you, Senator. Further discussion? Senator McCarter, for what purpose do you rise?

SENATOR McCARTER:

A question of the sponsor, please.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will yield. Senator McCarter.

SENATOR McCARTER:

Senator Kotowski, I -- I notice you said this is about justice, social justice, because there's a lot of people that have been left out that we're -- we're now remembering and adding appropriations for, and -- well, that's good. I -- I want to ask you a question about something. I -- I haven't had

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time to look at -- read every part of this, but I noticed something about a Renewable Energy Resources Trust Fund to the Department of Commerce and Economic Opportunity. Can you -- can you tell me about that and how -- how is that justice?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Kotowski.

SENATOR KOTOWSKI:

Well, I think you can agree, this is a program - especially from where you come from - this a -- a program designed for renewable energy, alternative ways of -- of making sure that we provide resources to people and be energy independent. This is something -- this is a program that DCEO has been actively engaged in. And what we did was, we -- we just -- we appropriated other State funds. This is something that's already paid for out of fees, so we're making that money available. So I -- I mean, this is a program that's has been identified as a priority. As you know -- and -- and I say about justice, I also -- we talked before about job creation. And what we're looking to do is have alternative ways of creating new jobs.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator McCarter.

SENATOR McCARTER:

So, you -- you said this is already paid for? I mean, there's -- there's money for this?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Kotowski.

SENATOR KOTOWSKI:

Yes, sir.

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PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator McCarter.

SENATOR McCARTER:

What revenue source?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Kotowski.

SENATOR KOTOWSKI:

Glad you asked that question. It's a -- it's -- it's -- I believe it's a fee on cooperatives, condominium cooperatives, as it relates to energy, and people are paying into that.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator McCarter.

SENATOR McCARTER:

So, Senator, I mean, this is, let me see, 3.5 -- go ahead.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Kotowski.

SENATOR KOTOWSKI:

Just -- just to clarify further - I apologize, Senator - it's -- it's municipal electric utilities. Just wanted to clarify that.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator McCarter.

SENATOR McCARTER:

Thank you, Senator, for clarifying that. So this is three and a half million dollars and -- and this goes -- yes, you're right. This goes to the Southwestern Illinois College, as I understand it, south of -- south of the -- my district. But -- and a lot of those folks do come from my district, but as I recall, in -- in the capital bill, we provided almost twenty

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million dollars for the same college. So is it that we didn't give 'em enough in the capital bill that we have to add more? If so, I guess I'd like to know what -- what this program's really going to do, because, you know, this sustainability word is used all the time and to mean a lot of things. And I -- I know it's really comforting. You know, it's kind of comfort -- it just makes you feel good. Well, I have no idea what that means. So could you tell us, in detail?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Kotowski.

SENATOR KOTOWSKI:

Thank you very much, Senator McCarter. And I must admit, when I hear the word sustainability, I -- I'm very comforted, as well. So, the -- I just want to be clear that this is not for capital. Capital would be for, you know, bricks and mortar, bondable projects. This is for program-related services. So, there's a reason why this is an allocation here. So, one in the capital bill, it's for bricks and mortar. This is for administration of the program.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator McCarter.

SENATOR McCARTER:

To the bill. You know...

PRESIDING OFFICER: (SENATOR SULLIVAN)

To -- to the bill, Senator McCarter.

SENATOR McCARTER:

Ladies and Gentlemen, this is -- this is just one more tough decision that we make as to whether this is something we really need or something we really don't need. And as much as

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I'd like to give a lot of money to the community colleges in my district and the schools in my district, at some point we have to say that we just can't do it. It doesn't take an accountant to figure out that you shouldn't spend more than you take in. And at some point, we have to take this situation seriously. We can -- we can -- we can dazzle people with all the numbers about what we're going to put off spending and what we're going to spend later and where we're going to get money from one account and another account, but the bottom line is, people are going without getting paid in this State, and the more that we spend above what we take in, we're going to continue to spread that payment time out and that's just not right. That's not being honest with people. So, I'm not here to criticize the -- the -- the appropriations that you put in here. I'm sure there's a lot of great things in this. But I think we need to make some tough decisions here and just be honest with people. We have not got the money to -- to pay you. We care for you. We all care for the people in our district. We care for every school, every hospital, every constituent. We care for 'em. But if we really care for 'em, let's just tell 'em the truth - we don't have the money right now. Just be -- be compassionate. Say no.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Seeing no further discussion, Senator Kotowski, to close.

SENATOR KOTOWSKI:

I appreciate all the -- the feedback and the comments from my colleagues on the other side of the aisle. I have a great deal of respect for your positions and your -- your insights on this issue. But the facts are clear. We have an introduced budget of 35.98 million {sic} and we're going to have a budget

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of about 33.6. So the cuts are 2.3 billion dollars. 2.3 billion is a historic cut to the State budget. It's never happened before in the State of Illinois. And the fact is, we went about doing this differently and setting a revenue number. Did we have a difference in the House and the Senate? We did. But the facts remain, there's significant amount of cuts that have taken place in this budget. There were reductions. But then -- I just want to get back to a couple key issues, 'cause I think they're very important. Some of these issues in here -- I talked about this B.H. Consent Decree with the Department of Children and Family Services. If we don't fund them, we'll be violating a consent decree. If we don't pay the MAP grants, then -- I think this is very important. MAP grants, Monetary Award Program, there's -- there is at least five million dollars in your district, Senator, for people who benefit from MAP. If we don't -- if we don't fund education, if we don't fund the general assistance program in your district, we don't -- you don't have the amount of funds that other districts do when it comes to property wealth. And we're looking out for you and your constituents, 'cause it reduces the amount of money that's available for education. So this isn't like a Democratic issue or Republican issue. This is a State of Illinois issue. It's a constituent issue. And we are -- we looked at these programs and we said here's what we need to restore in order to make sure that we both balance the budget, we restore fiscal health and accountability in the State budget, while protecting valuable services, important services, essential services. And that's what we've done. That's what we've done. We filed amendments. We introduced legislation. We made tough cuts. We took action.

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Now I know action sometimes down here is a difficult concept for people to embrace. I know it is. I know it's easy to stand up, speak loudly about how upset you are, but the fact is we have legislation before us that we're voting on, which includes real, meaningful cuts and real, meaningful restorations. And that's what we're doing and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you, Senator Kotowski. The question is, shall House Bill 2189 pass. All 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? Madam Secretary, take the record. On that question, there are 35 voting Aye, 24 voting Nay, 0 voting Present. House Bill 2189, having received the required constitutional majority, is declared passed. Senator Maloney, for what purpose do you rise?

SENATOR MALONEY:

Thank you, Mr. President, just for an announcement. I see somebody tried to deface my desk here by -- I -- I'm sure by trying to lighten the mood in the Chamber. But I don't think it's funny. And I -- I have my suspects and I will never vote for their legislation again. My suspects involves a Senator with less hair than I and I'm not talking about Kwame Raoul. So I will -- I will -- I'll deal with him. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Ladies and Gentlemen, if you will turn to the bottom of page 57 on the printed Calendar, to the Order of House Bills 3rd Reading, is House Bill 123. Senator Kotowski. Senator Kotowski seeks leave of the Body -- no amendments, excuse me. Madam Secretary, please read the bill.

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SECRETARY ROCK:

House Bill 123.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Kotowski.

SENATOR KOTOWSKI:

Thank you very much, Mr. President. House Bill 123 makes appropriations to the following State entities for Fiscal Year 2012: The Office of the Attorney General, Office of the Auditor General, Office of the State Comptroller, the General Assembly, Legislative Information System, Commission on Government Forecasting and Accountability, the Legislative Audit Commission, the Legislative Printing Unit, the Legislative Research Unit, the Legislative Reference Bureau, the Architect of the Capitol, the Joint Committee on Administrative Rules, the Metropolitan Pier and Exposition Authority, the Procurement Policy Board, the Supreme Court, the Circuit Court, and the Administrative Office of the Illinois Court, and the State Treasurer. House Bill 123 appropriations for this group is a decrease of 20.5 million GRF from Fiscal Year 2011. It's a decrease of a 130.7 million GRF from Fiscal Year 2012 introduced level and a decrease of 13.1 million GRF from what we originally proposed as Senate Democrats. Be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SENATOR MURPHY:

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Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will yield. Senator Murphy.

SENATOR MURPHY:

Senator, is this the -- the first of the House budget bills that you had stated earlier you intend to pass without amendment?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Kotowski.

SENATOR KOTOWSKI:

It is.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Murphy.

SENATOR MURPHY:

I urge a No vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SENATOR JACOBS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will yield. Senator Jacobs.

