

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

PRESIDENT PHILIP:

The regular Session of the 92nd General Assembly will please come to order. Will the Members please be in their -- at their desks? Will our guests in the gallery please rise? Our prayer today will be given by Senator Geo-Karis. Senator Geo-Karis.

SENATOR GEO-KARIS:

(Prayer by Senator Geo-Karis)

PRESIDENT PHILIP:

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

SENATOR RADOGNO:

(Pledge of Allegiance, led by Senator Radogno)

PRESIDENT PHILIP:

Reading of the Journal.

SECRETARY HARRY:

Senate Journal of Wednesday, May 29th, 2002.

PRESIDENT PHILIP:

Senator Noland.

SENATOR NOLAND:

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

PRESIDENT PHILIP:

Senator Noland moves to approve the Journal just read. There being no objection, so ordered. Senator Noland, for the second time.

SENATOR NOLAND:

I also move that reading and approval of the Journal of Thursday, May 30th, in the year 2002, be postponed, pending arrival of the printed Journal.

PRESIDENT PHILIP:

Senator Noland moves to postpone the reading and the approval

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

of the Journal, pending the arrival of the printed transcript. There being no objection, so ordered. Illinois Information Service has asked permission to tape. Is leave granted? Leave is granted.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Resolutions.

SECRETARY HARRY:

Senate Resolution 449, offered by Senator Geo-Karis and all Members.

It's a death resolution, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Consent Calendar. Ladies and Gentlemen, we are -- we will now be proceeding to final action. If you turn your attention to the top of page 22, in the Order of Secretary's Desk, Concurrence on Senate Bills. Top of page 22, in the Order of Secretary's Desk, Concurrence on Senate Bills, is Senate Bill 1282. Out of the record. Senate Bill 1588. Senator Noland. Mr. Secretary, read the motion, please.

SECRETARY HARRY:

...move to concur with the House in the adoption of their Amendment No. 3 to Senate Bill 1588.

The motion, by Senator Noland.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Noland.

SENATOR NOLAND:

Thank you, Mr. President. Amendment No. 3 is in response to Representative Mike Bost, who has a trailer manufacturer in his district. And there's been some question about the proper license plates to use when this -- when this manufacturer makes the dealers -- the trailers and they transport them to a dealer or for sale. So this would clarify the -- the plate that should be used to be legal with all the State statutes.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Noland moves to concur in House Amendment No. 3 to Senate Bill 1588. Is there any discussion? If not, all -- all those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wished? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present, and the Senate does concur in House Amendment No. 3 to Senate Bill 1588. Mr. Secretary, read the motion.

SECRETARY HARRY:

I move to nonconcur with the House in the adoption of their Amendment No. 5 to Senate Bill 1588.
The motion, by Senator Noland.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Noland.

SENATOR NOLAND:

Thank you, Mr. President. I'm moving to nonconcur on Amendment No. 5, because I feel that the current statutes, current law, addresses this issue well enough.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, Senator Noland moves to nonconcur in House Amendment No. 5 to Senate Bill 1588. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. Senate Bill 1657. Senator Bomke. Mr. Secretary, read the motion, please.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 1657.
The motion, by Senator Bomke.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate -- Senate Bill -- Amendment 1 to Senate Bill 1657 provides that a vehicle of a union representative may be equipped with an amber/white oscillating, rotating, flashing light. The lights may only be lighted when the vehicle is in a construction zone or parked along any roadside. Amendment 2 to Senate Bill 1657 deals with the Scott Law that we passed a year ago. Upon approaching emergency vehicle, one must either slow down or get in the -- the farthest lane. This would -- would also -- Scott's Law would -- under Amendment 2, would also apply to highway construction zone where workers are present. Also, under current Scott Law, a person who violates this is -- can only be fined seventy-five-dollar ticket. This would simply provide that a person charged with this offense must appear in court to ensure the violator goes to court so that a more severe fine can be assessed.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Pat Welch.

SENATOR WELCH:

...of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Welch.

SENATOR WELCH:

Senator, you're saying a business representative. Is that an elected position -- that they have to hold an elective position to have a car that has oscillating amber lights?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

I don't believe -- they have to be a representative of the union. I don't believe it has to be an elective position.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

Senator Welch.