SENATOR JACOBS:

Senator, this is House Bill 123, correct? Do you think it's necessary for the Attorney General's Office of Illinois to spend seventy-four million dollars? I mean, does that even make sense to anyone?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Kotowski.

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SENATOR KOTOWSKI:

It depends on who you ask the question to. They're being held level from last year. They made their case before the Appropriations Committee that they would like to remain level and their argument was that they had generated a considerable amount of revenue, as well as providing consumer health and safety services for the State of Illinois.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Jacobs.

SENATOR JACOBS:

And -- and I'm going to cut the blind kids and take away school breakfast programs, but I'll make sure that the Attorney General can have people running all over this building to fight against legislation that you may or may not agree with. Is that correct? Is that what we're doing with our money?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Kotowski.

SENATOR KOTOWSKI:

You know, I was prepared for just about everything today, Senator. But, thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Seeing no further discussion, Senator Kotowski, do you wish to close? The question is, Ladies and Gentlemen, should House Bill 123 pass. All those in favor will say Aye -- or, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 34 voting Aye, 25 voting Nay, 0 voting Present. House Bill 123, having received the required constitutional majority, is

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declared passed. Ladies and Gentlemen, next on the Calendar, House Bill 124. Senator Kotowski. Madam Secretary, please read the bill.

SECRETARY ROCK:

House Bill 124.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Kotowski.

SENATOR KOTOWSKI:

House Bill 124 appropriates funds for Fiscal Year '12 for the Arts Council, Governor's Office of Management and Budget, Civil Service Commission, Illinois Labor Relations Board, Department of Employment Security, Executive Ethics Commission, Executive Inspector General, Office of the Governor, Office of the Lieutenant Governor, Department of Natural Resources, Department of Agriculture, Historic Preservation Agency, Department of Revenue, Teachers' Retirement System, State Employee {sic} (Employees) Retirement System, Court of Claims, State Board of Elections, Central Management Services, CHIP, Illinois Commerce Commission, and the Department of Commerce and Economic Opportunity. The total GRF -- the total GRF appropriation for the agency {sic} in this bill is 485.1 million, which is 59.1 million less than we had originally proposed here, and it's also a hundred and six million less than the Governor's introduced appropriations. But the -- the appropriation is 80.3 million - get ready for this - 80.3 million, fourteen two percent, less than the Fiscal Year '11 final appropriation.

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PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you, Senator. Is there any discussion? Senator Murphy.

SENATOR MURPHY:

To the bill, Mr. President. This is...

PRESIDING OFFICER: (SENATOR SULLIVAN)

To the bill, Senator Murphy.

SENATOR MURPHY:

This is another piece of the Senate Democrat budget that cements the tax increase in place permanently. Spends more money than taxpayers can afford and spends more money than last year overall. I urge a No vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Seeing no further discussion, the question is, shall House Bill 124 pass. All 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? Madam Secretary, take the record. On that question, there are 34 voting Aye, 25 voting Nay -- Nay, 0 voting Present. House Bill 124, having received the required constitutional majority, is declared passed. Next on the Calendar is House Bill 132. Senator Steans. Madam Secretary, please read the bill.

SECRETARY ROCK:

House Bill 132.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Steans.

SENATOR STEANS:

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Thank you, Mr. President, Members of the Senate. House Bill 132 makes appropriation for Group Health Insurance Program. It appropriates a total of -- excuse me, 4.1 billion dollars for the insurance program. 3.9 billion of this is the Department of Healthcare and Family Services. A hundred forty-seven -- hundred forty-seven million is to the Department of Central Management Services. I want to note that in this arena, in the current year, Fiscal Year '11, the Governor only allocated six hundred and fifty million of GRF for group health, even though liability for this is well above that. We are being fiscally responsible here in fully appropriating all expected liabilities for group health insurance. This passed the House unanimously. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SENATOR MURPHY:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates she will yield. Senator Murphy.

SENATOR MURPHY:

This has the employee health in it, Senator. Does this rely on any savings, such as the purported hundred and two million for the Health Alliance proposal that appears to be going ahead despite the efforts of COGFA?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Steans.

SENATOR STEANS:

No, it does not.

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PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Murphy.

SENATOR MURPHY:

To the bill. I urge a No vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Further discussion? Seeing none, the question is, shall House Bill 132 pass. All 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? Madam Secretary, take the record. On that question, there are 34 voting Aye, 24 voting Nay, 0 voting Present. House Bill 132, having received the required constitutional majority, is declared passed. House Bill 326. Senator Kotowski. Madam Secretary, please read the bill.

SECRETARY ROCK:

House Bill 326.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Kotowski.

SENATOR KOTOWSKI:

Thank you so much, Mr. President. House Bill 326 appropriates 3.5 billion other State and federal funds to the State Board of Education for its Fiscal Year '12 expenses. It represents level funding when compared to the Governor's Fiscal Year '12 introduced request.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Senator Murphy.

SENATOR MURPHY:

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To the bill, Mr. President. I urge a No vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Seeing no further discussion, the question is, shall House Bill 326 pass. All 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? Madam Secretary, take the record. On that question, there are 33 voting Aye, 25 voting Nay, 0 voting Present. House Bill 326, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, turn to the top of the next page. And House Bill 327. Senator Kotowski. Madam Secretary, please read the bill.

SECRETARY ROCK:

House Bill 327.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Kotowski.

SENATOR KOTOWSKI:

Thank you very much, Mr. President. House Bill 327 appropriates 6.85 billion GRF to the State Board of Education for its Fiscal Year '12 expenses. This represents a decrease of 171.7 million when compared to the Fiscal Year '11 enacted appropriation, a decrease of 395.4 million when compared to the Governor's introduced request, and a decrease of 59.9 million when compared to the Senate's Fiscal Year '12 budget proposal. House Bill 327 also includes 1.4 million other State funds for the Temporary Relocation Fund. This was funded out of GRF in both the Governor's and Senate's Fiscal Year '12's budget proposals. And House Bill 327 appropriates 3. {sic} million GRF

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to the Illinois Community College Board for re-enrolling dropouts program. This line item is funded at 3.2 million in both the Governor's introduced budget and the Senate's budget proposal in the ISBE budget.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion? Senator Murphy.

SENATOR MURPHY:

To the bill, Mr. President. I urge a No vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Seeing no further discussion, House Bill -- the question is, shall House Bill 327 pass. All 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? Madam Secretary, take the record. On that question, there are 32 voting Aye, 26 voting Nay, 0 voting Present. House Bill 327, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, skipping to the next page, which would be page 59 of the Calendar, is House Bill 2107. Senator Steans. Madam Secretary, please read the bill.

SECRETARY ROCK:

House Bill 2107.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Steans.

SENATOR STEANS:

Thank you, Mr. President, Members of the Senate. House Bill 2107 makes the appropriations for the Educational Labor Relations Board for Fiscal Year '12. It appropriates 968.3

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thousand from the General Revenue Fund, which is 83.5 thousand reduction, or eight percent reduction, from their Fiscal Year '11 appropriation. This passed the House 112 to 1. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Senator Murphy.

SENATOR MURPHY:

To the bill, Mr. President. This -- it is -- this is a questionably necessary, at best, Agency. I urge a No vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Seeing no further discussion, the question is, shall House Bill 2107 pass. All 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? Madam Secretary, take the record. On that question, there are 33 voting Aye, 25 voting Nay, 1 voting Present. House Bill 2107, having received the required constitutional majority, is declared passed. House Bill 2109. Senator Kotowski. Madam Secretary, please read the bill.

SECRETARY ROCK:

House Bill 2109.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Kotowski.

SENATOR KOTOWSKI:

Thank you very much, Mr. President. House Bill -- 2109, as passed by the House, makes Fiscal Year '12 appropriations totaling 542.4 million other State funds and 72.9 million

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federal funds to the following agencies: Supreme Court Historic Preservation Commission, the EPA, the Drycleaner Environmental Response Trust Fund Council, the Illinois Gaming Board, the Property Tax Appeal Board, Department of Insurance, Department of Financial and Professional Regulations {sic} (Regulation), and the Illinois Racing Board. This legislation does not include any GRF appropriations.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Senator Murphy.

SENATOR MURPHY:

To the bill, Mr. President. I urge a No vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Seeing no further discussion, the question is, shall House Bill 2109 pass. All 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? Madam Secretary, take the record. On that question, there are 32 voting Aye, 26 voting Nay, 1 voting Present. House Bill 2109, having received the required constitutional majority, is declared passed. Next on the Calendar is House Bill 2165. Senator Steans. Madam Secretary, read the bill.

SECRETARY ROCK:

House Bill 2165.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Steans.

SENATOR STEANS:

Thank you, Mr. President, Members of the Senate. House

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Bill 2165 appropriates a total of 850.3 million dollars all funds to a variety of public safety agencies, including the State Appellate Defender, State's Attorney Appellate Prosecutor, the Criminal Justice Information Authority, the Illinois Emergency Management Agency, Judicial Inquiry Board, Department of Labor, Military Affairs, Prisoner Review Board, Southwestern Illinois Development Authority, the Sports Facility {sic} (Facilities) Authority, the State Police Merit Board, and the Upper Illinois River Valley Development. In total, for GRF funds, this -- it cuts sixteen million in total GRF amongst these agencies, or a twenty-one percent reduction, from the Fiscal Year '11 enacted appropriation. This passed the House with a 104 Yes votes, 10 No votes. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you, Senator. Is there any discussion? Senator Murphy.

SENATOR MURPHY:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates she will yield. Senator Murphy.

SENATOR MURPHY:

Senator, we've had a lot of bills here obviously that the House has sort of dictated upon the Senate. There was one bill that we had that I know got a lot of support on the Republican side of the aisle here in the Senate, as well as on your side, to cut statutory transfers by a hundred and sixty-four million. Why didn't the Senate work with the House to implement those hundred and sixty-four million in cuts?

PRESIDING OFFICER: (SENATOR SULLIVAN)

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Senator Steans.

SENATOR STEANS:

We were working with the House, or had some conversations with them, and they did not agree to making those cuts.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Murphy.

SENATOR MURPHY:

To the bill: I -- I guess I don't understand why that has to be the end of it. I think that was a good round of cuts and it was a meaningful amount of money. On this particular measure, I urge a No vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Seeing no further discussion, the question is, shall House Bill 2165 pass. All 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? Madam Secretary, take the record. On that question, there are 33 voting Aye, 25 voting Nay, 0 voting Present. House Bill 2165, having received the required constitutional majority, is declared passed. House Bill 2167. Senator -- excuse me, Senator Steans. Madam Secretary, please read the bill.

SECRETARY ROCK:

House Bill 2167.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Steans.

SENATOR STEANS:

Thank you, Mr. President, Members of the Senate. House

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Bill 2167 appropriates funds to six State agencies: the Capital Development Board, Illinois Power Agency, Law Enforcement Training Standards Board, Metropolitan Pier and Exposition Authority, and the Office of the State Fire Marshal. These funds -- it's all other State funds and federal funds. There are no General Revenue funds in these budgets. There's a total reduction of about forty million dollars, or 15.3 percent, across these agencies. Again, these were supported, with only 4 -- 4 No votes in the House. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Senator Murphy.

SENATOR MURPHY:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates she will yield. Senator Murphy.

SENATOR MURPHY:

Senator, I notice that the Illinois Power Agency's budget is in here. Given the absolutely dismal record and repeated findings of bad audits from the Auditor General, why was this Agency prioritized to continue to exist?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Steans.

SENATOR STEANS:

We -- we would need to statutorily end this Agency to not actually fund and appropriate. That has not happened, so we're going to continue to fund the Agency. We would entertain legislation, if you'd like to consider that at some future date.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator -- Senator Murphy.

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SENATOR MURPHY:

To the bill: I'd be happy to do that. I voted against its creation in the first place. In the meantime, I urge a No vote on this bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Further discussion? Senator Lauzen, for what purpose do you rise?

SENATOR LAUZEN:

Thank you, Mr. President. Just a question for the sponsor.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates she will yield. Senator Lauzen.

SENATOR LAUZEN:

Senator Steans, I'd just like to correct the record. We do have an amendment that would address the IPA and it was not released out of the Assignments Committee. And so, could you address what you just said on the Senate Floor in response to the previous questioner?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Steans.

SENATOR STEANS:

My understanding is, you just introduced this very recently from what I'm told, and it just zeros out their spending. It does not actually statutorily get rid of the Agency. But I'd certainly be happy to look at it. I think it's a little late in the Session to probably address that at this point.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Lauzen.

SENATOR LAUZEN:

I just -- I just heard a comment from the Floor, "Nothing

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is late in this Session." That -- that amendment was filed last week, and since that amendment was filed, we've had gambling in Chicago, we've had five energy bills that have come up, we've had massive number of very important bills. This is just a little itty-bitty amendment and I do appreciate your consideration of getting it out of Rules, getting it consider -- attached to this. I appreciate that consideration. I'll believe it when I see it.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Seeing no further discussion, the question is, shall House Bill 2167 pass. All 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? Madam Secretary, take the record. On that question, there are 34 voting Aye, 24 voting Nay, 0 voting Present. House Bill 2167, having received the required constitutional majority, is declared passed. 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 1178.

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 2.

It passed the House, as amended, May 30th, 2011. Mark Mahoney, Clerk of the House.

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PRESIDING OFFICER: (SENATOR SULLIVAN)

Ladies and Gentlemen, continuing on the Calendar, printed Calendar, on the Order of House Bills 3rd Reading is House Bill 2168. Senator Steans. Madam Secretary, please read the bill.

SECRETARY ROCK:

House Bill 2168.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Steans.

SENATOR STEANS:

Thank you, Mr. President, Members of the Senate. House Bill 2168 appropriates dollars for the Department of Correction {sic} (Corrections), East St. Louis Finance {sic} (Financial Advisory) Authority, Department of Juvenile Justice, Department of State Police, Department of Transportation and the Illinois Violence Prevention Authority. Total appropriations are 4.5 billion in all funds. In General Revenue funds, it's 1.6 billion dollars, which is a -- a decrease of 165.4 million from Fiscal Year '11, or about a ten percent decrease in General Revenue funds. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SENATOR ALTHOFF:

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

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates she will yield. Senator Althoff.

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SENATOR ALTHOFF:

Thank you very much. Senator, does this bill still provide for Road Fund diversions?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Althoff.

SENATOR ALTHOFF:

I -- I think I answered my -- I asked my question. I think I'm waiting for Senator Steans to respond, sir. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Excuse me, Senator Althoff, my apologies. Senator Steans.

SENATOR STEANS:

Yes, but it reduces the amount of transfers to the Road Fund, Senator Althoff.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Althoff.

SENATOR ALTHOFF:

Yet, it still violates that wonderful agreement we entered into only two years ago that we would not - once we passed the capital bill - that we would not, for any circumstances, divert road funds. And I do realize this is a lesser amount, but we are still diverting road funds to pay Pace's debt service, Amtrak subsidies, and RTA reduced fares. One additional -- question, Senator, did we restore full funding to the CeaseFire program?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Steans.

SENATOR STEANS:

It is at the same level as it was in the current Fiscal Year '11.

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PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Althoff.

SENATOR ALTHOFF:

Did we not take that program out of the Senate's version of our budget?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Steans.

SENATOR STEANS:

We did in the Senate's version. In this version, it is held to the same level as Fiscal Year '11.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Althoff.

SENATOR ALTHOFF:

To the bill, Mr. President. I would urge a No vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Seeing no further discussion, the question is, shall House Bill 2168 pass. All 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, take the record. On that question, there are 31 voting Aye, 27 voting Nay, 0 voting Present. House Bill 2168, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, if you will turn to page 60 of the printed Calendar, still on the Order of House Bills 3rd Reading, is House Bill 3700. Senator Kotowski. Madam Secretary, please read the bill.

SECRETARY ROCK:

House Bill 3700.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Kotowski.

SENATOR KOTOWSKI:

Thank you, Mr. President. House -- House Amendment No. 1 and 2 to House Bill 3700 appropriates two and a half billion all funds and two billion GRF, General Revenue funds, to agencies and institutions of higher education. Other agencies associated with higher education include the Illinois Community College Board, the Board of Higher Education, the Illinois Math and Science Academy, the Illinois Student Assistance Council {sic} (Commission), and the State University Civil Service Merit Board. This budget that we're presenting here is a thirty-five-million-dollar decrease - thirty-five-million-dollar decrease - over Fiscal Year '11. I want to commend the universities and the community colleges for their coming to the table and offering to make reductions, given the limited amount of money that we have right now, and their being able to continue to push forward and achieve their missions to educate students and make sure people secure jobs. More than happy to answer any questions.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you, Senator. Is there any discussion? Senator Murphy.

SENATOR MURPHY:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will yield. Senator Murphy.

SENATOR MURPHY:

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Senator, this is an area where you actually were willing to cut significantly deeper than the House. Why are you now willing to accept lesser cuts that the House put over on us rather than insisting that the House accept the deeper cuts that you were all willing to vote for and passed earlier?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Kotowski.