SENATOR WELCH:

So that anybody who goes to the construction site that says, "I'm representing the union," could have an oscillating amber light on their vehicle and invoke this law.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

It -- it does not specify that it must be elected position.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

Well, under the law, an agent is somebody who works for -- for a particular enterprise, and it would seem to me that every union member would be an agent of that union. So, technically, every union member could have oscillating lights on their car. Isn't that -- isn't that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

Thank you. It is union representative, not a union member.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

As I said, if it's a union representative, is that the elected position or is it just somebody who says, "I'm representing the union today"?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

Could be elective, or it could be appointed.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

Senator Welch.

SENATOR WELCH:

How do you prove you're appointed? If I'm in the union and I go out there and say, "I'm representing everybody here today, as their union representative," and so I've got my amber light on as I'm going down the road and park by the side of the road with my amber light flashing, how do I -- can't I just say I'm a union representative at that point? I don't have to have a card?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

First, let me clarify, it's not applicable while someone is driving down the road, only while they're parked on the side of the road. It does not specify whether it's an elective or appointed.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

I think what I read here was the lights may be lighted only while the vehicle is within the limits of a construction project. So if we're going home today on Route 55, and we've got that eleven-mile stretch where you have to slow down, a union representative could be driving his car with the amber flashing lights all the way along that. Isn't that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

I have the legislative -- legislation in front of me and it simply indicates while the vehicle -- oh, okay. It does say is within the limits of the construction project or while the vehicle is parked alongside the -- the roadway. Apparently, IDOT requires a vehicle -- a vehicle to have oscillating lights while it's

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

parked alongside the road, yet there's no provision for a union representative, by law, to -- to have these lights. And that's the rationale for the legislation.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

Well, the "vehicles of union representatives, except that the lights shall be lighted only while the vehicle is within the limits of a construction project or" - or - "while the vehicle is parked". So they can travel along that eleven-mile road, going in the correct direction or the opposite direction, as long as they have their lights flashing, which a police officer can do. And if somebody doesn't get out of their way or -- or slow down properly, we -- we are then subject to Scott's Law. We're subject to a double fine, because you didn't slow down. Is there an extra penalty in here that I haven't picked up because of this? Just those two.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

They're not. As a matter of fact, they're not an emergency vehicle. So it would not be applicable.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

How many union vehicles have been involved in accidents that have been driven by business representatives that we need to change the law to allow them to have these oscillating lights? How many accidents? How many deaths?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

I know -- I know of none. It doesn't mean it hasn't happened. But I do know of -- of union representatives who have been ticketed because they did not have the oscillating light.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

So, nobody's been hurt. Nobody's died. One union guy got a ticket. So we got to change the law so that everyone driving on the highway has to -- has to yield to a business representative of a union, who is unelected, who was appointed that day. This doesn't make any sense, Senator. I -- I think -- I think this is just going too far. It's the last day of the Session, and this thing comes up. This -- this is too much, too late and too far. I would urge a No vote on this.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, my question deals with Amendment No. 2. And I think it's an important concern that we protect people who are working -- our laborers who are working in these construction zones, but I have a specific question relating to the duty of the motorist under -- under your amendment. On many of these interstate construction zones - for example, on I-55 South, and on -- currently on Interstate 80 just west of I-55 - in some of the bridge work, there is still a two-lane traffic that moves on the interstate. And there are signs posting the speed limit at fifty-five, and then when they're flashing when workers are present, they're posting at forty-five, but traffic is still

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

allowed to move around these areas at forty-five miles an hour because there are barriers between the -- the workers and the roadway. As long as a motorist obeys those speed limits and reduces her or his speed to forty-five, when applicable, they will not be in violation of this Act by -- by failing to change lanes, will they?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

That is correct.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Bomke, to close.

SENATOR BOMKE:

Well, to Senator Hawkinson's question, if they can change lanes, they would be required to change lanes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson.