SENATOR KOTOWSKI:

Thank you very much, Senator Murphy. We -- we looked at the budget here and looked at the components dealing with higher ed and we had a great deal of testimony in our Appropriations Committee, specifically heard from the President of Southern Illinois University and they communicated some of their concerns. We feel that the -- the cut that they're making is -- again, I reemphasize, it's thirty-five million less from Fiscal Year '11, thirty-five million less. I think it's important they're willing to make the sacrifices. And we looked at other areas within the budget and thought some of 'em that the House had made, thought it was important, especially from the community college front. I don't need to tell you how important community colleges are in our districts, especially Harper Community College and Oakton Community College. So, I think we looked at them. I think they were reasonable.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Murphy.

SENATOR MURPHY:

Thank you. I appreciate your thoughtful explanation for how the House won out on this one and encourage a No vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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Seeing no further discussion, the question is, shall House Bill 3700 pass. All 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, take the record. On that question, there are 31 voting Aye, 27 voting Nay, 0 voting Present. House Bill 3700, having received the required constitutional majority, is declared passed. House Bill 3717. Senator Steans. Madam Secretary, please read the bill.

SECRETARY ROCK:

House Bill 3717.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Before we go to that order, Andrew Hansen, WICS-TV, requests permission to videotape. Seeing no objection, leave is granted. Senator Steans.

SENATOR STEANS:

Thank you, Mr. President, Members of the Senate. House Bill 3717 appropriates to the Department of {sic} (on) Aging, Department of Children and Family Services, the Illinois Council on Developmental Disabilities, the Deaf and Hard of Hearing Commission, Guardianship and Advocacy Commission, the Department of Healthcare and Family Services, Human Rights Commission, Department of Human Rights, Department of Human Services, the Department of Public Health, and the Department of Veterans' Affairs. In total, the GRF appropriation in these bills are reduced 524.6 million, or a reduction of 4.2 percent. Total funds across these agencies are being reduced 1.7 billion

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dollars, or 7.2 percent reduction. I would entertain any questions and urge an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you, Senator. Any discussion? Senator Murphy.

SENATOR MURPHY:

To the bill, Mr. President. I -- I commend everybody with their patience. We have finally made it to that last piece of cement and concrete in the Democrat plan to make the tax increase, they sold as temporary, permanent. This is the final budget bill. Thankfully, this Chamber, with the leadership from this side of the aisle, had the wisdom to thwart the borrowing that would have made the problem even worse last night. But, unfortunately, the fiscal train wreck that is the leadership of the Democrats in this State continues unabated today with a deficit budget that spends over a billion more than we will take -- over a billion more than we got last year -- spent last year, spends more than we're going to take in, continues deficit spending, continues us on a path to crushed opportunity for the people in all of our districts. I -- I strongly urge a No vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Further discussion? Senator Althoff.

SENATOR ALTHOFF:

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

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates she will yield. Senator Althoff.

SENATOR ALTHOFF:

Senator Steans, I really appreciate the fact that you and Senator Kotowski, during this entire budget process, have been

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very, very careful to ensure that we get every single federal dollar that we are able, back here in Illinois. I note with this legislation that in the Department of Healthcare and Family Services, this bill reduces the medical lines by five hundred and forty million dollars. Is that -- is that correct?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Steans.

SENATOR STEANS:

It reduces the budget, yes, about that amount from Fiscal Year '11. I think that's what you -- to which you are referring. Actually, it's an increase, excuse me, of -- from Fiscal Year '11. You must be talking about from Fiscal Year '12 introduced or from ours. I'm not sure to what you are referring as being reduced from.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Althoff.

SENATOR ALTHOFF:

Thank you very much. I am referring to budget as introduced and my concern is the flip side of that. If we have reduced that medical line item, have we also done the appropriate math on the other side and reduced the amount of revenues that we anticipated receiving from that money?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Steans.

SENATOR STEANS:

Yes.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Althoff.

SENATOR ALTHOFF:

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Just in -- in closing, my numbers don't show that, Senator Steans, and I would ask, respectfully, that you make sure that in fact has occurred. We had some problems in committee with that same issue and I'm just concerned that we're continuing it on. So I would respectfully request that you review that. Thank you very much.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Seeing no further discussion, the question is, shall House Bill 3717 pass. All 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? Madam Secretary, take the record. On that question, there are 30 voting Aye, 27 voting Nay, 0 voting Present. House Bill 3717, having received the required constitutional majority, is declared passed. Senator John O. Jones, for what purpose do you rise?

SENATOR J. JONES:

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

PRESIDING OFFICER: (SENATOR SULLIVAN)

Please state your point.

SENATOR J. JONES:

If -- if I could have the Body's attention for just a moment. I know there's a few veterans in the -- in the Chamber here who are Members of the General Assembly. But sometimes...

PRESIDING OFFICER: (SENATOR SULLIVAN)

Excuse me, Senator Jones, one second please. Ladies and Gentlemen, if we could have your attention. Ladies and Gentlemen, if we can have quiet on the Senate Floor. Senator Jones.

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SENATOR J. JONES:

Thank you, Mr. President. Sometimes we get caught up in what's going on here and we forget what day of the week it is, and -- and what, you know, we ought to be really celebrating today, for all the members of -- of the Armed Forces that gave their lives so that we have that freedom to be here today. You know, this is Memorial Day and a lot of our families and friends are back home doing parades, going to memorial services, and the like. And so if I could, Mr. President, let's all stand and give the men and women that have given the great sacrifice so we have this freedom, a moment of silence.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Will all Members please rise? Senator Jones has requested a moment of silence. (Moment of silence observed) Senator Jones, thank you very much. We appreciate that. Ladies and Gentlemen, the Senate will stand at ease for a few minutes to allow the Committee on Assignments to meet. All members of the Committee on Assignments will please come to the President's Anteroom immediately. The Senate will stand at ease. (at ease) Senate will come to order. Madam Secretary, Committee Reports.

SECRETARY ROCK:

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Refer to the Commerce Committee - Motion to Concur with House Amendment 1 to Senate Bill 1394; refer to the Energy Committee - Motion to Concur with House Amendment 1, 2 and 3 to Senate Bill 1652; refer to the Executive Committee - Motion to Concur with House Amendments 1, 2, 3, 4, 5, 6, 7 to Senate Bill 744 and Motion to Concur with House Amendment 1 and

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2 to Senate Bill 1835; refer to the Higher Education Committee - Motion to Concur with House Amendment 1 to Senate Bill 2133; refer to the Human Services Committee - Motion to Concur with House Amendment 2 to Senate Bill 123; refer to the Labor Committee - Motion to Concur with House Amendment 1 to Senate Bill 1122; refer to the Local Government Committee - Motion to Concur with House Amendment 1 to Senate Bill 539; refer to the Pensions and Investments Committee - Motion to Concur with House Amendment 2 to Senate Bill 1613; refer to the Public Health Committee - Motion to Concur with House Amendment 2, 3 and 4 to Senate Bill 145; refer to the Redistricting Committee - Motion to Concur with House Amendment 2 to Senate Bill 1178; refer to the Revenue Committee - Motion to Concur with House Amendment 1 to Senate Bill 109.

Signed by Senator James F. Clayborne, Chairman.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Ladies and Gentlemen, I have some committee announcements, if you -- could I have your attention please on some committee announcements for this evening? The Senate Executive Appointments Committee, which is currently at recess, will meet at 8:20 p.m. in Room 400 to adjourn. The Senate Redistricting Committee will meet tonight at the hour of 8:25 p.m. in Room 212. So, again, those committee announcements this evening: the Senate -- Executive Appointments Committee, which is currently at recess, will meet at 8:20 p.m. in Room 400 to adjourn; the Senate Redistricting Committee will meet tonight at the hour of 8:25 p.m. in Room 212. Additional announcements, Ladies and Gentlemen, regarding committee meetings tomorrow. The following committees will be meeting to take up committee or

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Floor amendments or concurrence -- or concurrence motions tomorrow morning. Listen up, Ladies and Gentlemen. Public Health will meet in Room 212 at 8:30 a.m. Human -- Human Services will meet in Room 212 at 8:50 a.m. Higher Education will meet in Room 409 at 8:50 a.m. Education will meet in Room 409 at 9:10. Environment will meet in Room 400 at 9:30 a.m. Local Government will meet in Room 409 at 9:30 a.m. Labor will meet in Room 212 at 9:50 a.m. Pensions and Investments will meet in Room 400 at 9:50 a.m. Commerce will meet in Room 409 at 9:50 a.m. Executive will meet in Room 212 at 10:10 a.m. Revenue will meet in Room 400 at 10:10 a.m., and Energy will meet in Room 212 at 11:10 a.m. I'll run through those one more time. Public Health, 8:30 a.m. Human Services, 8:50 a.m. Higher Education, 8:50 a.m. Education, 9:10 a.m. Environment, 9:30 a.m. Local Government, 9:30 a.m. Labor, 9:50 a.m. Pensions and Investments, 9:50 a.m. Commerce, 9:50 a.m. Executive, 10:10 a.m. Revenue, 10:10 a.m., and Energy will meet at 11:10 a.m. James R. Carder, Blueroomstream.com, requests permission to videotape. Seeing no objection, leave is granted. Senator Koehler, for what purpose do you rise?

SENATOR KOEHLER:

Thank you, Mr. President, Members of the Senate. I move to waive all posting requirements so that House Bill 815 can be heard in the Senate Committee on Energy tomorrow at 11:10 a.m.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Koehler moves to waive all posting requirements so that House Bill 815 can be heard in the Senate Committee on Energy tomorrow morning at 11:10 a.m. All in favor will say Aye. Opposed, Nay. The Ayes have it, and the motion is

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adopted. Ladies and Gentlemen, if you will turn to page 58 of the printed Calendar, on the Order of House Bills 3rd Reading, in the middle of the page is House Bill 1716. Senator Harmon. Indicates he'd like to proceed. Senator Harmon seeks leave of the Body to return House Bill 1716 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is House Bill 1716. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 1, offered by Senator Harmon.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Harmon, on Amendment 1.

SENATOR HARMON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment 1 becomes the bill. I move for its adoption and look forward to debating it on 3rd Reading.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion on the amendment? Seeing none, the -- 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 ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. Now on the Order of 3rd Reading is House Bill 1716. Indicates he'd like to proceed. Madam Secretary, please read the bill.

SECRETARY ROCK:

House Bill 1716.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. In the last General Assembly, we passed a sweeping overhaul of the Freedom of Information Act that was much praised and -- and a job well done. There have been, in this General Assembly, several bills introduced by many Members intended to improve that process or to correct unintended consequences. I want to thank my cosponsors, Senator Althoff, Senator Maloney, Senator Sandack, and others, like Senator Garrett, who contributed ideas to our attempt at an omnibus Freedom of Information Act refinement. Having negotiated with the House and with the Attorney General, we are prepared to present this relatively modest package that includes really two primary refinements. The first is on the subject of recurrent requesters - those folks who file request after request after request, perhaps in good intentions, but who, in fact, bog down local governments and deprive taxpayers and other inquiries of due consideration. Second, we are permitting fees to be charged to commercial requesters, who use more than eight hours of the public time in responding to these requests. I'm sure there will be questions and I look forward to trying to answer them. The Attorney General's Office is in favor of this proposal. The Illinois Municipal League is in favor of this proposal, and very importantly, the Illinois Press Association is neutral. We did a -- a good job collectively of reaching accord with -- with

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those folks and I'm -- I'm proud of the work product. I look forward to your questions and ask for your Aye votes.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SENATOR MURPHY:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will yield. Senator Murphy.

SENATOR MURPHY:

Senator, the -- the -- the example of the private individual who regularly makes requests - you used the technical term that's in the language there - under current law, they almost always will ultimately get their information within about ten business days now. I think what you have here is a very good bill on a lot of levels that addresses problems. But what concerns me about this bill, and the reason I voted against it in committee, is that there's -- there's no end date within which the regular requester, or recurrent requester, will get their information. And I -- to allow the -- the public entity to be the arbiter of what is reasonable in terms of the amount of time necessary to get the information and make the response strikes me as an opportunity for abuse for those inclined to do so. I'd have felt a lot more comfortable with this bill if there were an end date on it within which, even for a recurrent requester, the -- the public entity had to respond. Was any thought given to that? Is there any opportunity, and I understand it's late in Session, to inject something like that into this so that we can have some certainty for people that the

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entity will respond?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President. Thank you, Senator Murphy, for a very good line of questions. I'll do my best to respond. First, I want to emphasize that this provision applies only to recurrent requesters, and those are folks who submit to the same public body more than fifty FOIA requests in a year, more than fifteen in a month, more than seven in one week. This is a very small subset of people, but they have the capacity to really gum up the works, to cost taxpayers money, and to deprive other folks inquiring of -- of timely response to their requests. I also want to emphasize that they still get the information, as you said. It's just a question of how quickly. It would allow other requesters to get ahead of them in line, perhaps, so that those responses could be done. There is a fairly rigorous schedule. Within five days, they have to get a preliminary response saying they're being treated as a recurrent requester. Within twenty-one days, they have to get an estimate of when they will get their material, if they haven't gotten it already, and I expect many of these inquiries would be addressed within that -- that period. If it is a large or complicated request, they have to respond in a reasonable amount of time. Directly to your question, was consideration given to an end date? Yes. The concern was, if we gave an end date of forty-five or sixty or seventy-five days, that the governments would always take advantage of that statutory safe harbor and never deliver the material until the time period ran. This requires them to do it

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in a reasonable amount of time. I do trust most will be able to do that. There is redress to the Attorney General's Office if folks are abusing that. I appreciate the inquiry, but we also do plan to continue these conversations. There were many good ideas on FOIA over the -- the Session that were not incorporated and I expect we'll be dealing with a lot of folks going forward into the next Session, as well, so we can take it up then. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Further discussion? Senator Garrett, for what purpose do you rise?

SENATOR GARRETT:

Yes, thank you, Mr. President. To the bill: I want to thank Senator Harmon for all of his hard work, but I will be voting No on this bill. And I think, philosophically, there are those of us who really rely on FOIA to get information, and I think that what this bill does, overall, we can talk about those people who abuse the FOIA process, but it sends the message to people, inside and outside of government, that we are going to create barriers to getting information. Government should be open, transparent, and information should be accessible. I think that this is the slippery slope that I never thought Illinois would be going down. The fact of the matter is, the Illinois Municipal League is in support of this because many of our local governments don't like it when -- when citizens request too much information. But it's the role of government to make sure that they do have people there to provide that information. That is what we should be doing. So I appreciate the fact that so much work was done on it. I just happen to

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believe that this is going in the wrong direction.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Further discussion? Senator Maloney, for what purpose do you rise?

SENATOR MALONEY:

To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

To the bill, Senator Maloney.

SENATOR MALONEY:

Thank you, Mr. President. I was one of the Members who introduced a bill at the urging of some local mayors on this particular issue regarding recurrent requesters. And that -- that, in fact, it was tying up staff. It was tying up staff, and in some cases, it tied up staff for a number of days. People would never pick up the -- the information. So the issue, however, is more complex than the single issue of -- of recurrent requesters. And I want to thank Senator Harmon for lending his expertise in legal to this -- to this issue and addressing the issue and some of the ancillary issues that are related to the Freedom of Information Act. And I urge everyone to -- an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Further discussion? Senator Sandack, for what purpose do you rise?

SENATOR SANDACK:

Good evening, Mr. President. To the bill, please.

PRESIDING OFFICER: (SENATOR SULLIVAN)

To the bill, Senator Sandack.

SENATOR SANDACK:

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Thank you. Being a former mayor, I have a -- a lot of interest and some experience with respect to FOIA. I respectfully disagree with the previous speaker who contends that this is somehow curtailing or lessening FOIA. I would argue that it actually helps permit FOIA to do what it's intended to do. Indeed, this will now free up resources so that legitimate FOIA requests are maintained and processed in a timely manner and not -- and municipalities and other responding local governments will not be burdened and overburdened by recurrent requesters, particularly commercial requesters. The sweeping FOIA law that was put into place was outstanding in principle, outstanding conceptually, but, frankly, the pendulum had swung too far and became very impractical for many municipalities and local units of government to maintain. And, in fact, many local units of government were overwhelmed by commercial FOIA that got in the way of legitimate citizen inquiries, and indeed it overwhelmed the system and taxed the taxpayers because they were under a -- a timeline that was entirely unreasonable. I think these are practical changes. These -- this is a modicum and a very reasonable set of rules that, I think, will make FOIA a better, more transparent law for all units of government. I think it will inure to the taxpayers of the State of Illinois. I enthusiastically support it.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Further discussion? Senator Althoff, for what purpose do you rise?

SENATOR ALTHOFF:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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To the bill, Senator Althoff.

SENATOR ALTHOFF:

I, too, rise in strong support of this legislation. I believe there are many individuals in this Chamber that may be concerned that they view the proposed legislation as a rollback or a step back from the FOIA rewrite. Please remember that this legislation was done in cooperation with the Attorney General's Office. She was the author of the original FOIA rewrite. They are supportive of the legislation. In addition, I'd like to remind the Body that in response to the recurrent requester, that the -- that the press is exempt as are all not-for-profit organizations, like the Better Government Association and Campaign Reform. They have immediate access and there is no limitation on the amount of information they can request. And in reference to some of the other concerns made with being a barrier or a step back, Ladies and Gentlemen, I, too, was a former local elected official. Not only was I a mayor, I was a city clerk and responsible for FOIA responses. I see absolutely no reason to believe that local elected officials are any less responsible, transparent, or accountable to their constituents as we are to ours. They are good people who want to serve their constituency and I really believe that, as stated by Senator Sandack, former Mayor of Downers Grove, they want to provide the information to their constituents in a timely fashion and give them all the information that they deserve. So, I, too, would urge an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Senator Harmon, to close.