SENATOR HAWKINSON:

I apologize for -- for rising, but I -- we've now got a different answer, and it's a different answer than that was given in committee yesterday when we asked the same question. Traffic moves on those interstates in very heavy patterns and to -- to impose a new duty to change -- lanes, even when they're going at a very fast speed, I think is problematic. And when we passed Scott's Law, we asked the same question on the Floor and were told there was no -- as long as they slowed down sufficiently, they would not be in violation for refusing to change lanes. So I suggest you might want to take this out of the record if you're now going to be imposing that new duty, because if they slow down and you're going to force them to make a judgment -- a snap judgment as to whether it's -- they can change safely, most accidents occur when you're changing lanes, quite frankly, on the

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

expressways. And as long as they obey the speed limit and slow way down as they're supposed to, I think imposing an -- an affirmative duty to change lanes is going to cause more accidents than it saves.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

I -- I don't disagree with you, Senator Hawkinson, but it is the same language that's in the Scott's Law.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson.

SENATOR HAWKINSON:

When we had that debate, the answer was there's no duty to change; as long as they're driving safely within -- within the lane, that they're not going to be ticketed for that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

Unfortunately, that's not what the Scott Law says.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson.

SENATOR HAWKINSON:

Then I would suggest that we vote Present, because I -- I think if you're now putting in legislative intent here that there's an affirmative duty to change lanes, you're going to cause more accidents, inadvertently, than you're going to prevent.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Bomke, to close.

SENATOR BOMKE:

Thank you, Mr. President. Let me -- let me read that paragraph that's applicable to the discussion. Proceeding with due caution, make a lane change into a lane not adjacent to that

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

of the workers present, if possible with due regard to the safety and traffic conditions, if no {sic} highway having at least four lanes with less -- not less than two lanes proceeding the same direction as the approaching vehicle; or proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe. I mean, this is the same that's in the Scott's Law. Maybe we need to -- to address that again. Thank you. I'd ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 1657. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 16 Ayes, 5 Nays, 30 Present. And the motion fails. Senator Smith, what purpose do you rise? Senate Bill 1689... I beg your pardon. 1697. Senator Dillard. Mr. Secretary, read the motion.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 1697.
The motion, by Senator Dillard.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a bill perfectly tailored for former Senator Dave Barkhausen, who used to sponsor many of these. It is a complex bill, when it left this Chamber, dealing with the Trusts and Trustees Act to create a procedure for converting a trust to a total return trust. It's an initiative of the Corporate Fiduciary Association of Illinois and has been looked at by the bar

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

associations and a number of practitioners in this particular area. The first amendment that we need to concur on rewrites some provisions regarding -- and clarifying and protecting beneficiaries, and the second amendment is technical in nature. But I think a number of -- of good groups, like the bar associations, have looked at this. I know of no opposition and I would move that we concur in the couple of House amendments.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 1697. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And the Senate does concur in House Amendments No. 1 and 2 to Senate Bill 1697, and the bill, having received the required constitutional majority, is hereby declared passed. Bottom of page 22, in the Order of Secretary's Desk, Concurrence on Senate Bills, is Senate Bill 1917. Senator Molaro. Mr. Secretary, read the motion, please.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1917.

The motion, by Senator Molaro.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President. When this bill went over to the House, the House was looking for a vehicle to tack on a piece of legislation that passed out of both the Senate and the House unanimously last year, but the Supreme Court struck it down as a -- a single-subject rule. And all it says is that when a petition

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

is filed alleging that the minor's abused, neglected or dependent, a hearing shall be commenced within ninety days. That law passed and they tacked it onto this. And this is a good vehicle and it's part of the -- and we won't have a problem with the single-subject rule.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1917. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 53 Ayes, no Nays, none voting Present. And the Senate does concur in House Amendment No. 1 to Senate Bill 1917, and the bill, having received the required constitutional majority, is hereby declared passed. Bottom of -- or, the top of page 23, in the Order of Senate -- Secretary's Desk, Concurrence on Senate Bill, is Senate Bill 1934. Senator Roskam. Mr. Secretary, read the motion, please.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1934.
The motion, by Senator Roskam.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The underlying bill passed unanimously. It has to do with forcible entry and detainer, in terms of giving notice to unknown occupants. This language is a request of the Illinois State Bar Association to move the date from five days to seven days. It passed unanimously. I know of no opponents.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

Is there any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1934. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And the Senate does concur in House Amendment No. 1 to Senate Bill 1934, and the bill, having received the required constitutional majority, is hereby declared passed. Senate Bill 1949. Senator Roskam. Mr. Secretary, read the motion, please.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 2 to Senate Bill 1949.