SENATOR HARMON:

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Thank you, Mr. President. I want to thank my colleagues for the bipartisan show of support. I also want to call your attention to one very, very important detail I neglected in my opening remarks. Nowhere, nowhere, in this bill appears the word "vexatious". I ask for your Aye votes.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Ladies and Gentlemen, the question is, shall House Bill 1716 pass. All 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, take the record. On that question, there are 43 voting Aye, 16 voting Nay, 0 voting Present. House Bill 1716, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, if you will turn to page 58 of the printed Calendar, in the middle of the page, on the Order of House Bills 3rd Reading, is House Bill 1355. Senator Hunter. Senator Hunter seeks leave of the Body to return House Bill 1355 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is House Bill 1355. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 1, offered by Senator Hunter.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Hunter, to present your Amendment 1.

SENATOR HUNTER:

Thank you, Mr. President. I wish to adopt Amendment 1 and I'll explain it -- Amendment 1 and I'll explain it on 3rd Reading.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SECRETARY ROCK:

Floor Amendment 2, offered by Senator Hunter.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Hunter, on Amendment 2.

SENATOR HUNTER:

Thank you, Mr. President. I wish to adopt Amendment 2 and I'll explain on 3rd Reading.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion on Amendment 2? Seeing none, the question -- or excuse me, all those in favor will say Aye. Opposed, Nay. And the Ayes have it, and the amendment is adopted. Madam Secretary, are there any further Floor amendments approved for consideration?

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. Now on the Order of 3rd Reading is House Bill 1355. Madam Secretary, please read the bill.

SECRETARY ROCK:

House Bill 1355.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Hunter.

SENATOR HUNTER:

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Thank you, Mr. President. House Bill 1355, Amendment 1 -- well, basically, what it did was deleted the bill and it -- deleted all and became the bill. So it creates a live theater production tax credit. The credit can be taken by long-run and pre-Broadway productions whose labor and marketing expenditures exceed one hundred thousand dollars. The productions can claim tax credits of twenty percent of labor/production spending, plus fifteen percent of labor spending if the resident is in a high poverty or high unemployment area. Expenditures are limited to the first one hundred thousand dollars of wages paid to each employee and five hundred thousand for production spending. There is a cap of two million dollars for each theater production, plus five hundred thousand for labor expenditures attributable to construction of scenic materials or purchases from Illinois vendors. DCEO will administer the program and is required to submit reports on the live tax -- the live theater tax credit program. And the second amendment basically fixed two drafting errors, one dealing with the sunset tax credit in five years and would allow a taxpayer to carry forward the tax credit for five years, and -- from three years. And I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SENATOR LAUZEN:

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

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates she will yield. Senator Lauzen.

SENATOR LAUZEN:

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Senator, can you describe -- I understand that this has been patterned on the film credit, and can you tell me with like a documentation, how the film credit has produced -- increased jobs in Illinois?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Hunter.

SENATOR HUNTER:

I don't know, Senator. I didn't follow what the film people did. All I know is that many more movies were made in Chicago and throughout Illinois, and as a result of the additional movies coming to Chicago and to Illinois, people were hired from Illinois. I can't...

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Lauzen.

SENATOR LAUZEN:

Let's see, how much do you believe that -- how much do you anticipate that this credit will cost the taxpayers of Illinois?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Hunter.

SENATOR HUNTER:

We have no idea how much this tax credit will cost, since this the first time that we're working on this.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. If we don't know how much it's going to cost, are you satisfied that -- that this corporate subsidy is a better use of taxpayers' money than some of the cuts that we talked about earlier on social service agencies?

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PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Hunter.

SENATOR HUNTER:

Senator, in terms of generating revenue, as I've indicated before, I cannot specifically tell you exactly how much money we expect to generate; however, what I can talk about is an economic impact study that was -- that was done for 2010 and it is anticipated that we could possibly have an economic impact of nearly seven hundred and fifty million dollars if we have a total of 1.7 million theater patrons and over forty-two percent of the audiences travel to Chicago from out of State. So if people are traveling from out of State into Chicago, they will definitely utilize our hotel and motels, where they could possibly occupy something like six hundred and forty thousand hotel room nights per year, and -- and we could also possibly generate ninety million dollars in local restaurants, and that - that's not even including sightseeing and museums and so forth and so on.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Lauzen.

SENATOR LAUZEN:

Just a couple more quick questions. I read -- Senator, I read that study, the Fishkind and Associates study, that was ordered and paid for by the people who are requesting this. So, kind of have to take that with a grain of salt. But one of the things that would be objectionable to, actually, all other businesses in Illinois that have loss carryforwards is that they don't have loss carryforwards anymore, but this bill does have loss carryforward - not for one year or two or three years, but

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for five years. Can you tell me why the theater business, live theater, which we all enjoy very much, but why should the theatre business have -- unlike anybody else, why should they have a five-year loss carryforward? They will be unique in the State of Illinois. Outside of the film business and live theatre, nobody else gets that. Can you explain why that is?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Hunter.

SENATOR HUNTER:

We're basically modeling this off the film credit. They've been very successful. And when you're talking about making investments, no one wants to make an investment for one year not knowing that they're not going to be around for the second year. So you can at least allow five years to make your product work.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Lauzen.

SENATOR LAUZEN:

Last question and then I'll go to the bill. In the testimony, the representative of the Chicago theater district stated in committee that the highest cost that they're trying to address in this is the non-talent labor, which is keeping Chicago from being competitive with other theater markets. Ironically, you know, I -- I -- I thought that the testimony that we got from the representative of the union -- actually, I thought did a good job, a really good job of what he was trying to get across. But the point is rather than negotiating better labor contracts, now the State taxpayers are being asked to subsidize then those union non-competitive labor rates. Could you address that, please?

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PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Hunter.

SENATOR HUNTER:

Senator, the State has no control over the high cost of advertising in Chicago. And it costs moneys to get your word out to promote your product. And Chicago market, as you know, is far more higher than other markets in the State of Illinois.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Lauzen.

SENATOR LAUZEN:

Okay, and to the bill: Thank you very much for your indulgence. First of all, we've had an increase in the taxes, sixty-seven percent for individuals. That means Sub S corporations. A forty-six percent increase for corporate employers. And then that money is now being made available to pick winners and losers. There's something fundamentally distasteful about a State government picking winners and losers in a market. Number two, no evidence that the film credit, which this is patterned after, produced the desire outcome, even according to the sponsor, no firm evidence. Number three, there's no estimate of the cost of what this is going to cost the taxpayers. Number four, the economic impact statement or study was ordered and paid for by the people who want this money. I don't think that we would do this in our personal lives or our business at -- lives. Number, I think it's five, there's an unfair advantage given to some. So you're picking winners and losers at the cost to the many. And then, finally, the promotional costs and the fact that everybody wants to have certainty and predictability when they make an investment -

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that's true about everybody, not just this industry. As much as I enjoy live theater, I think that the preparation in this credit gives unfair advantage and is a -- a misapplication of tax incentives to business, plays favoritism. I recommend a No vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Further discussion? Senator Duffy, for what purpose do you rise?

SENATOR DUFFY:

To the bill, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

To the bill, Senator Duffy.

SENATOR DUFFY:

You know, just -- just a couple of quick points. First, I'd like to point out, at least to our side when we look at our analysis, it shows that this bill passed unanimously and that was a different bill. So I want to make sure people understand that. And I really appreciate the work that the sponsor has done. We heard the testimony in committee and I know that the -- the sponsor of this is trying to do everything she can to bring jobs and help activate this industry in the Chicagoland area, and I sincerely appreciate that. But after talking to the -- the people who testified in committee, it became very clear that, you know what, this stuff is going to start happening over and over and over again. Because, see, the problem is, is what they're trying to do is -- they said because of the labor costs and because of the current job market and the environment in Illinois, and because of their marketing costs, they said that they could not compete with Minnesota, L.A., New York, Seattle,

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and Toronto. They said the business atmosphere and the environment here is so bad that they need a different incentive and they need this subsidy or an incentive in order to help motivate and encourage their job growth. See the problem is, is that the tax increase, the largest tax increase on businesses and families, that's what's keeping this industry down. And if we do this for this industry, this is just the tip of the iceberg. This is just the theater industry. We're going to have to do this for everybody else over and over again, when that's not the solution. The solution is that that tax increase should have been temporary and shouldn't have happened at all. Now what we've seen through this new budget, that that's going to be permanent. And people are going to be looking for other solutions to help increase jobs and help encourage growth in their industry. And we're going to start seeing this more and more and more. So, even though I appreciate all the work of the sponsor, I highly encourage a No vote on this bill. This is setting a bad precedent and we need to address the real problem and not take on these Band-Aid solutions. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Further discussion? Senator Cultra, for what purpose do you rise?

SENATOR CULTRA:

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

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates she will yield. Senator Cultra.

SENATOR CULTRA:

I guess I have a question about the five-year sunset. Does

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this whole program sunset in five years?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Hunter.

SENATOR HUNTER:

Yes, Senator, the -- the -- the credit sunsets in five years. Yes.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator -- Senator Cultra.

SENATOR CULTRA:

All right, so that gives us a time period to see what the advantages are and how much it's costing us, and if we don't like what's going on, then we don't renew the contract -- or, the -- the bill. Is that correct?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Hunter.

SENATOR HUNTER:

That's correct, Senator.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Cultra.

SENATOR CULTRA:

Also, I see that they've increased the carryforward. It was originally three years and now it's five years?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Hunter.

SENATOR HUNTER:

That's correct, Senator.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Cultra.

SENATOR CULTRA:

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Well, it seems to me that in our last tax increase, all other businesses in the State of Illinois, when we have a loss, they're not letting us carry it forward at all. It just seems like it's inherently unfair that now we're going to single out, you know, this industry and let them carry their tax credits for five years, when every other business in the State can't carry it forward at all. You know, to the bill, please. You know, I love live theater and I would like to see it prosper in Chicago, but -- but sometime you have to decide who gets the money, what's our core function of this State government. You know, giving tax credits to live theater, I don't think is what we're all about. You know, we just went through the budget process and we added a lot of money into the budget for different services to people that need -- need the service, that can't help themselves. And -- and, you know, we have a problem in this State. The problem is, is that we're business unfriendly. We need to help everybody in this State, not just certain industries. So I think the sponsor -- that this is well-intended and it would be great to be able to help live theater, but I -- I think we need to help all the businesses.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Further discussion? Senator Syverson, for what purpose do you rise?

SENATOR SYVERSON:

Thank you, Mr. President. A question of the sponsor.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates she will yield. Senator Syverson.

SENATOR SYVERSON:

Senator, I -- I understand the -- the film credit issue.

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That was passed because companies have a choice of what state to go to, to make those movies, and that made sense for us to be competitive to bring those movies here. I guess I'm trying to understand theaters. I mean, theaters go to where the people are, and I've never heard of any of these touring theater groups that said we're not going to come to Illinois because we didn't get a tax credit. And I wasn't in committee, but can you tell me, are there -- what -- what shows decided not to come to Illinois because there wasn't a tax credit for them?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Hunter.

SENATOR HUNTER:

No, I can't tell you any, Senator.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Syverson.

SENATOR SYVERSON:

I guess the concern, trying to compare the film industry to the theater industry...

PRESIDING OFFICER: (SENATOR SULLIVAN)

Go ahead. Senator Syverson, continue, please.

SENATOR SYVERSON:

Okay. Trying to compare the...

PRESIDING OFFICER: (SENATOR SULLIVAN)

Okay, here we go. Senator Syverson, continue, please.

SENATOR SYVERSON:

I was waiting till she was done talking...

PRESIDING OFFICER: (SENATOR SULLIVAN)

Go -- go right ahead. Senator Syverson.

SENATOR SYVERSON:

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Trying to compare the film industry to the theater industry is -- is -- is really comparing us trying to attract Navistar to Illinois to a retailer. Retailers go to where the people are. We don't need to give them incentives 'cause they're going there. In this case, the theaters come to where the people are because that's where they make their money on these shows. It's not like you can take a show elsewhere and everyone from the -- from Chicago is going to go there for the movies -- or, to go see the -- the theater. So I -- I don't quite understand why there's a comparison between those two and why we're looking at funding something that -- these theater companies are already coming here. This just sounds like it's -- we're giving a tax break to retailers, which in the end, it's the taxpayers who pay for it. It just means more profit for the theater companies, but it's not going to change what's currently being done. So maybe you can just, I guess, answer the question about why the -- why we're doing this from -- for a -- from a theater standpoint, that is coming here to the people, versus, obviously, the movie industry where you have your choice of -- of where you can make that movie.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Hunter.

SENATOR HUNTER:

Senator, over the past thirty years, there were only five live productions that stayed -- that were -- that came to Chicago, and Wicked, for example, stayed in Chicago for two years. However, it is my understanding that they indicated that they would have stayed longer, you know, had there been a tax credit or something else to -- to induce them. However, they

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went on to Wisconsin, because Wisconsin offered a credit and we did not. So I believe that we are looking at long-run -- remember, long-run, pre-Broadway theatrical performances.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Further discussion? Senator Martinez, for what purpose do you rise?

SENATOR MARTINEZ:

To the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

To the bill, Senator Martinez.

SENATOR MARTINEZ:

I think that, you know, I -- I stand in very strong support of this bill. I -- I -- as you know, we passed the film tax credit, and just alone in 2010, Chicago and Illinois brought in over a hundred and fifty-five million dollars' worth of film industry into this State. So I think that live Broadway, when you look at New York, when you look at Vegas, I think there is so much success that happens in live Broadway, and I think that this is an opportunity, yet again, for Illinois to rise in the film and theater industry. And I urge the Members here to vote Aye.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SENATOR KOTOWSKI:

To the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

To the bill, Senator Kotowski.

SENATOR KOTOWSKI:

Thank you. Just to follow up on what some of the previous

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speakers have said. I think Chicago, even the State of Illinois, you may not be aware of this, is like number three in the world when it comes to theater production. I mean, just -- just some information for Broadway in Chicago is: economic impact of seven hundred fifty million annually - just for Broadway in Chicago; total annual attendance of 1.7 million theater patrons, with over forty-two percent coming from outside a hundred-mile radius, with eighty-eight percent citing theaters as their primary purpose for coming; theater patrons also occupy over six hundred and forty thousand hotel rooms nights per year - seven percent of those occupied hotel rooms a night in Chicago annually. It's seven percent. Broadway in Chicago also spent approximately ninety million at local restaurants. Also support nine thousand two hundred jobs in Illinois. I mean, this is important. This is -- this is going to allow us to foster an industry that is growing, that's making a significant difference economically. Just look at a couple of things it benefits. It's going to bring an additional one million people annually into the downtown theater district; increase hotel occupancy by over a half a million room per -- nights; add to and ensure ten thousand local jobs annually; increase this sector of the business community by over two hundred and fifty million in economic impact annually; benefit restaurants; attracts in retail, with over ninety million additional spent at local restaurants annually; and support investment, over four million in regional advertising; establishes Chicago and Illinois as a destination market for theater. Let's be clear on this, the theater gets the credit. The theater gets the credit -- the theater gets the credit and they work with the production

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company. They work with the company that brings in the production into the City - into the State. So they get that credit so we can compete better with other marketplaces. It's not because Chicago has this huge labor cost, production cost. No, other states have actually taken the steps to recruit and be competitive by offering similar sorts of credits. So there -- make no mistake, this is just an opportunity to create jobs. It's an opportunity to foster an industry. It's an opportunity for all of you who love to go to the theater to go into the City and the State and benefit from that. If I hear Matt Murphy sing another song from Rent or Wicked, he's a huge patron of the arts. Support this bill. Do it for Murphy.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Hunter, to close.

SENATOR HUNTER:

Thank you, Mr. President. You know, bringing long-run and pre-Broadway productions to Chicago is a good thing. It's a great thing for jobs, economic development. I have a -- a handful of letters of support from various businesses from Chicago and in the suburbs who feel as though they can benefit if we were to bring more productions to Chicago. We have the Absolute {sic} (Absolutely) Chicago Segway Tours; the Arts Alliance Illinois; First Lady Chicago's Cruises; InterPark, which is a parking facility; the Chicago Loop Alliance; Motion Picture Studio Mechanics {sic} (Mechanic); Illinois Hotel and Lodging Association; OddLot Entertainment; Berghoff Catering and Restaurant; Chicago Convention and Tourism; Chicago Federation of Musicians; Local 1 SEIU; Chicagoland Chamber of Commerce, and the Theatrical Stage Employees Union Local No. 2. This is a

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good thing for Chicago and I ask everyone on this side of the aisle to please vote Yes on this bill. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

The question is, shall House Bill 1355 pass. All 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? Madam Secretary, take the record. On that question, there are 36 voting Aye, 20 voting Nay, 0 voting Present. House Bill 1355, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, if you'll turn to page 59 of the printed Calendar, the Order of House Bills 3rd Reading, is House Bill 3039. Senator Lightford. Madam Secretary, please read the bill.