The motion, by Senator Roskam.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The underlying bill, again, passed the Senate unanimously. We're -- it has to do with the public guardian and the ability to receive fees and so forth. We're amending out Cook County at the request of the Chief Probate Judge of Cook County. Passed unanimously out of committee, and there's no opponents.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate concur in House Amendment No. 2 to Senate Bill 1949. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And the Senate does concur in House Amendment No. 2 to Senate Bill 1949, and the bill, having received the required constitutional majority, is hereby declared

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

passed. Senate Bill 1983. Mr. Secretary, read the motion, please.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 1983.

The motion, by Senator Cronin.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This legislation, when it left this Chamber, as you know, was part of the federal HR compliance legislation. State Board of Education was promoting this, in conjunction with teacher groups. Deals with assessments, school report card and transitional bilingual education. Two amendments were placed on this bill in the House. House Amendment No. 1, by Representative Cowlshaw, simply requires the boards of education to establish and implement a policy governing the transfer of students among school buildings within a single school district. House Amendment No. 2, which I seek to concur in, as well, is... Take this out of the record.

PRESIDING OFFICER: (SENATOR DUDYCZ)

With leave of the Body, we shall return to this -- this motion in a little bit. Senate Bill 2164. Senator Link. Mr. Secretary, read the motion, please.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 2164.

The motion, by Senator Link.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. Basically, what this amendment does

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

is make it clear for -- that the requirement of a school bus driver permit does not apply to any bus driver employed by a public transportation provider authorized to conduct local or interurban transportation of passengers when the bus is not traveling a certain school bus route but its regularly scheduled route for transportation of other fare-paying passengers. And I would ask for concurrence on this.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 2164. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And the Senate does concur in House Amendment No. 1 to Senate Bill 2164. And the bill, having received the required constitutional majority, is hereby declared passed. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Referred to the Committee on Education - the Motion to Concur with House Amendments 1 and 2 to Senate Bill 1983; to the Committee on Executive - the Motion to Concur with House Amendment 4 to Senate Bill 698, and Senate Resolution 446; re-referred from the Committee on Executive to the Committee on Rules - Senate Resolution 446; referred to the Committee on Financial Institutions -- to the Committee on Insurance and Pensions, that is - the Motion to Concur with House Amendment 1 to Senate Bill 314, and Conference Committee Report 1 to House Bill 4975; to the Committee on Judiciary - Senate Amendment 3 to Senate Bill 3717; to the Committee on Licensed Activities - the Motion to Concur with House Amendment 2 to Senate Bill 1689; to the Committee on

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

Local Government - the Motion to Concur with House Amendments 1 and 2 to Senate Bill 1635; to the Committee on Public Health and Welfare - the Motion to Concur with House Amendment 3 to Senate Bill 2241; to the Committee on Revenue - Conference Committee Report 1 to House Bill 1975; and Be Approved for Consideration - Senate Resolution 446.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Turn your attention to the top of page 24, in the Order of Secretary's Desk, Non-concurrence on House Bills. House Bill 5996. Senator Radogno, for a motion.

SENATOR RADOGNO:

Mr. President, I move to nonconcur with House Amendment 1 -- or -- House Amendment 1 to Senate Bill -- okay. House Bill 5996.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Radogno moves that the Senate refuse to recede from -- from the adoption of Senate Amendment No. 1 to House Bill 5996 and a conference committee be appointed. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. House Bill -- 6012. Senator Donahue.

SENATOR DONAHUE:

Thank you very much, Mr. President. I would move that the Senate refuse to recede from Senate Amendment No. 1 to House Bill 6012.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, Senator Donahue moves that the Senate refuse to recede from the adoption of Senate Amendment No. 1 to House Bill 6012, and that a conference committee be appointed. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. Middle of page 24, on the Order of Conference Committee Reports. Mr. Secretary, do you have a file on a

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

conference committee report on House Bill 5874?