SECRETARY ROCK:

House Bill 3039.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 3039, as amended, amends the State's insurance -- excuse me, it requires insurers to provide early detention {sic} (detection) and proactive management of cardiovascular diseases. There was some opponents earlier in the process. We did clarify their issues. This requirement does not change any terms, conditions, or benefits of the insurance plan. I'd be happy to answer questions.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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Is there any discussion? Is there any discussion? Seeing none, the question is, shall House Bill 3039 pass. All 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? Madam Secretary, take the record. On that question, there are 57 voting Aye, 0 voting Nay, 0 voting Present. House Bill 3039, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, we will go to House Bill 2972. Senator -- President Cullerton. President Cullerton seeks leave of the Body to return House Bill 2972 to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is House Bill 2972. Madam Secretary, are there any committee -- or Floor -- amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 3, offered by President Cullerton.

PRESIDING OFFICER: (SENATOR SULLIVAN)

President Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President. I'd move for the adoption of the amendment and debate it on 3rd Reading, if I could.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion on the amendment? Seeing none, 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 ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. Now on the Order of 3rd Reading is House Bill

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2972. Madam Secretary, please read the bill.

SECRETARY ROCK:

House Bill 2972.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

President Cullerton.

SENATOR CULLERTON:

Yes, thank you, Mr. President, Members of the Senate. This is a version of what we have already passed, actually a couple of times, Senate Bill 1, dealing with the -- the Governor's obligation to make appointments that are subject to Senate confirmation. And this is a compromise that we've worked out with the Governor and so that we don't have to override the -- the veto, amendatory veto, of Senate Bill 1. So it applies to appointees who are nominated by the Governor, who are subject to Senate confirmation, and who are either holding over in office after the expiration of their terms or who are temporary or acting appointees. For the holdover appointments, this bill limits the ability of future affected appointees to holdover after the expiration of their terms to sixty days. We're going to give the Governor sixty days to reappointment 'em. For affected appointees who are currently holdover, this bill ends the terms of those appointees in sixty days after the effective date of the Act. Now we do indicate that, in this bill, it does not apply to the Governor's appointments to the State Board of Elections, 'cause the State Board of Elections has a -- a more complicated system of filling those vacancies, where there's an appointment by the Republican, as well as the Governor. And we

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also exempted the Director of the Illinois Power Agency. The Director of the Power Agency has unique statutory requirements for their work experience. They have to have at least fifteen years of combined experience in the electric industry, electric policy, or electricity markets and must possess general knowledge of the responsibilities of being a director, managerial experience, an advanced degree in economics or risk management. And so the fear here is that it would take too long for the Governor to perhaps do a nationwide search to find an appointee and with the -- position would be vacant. So that's the explanation that I was asked to give in committee and that's what it is. Be happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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

SENATOR LAUZEN:

Thank you very much, Mr. President. A question for the sponsor.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will yield. Senator Lauzen.

SENATOR LAUZEN:

Senator Cullerton, I -- I know how adroit you are at the -- this whole process. I understand that there are certain characteristics about the Director -- the -- the position for Director of the Illinois Power Agency. However, when a person has done such a poor job as the Director has for the last three years, isn't there some way that in your legislative magic that you could put a different provision other than exempting him?

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PRESIDING OFFICER: (SENATOR SULLIVAN)

President Cullerton.

SENATOR CULLERTON:

Well, Senator, I think that there has been some proposal -- there have been some proposals that we alter these qualifications, because it -- it -- according to the Governor, it's very difficult to find someone to -- to meet this specific terms of qualifications. So, rather than get into -- this bill was so important. Senate Bill 1 affects, you know, really hundreds and hundreds of people. Rather than get into a conflict, I was concerned that this Agency might end up having no one and be vacant and -- and I wanted to avoid that. So that's why it's here. I'm not saying that we can't revisit this, maybe when this controversy about the qualifications there is not resolved, and come back and have 'em treated like everybody else. But for now, I think it just makes it easier for us to pass the underlying bill, which is so important.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Lauzen.

SENATOR LAUZEN:

To the bill, Mr. President: First of all, I -- I appreciate, you know, the value of the underlying bill. Just for the record, before we make our decision on this, it is such an important exception. The Auditor General, Bill Holland, I - actually in nineteen years of serving together with Bill - I have never seen him so upset about the lack of respect for the process that the Director of this Agency has. Just to pull out a synopsis of the Auditor General's report, just some of the things -- this is like a three-person Agency. The person has a

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-- a CPA, Chief Financial Officer, hired in January. I believe that we had -- either late March or April, still financial statements had not be done -- had not been done. These are some of the things that the Auditor General has said about the person, who we're going to exempt from this -- this piece: The Agency and the Director did not submit accurate and complete financial information to the Governor, General Assembly or auditors; for second year in a row, Agency did not provide accurate and complete financial information; the Agency failed to follow the requirement of the Office of the State Comptroller's Statewide Accounting Management System; did not provide all requested documentation to the auditors, even when asked multiple times; did not establish adequate accounting procedures, internal controls, even though had a person in place; improperly allowed State funds to be held in accounts outside of the State Treasury without proper statutory authority - one of the explanations -- I am not accusing someone of -- of this specific, but one of the explanations for that could be fraud and could be prosecuted; the payments for invoices for services performed outside of the terms of contracts. The list goes on. I have, with cosponsors, submitted legislation to either zero out the Agency, to replace the Director. We have sent a letter, countersigned by the -- our -- the co-chairmen of the Audit Commission, sharing all of our concerns with the Governor. I think that this is a very serious thing that I would -- I would ask the President of the Senate's help. This is a very -- huge area, needs expertise. But what -- what might be getting done or not done in this Agency is -- could be scandalous. So, I -- I'm just -- I'm -- the underlying concept

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- good. But this bill, you know, with that exception, it's kind of like a -- an Achilles heel, a fatal flaw. So, with that, I -
- I intend to vote No, just on that one, because it is so serious. It's a poison pill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

President Cullerton, to close.

SENATOR CULLERTON:

Yes, thank you, Mr. President. I would urge you to please consider voting for this bill. Senate Bill 1 is a bill that -- this is the embodiment of Senate Bill 1. This empowers the Senate to restore to us the power that the Constitution gives us for advise and consent. We have a loophole in the law that allows the Governor to just leave people on there without having to reappointment them. As far as the -- the specific audit that you were talking about, I'm well aware of it. It's a big concern. I would point out to you, Senator, that the Governor appointed that person; the Governor may remove - this is in the Constitution - the Governor may remove, for incompetence, neglect of duty, or malfeasance in office, any officer who may be appointed by the Governor. So, we do have an out. It is in the law if it's necessary for the Governor to do that. But the totality of this bill is so important. I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Ladies and Gentlemen, the question is, shall House Bill 2972 pass. All 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? Madam Secretary, take the record. On that question, there are 57

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voting Aye, 2 voting Nay, 0 voting Present. House Bill 2972, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, I'm going to run through the committee announcements one more time. For this evening, the Senate Executive Appointments Committee, which is currently in recess, will meet at 8:20 p.m. in Room 400 to adjourn. The Senate Redistricting Committee will meet tonight at the hour of 8:25 in Room 212. Tomorrow morning, beginning at 8:30 a.m., the following committees will meet to take up committee or Floor amendments or concurrence motions: Public Health, Room 212, 8:30 a.m.; Human Services, Room 212, 8:50 a.m.; Higher Education, Room 409, 8:50 a.m.; Education, Room 409, 9:10 a.m.; Environment, Room 400, 9:30 a.m.; Local Government, Room 409, 9:30 a.m.; Labor, Room -- Room 212, 9:50 a.m.; Pensions and Investments, Room 400, 9:50 a.m.; Commerce, Room 409, 9:50 a.m.; Executive, Room 212, 10:10 a.m.; Revenue, Room 400, 10:10 a.m.; and Energy will meet in Room 212 at 11:10 a.m. Ladies and Gentlemen, the Senate will stand in recess to the call of the Chair. After committee meetings, the Senate will reconvene to receive committee reports. The Senate stands in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HARMON)

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

SECRETARY ROCK:

Senator Raoul, Chairperson of the Committee on Redistricting, reports Motion to Concur with House Amendment 2

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to Senate Bill 1178 and Motion to Concur with House Amendment 1
to Senate Bill 1179, both recommended Do Adopt.

PRESIDING OFFICER: (SENATOR HARMON)

Madam Secretary, Introduction of Senate Bills.

SECRETARY ROCK:

Senate Bill 2486, offered by Senator Bomke.

(Secretary reads title of bill)

1st Reading of this Senate bill.

PRESIDING OFFICER: (SENATOR HARMON)

There being no further business to come before the Senate,
the Senate stands adjourned until the hour of 12 p.m. noon, on
the 31st day of May, 2011. The Senate stands adjourned.