SECRETARY HARRY:

Yes, Mr. President. The First Conference Committee Report on House Bill 5874.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President. This Conference Committee Report was necessitated because we inadvertently left off the underlying bill when we sent it back over to the House. Just for your recollection, the underlying bill, in this case, expanded the areas where a child sex offender could not reside. Specifically, they cannot reside within five hundred feet of a victim of the offense if that victim is under twenty-one years old. The amendment that we added when we left this language off was language to allow the State Police to access two million dollars by bringing our laws in compliance with federal regulations.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Cullerton.

SENATOR CULLERTON:

So this is a law -- the underlying bill would say that if a person has been convicted of being a sexual offender, that they cannot live within five hundred feet of their victim. And the question is, is there a time limit on this or is it forever? If someone's convicted of being a sexual offender when they're twenty-one years old, is it -- when they're seventy-five or six, they -- does it still apply to them for the rest of their life?

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

Senator Radogno.

SENATOR RADOGNO:

No. It only applies until they're twenty-one. The victim.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

...till the victim is twenty-one. I see. Now, if the victim moves -- it's not just the situation where the offender moves into a place next door to the victim because they're trying to stalk 'em. It could be a situation where the victim moves and lives next to the -- to the offender. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Now, if the -- this person who was convicted of a sexual offense, if they own a house and the offender -- the victim moves in within five hundred feet of them, do they have to sell their house and -- and -- and move out because the victim wants to live within five hundred feet of their house?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

Not if they owned the house before the effective date of this Act.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

But if they're renting and they have a lease and the -- and

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

the victim decides to move in next to them, then they'd have to leave the premises because they don't own the house, they only have a lease. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

And does the -- is this a criminal offense if they reside there? And do they have to -- to know that the victim moved in, or how -- how are they notified that the victim moved into their neighborhood and lives within five hundred feet? Is it a criminal offense even if they don't have any knowledge or control over the actions of the victim that make them in violation of the criminal statute?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

Well, they do have to knowingly reside -- make that move knowingly. There is no specific notification provision.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Okay. So they -- they would certainly knowingly reside where they reside. The question is, do they know -- do they have to know that the victim has moved in, and do we give 'em, like, a -- a few days to move or do we -- do we give 'em, like, a head start so they can get their papers together and try to break the lease, or how do you think, as a practical matter, that would work?

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

Senator Radogno.

SENATOR RADOGNO:

Well, "knowingly reside" is they have to know that they're residing within five hundred feet of the victim, not just knowing where they reside.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Now, I understand that we have a similar provision in other sections of the criminal statute. Are you familiar with anybody ever being charged with this five-hundred-foot rule, and not residing next to the victim?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

You're correct. It appears twice in -- in other areas of the statute, that exact language. It has not been challenged.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Shaw.

SENATOR SHAW:

Thank you. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Shaw.

SENATOR SHAW:

Yeah. Senator, on the -- what did the initial -- would you explain the initial bill? What -- who's amendment is this?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

The original language in this bill has to do with the sex offenders residing -- knowingly residing with five hundred -- within five hundred feet of the victim. What we amended onto it

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

was at the request of the State Police so that they could access money that they could get if our laws were compliant with the federal laws. It -- the underlying bill passed both Chambers unanimously when we did this. Unfortunately, when we added our amendment here, we inadvertently deleted the underlying bill, which had passed unanimously in both Chambers, which is what is necessitating this Conference Committee Report.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

The -- on the -- the person who move next door -- this is -- it's a little complicated here. The -- the -- the victim who moves next door to the sex offender, now that sex offender not knowing that the victim is there, what happens? Do the State Police or the local police come in and grab that person because they're living there?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

He has to knowingly be next to the sex offender or within five hundred feet. He has to register, as you know, for ten years. And so it's possible that the police would notify the victim. If he became aware of it, then he would have to move.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

All right. He has a two-year lease. In this bill, what happens with that lease? Not that I'm concerned about the sex offender, but the -- but the problem is, this guy's -- poor guy's got to move now. What happens with the lease? Does he still owe the landlord the balance of this lease?

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

Senator Radogno.

SENATOR RADOGNO:

Well, this poor guy, who's a sex offender, would have to break their lease. And I guess the message is, if you're going to be a sex offender, you're going to have to take the consequences and, yeah, you're at risk of having to break your lease or sublet it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Radogno, to close.

SENATOR RADOGNO:

I would ask for your support once again on this bill that has passed both Chambers unanimously.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate adopt the Conference Committee Report No. 1 to House Bill 5996 {sic}. All those in favor will vote Aye. Opposed will -- will vote -- that's easy for you to say. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, 1 voting Present. And the Senate does adopt Conference Committee Report No. 1 to House Bill 5996, and -- I beg your pardon, to 5874, and the bill, having received the required constitutional majority, is hereby declared passed. Senate Bill 39. Senator Silverstein. Mr. -- Mr. Secretary, do you have a file, a conference committee report, on Senate Bill 39?

SECRETARY HARRY:

Yes, Mr. President. First Conference Committee Report on Senate Bill 39.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Silverstein.

SENATOR SILVERSTEIN:

Thank you, Mr. President. The underlying bill deals with how we revive judgments, something that's very confusing in this

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

State. The Conference Committee, what it does is it makes certain exceptions, that it does not apply to child support payments or -- or judgments recovered in an action for damages for an injury involving a criminal act. Would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate adopt Conference Committee Report No. 1 to Senate Bill 39. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And the Senate does adopt Conference Committee Report No. 1 to Senate Bill 39, and the bill, having received the required constitutional majority, is hereby declared passed. We will be going now to House Bills 3rd Reading, on page 10. So if the Members will turn your attention to page 10, to the Order of House Bills 3rd Reading. While the Members are getting ready, we have some announcements to make. Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. Two announcements. The Insurance Committee will meet at 1 p.m. in Room 212, and the Revenue Committee will meet at 2 p.m. in Room 400.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Thank you. Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. Purposes of announcement. The Licensed Activities Committee will meet at 2:30 in Room 400. 2:30 in Room 400.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

The Senate Education Committee shall meet at 1:30 in Room 212.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you. For an announcement on the Local Government Committee. We will meet at 1 p.m. - 1 p.m. - in Room A-1. 1 p.m., A-1, Local Government.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. The Public Health will meet at 1 p.m. in Room 400.

PRESIDING OFFICER: (SENATOR DUDYCZ)

One more time for the Membership. At 1 p.m. - Insurance and Pensions in 212; Public Health, 400; Local Government, A-1. 1:30 p.m. - Education in 212. 2 p.m. - Revenue in 400. And 2:30 p.m. - Licensed Activities, in Room 400. Turn your attention to the middle of page 10, in the Order of House Bills 3rd Reading. House Bill 4090. Senator Klemm, do you wish this bill returned to 2nd Reading for purposes of an amendment? Senator Klemm seeks leave of the Body to return House Bill 4090 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 4090. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Klemm.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

Well, thank you, Mr. President. Amendment No. 2 contains five quick-take projects that have met our requirements under Senate Resolution 41. One is an older one that we had sent over to the

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

House on the Village of Baylis. One came to us from the House, which was Monroe County. And three -- three were added: One was with Lake County, one was the Village of Bartlett, and the other is the DNR on behalf of Ashland. Now, all have met our requirements. DNR does have condemnation authority, but they do not have quick-take authority. And what they do is they have met the requirements under their administrative rules of following what the guidelines should be, which meets ours pretty well, almost mirrors them. So it did meet our requirements. It is for a public purpose, and I do ask for your support on all five.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. And further Floor amendments approved?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. On the Order of 3rd Reading is House Bill 4090. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

House Bill 4090.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

Yes. Thank you, Mr. President. 4090 is what I just explained about the five items in the quick-take legislation. They all meet our requirements. I would ask for your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 4090 pass. All those in favor will vote Aye. Opposed will

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

vote Nay. The voting is open. Have all voted who wish? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 54 Ayes, 1 Nay, 1 voting Present. And House -- House Bill 4090, having received the required constitutional majority, is hereby declared passed. ...of page 10, in the Order of House Bills 3rd Reading, is House Bill 4680. Senator Dillard seeks leave of the Body to return House Bill 4680 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 4680. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Dillard.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen. This amendment adds two provisions dealing with ethics. One would ban the solicitation by State and local government employees of entities they regulate, and the other clarifies one particular thing dealing with nominal gifts in the Gift Ban Act. We can debate it on 3rd Reading, but I'd like to put the amendment on.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. On -- on the Order of House Bills 3rd Reading is House Bill 4680. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

House Bill 4680.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. To refresh your recollection, a few years ago, at the insistence of and suggestion of former Senator Paul Simon, the Joyce Foundation, and a number of groups concerned with ethics in State government, we passed and approved the most sweeping and comprehensive ethics reforms in Illinois in twenty-four years. And I think most of us were here at that time, and no General Assembly in the State's history has ever passed a more sweeping and comprehensive bill dealing with ethics in State government and local government or campaign finance reform as that. Last Thursday, the Illinois Supreme Court essentially reminded us that that bill - that landmark law - is still the law of the land, and that that bill, for the first time, banned the personal use of campaign funds, prohibited officials and their employees from receiving gifts, restricted fund-raising during legislative Sessions here in Springfield, tightened our disclosure requirements, and made us the nation's leading state, in terms of the donations we receive, in reporting, by requiring us to put all our donations on the Internet. And during the final days of a legislative battle or campaign battle, you have to report your major contributions in a very quickly and timely fashion. So that was a tremendous, tremendous change in State law. What this bill does is it adds two things. It -- it gets to the crux of, sadly, the Secretary of State's license-for-bribe scandal by banning State and local government employees from soliciting at any time - three hundred and sixty-five days a year, seven days a week,

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

twenty-four hours a day - those they regulate or inspect, and it also protects and makes illegal anyone pressuring, from the top down, employees to solicit political contributions. The other change that it makes, and there was a footnote in the Supreme Court decision last week on the Gift Ban Act, and we take a suggestion of the Supreme Court, or a hint from them, but more importantly, the groups, like the Campaign for Political Reform, who suggest that we redefine an exception to the Gift Ban Act, and we redefine nominal as a gift meaning a hundred dollars or less. And that's a good change. It clarifies and gives us a hard definition of what a nominal gift is. And those are the only two changes that are in here; although, they are pretty important changes. We get to the crux of the Secretary of State's license-for-bribe scandal, and we clarify what a nominal gift is to us. But this new law that we passed a few years ago, the most sweeping and comprehensive ethics reform in twenty-four years, ought to have time to take effect. I think it will work well. But we need to make these two changes today so that the people of Illinois have confidence in their State and local governments. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. I would really like, on this hopefully second to the last day or last day of Session, for people to take a close look at this. I urge you to consider a No vote or, at best, a Present vote. We are making a mistake by passing this law today, at this time, under these circumstances. And I think that you'll find out after we get out of here, if this was to -- to become law, that the media would be -- and potentially even some of your opponents would say we made a mistake by doing this. This bill does not apply to us. This is

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

an ethics bill that we're passing that does not apply to us. If you look at it closely, it really doesn't even apply to the Governor's Office. It attempts to apply to candidates for office, but when you look at the criminal sanctions that are put in here, it -- the way it's defined, it really doesn't even apply to candidates who are running against somebody. It's -- I have here a copy of the Official Misconduct Statute that, not surprisingly, is already on the books, and this activity that we should outlaw, believe it or not, is already against the law. And it's a Class 3 felony. Right now. Official misconduct, soliciting money for actions, which are illegal, is against the law, as it should be. It's a Class 3 felony. We create another new criminal statute with this law, which is only a Class A misdemeanor, in effect, arguably, lowering the penalty. And it is totally impractical for a constitutional officer who receives money from people all over the State, when they have fund-raisers, to have any idea -- have, apparently, the affirmative obligation of finding out whether or not the person who gave the money is somebody who they could potentially regulate, because the -- the mental state that's found in this poorly drafted bill does not require that. You're committing a Class A misdemeanor by receiving a contribution without even knowing that you regulate the person. So, please, let's not do this again. The last time we did this it was in litigation. It -- it was something which was poorly drafted, in my opinion, the first time. This time there wasn't even any cooperation with this side of the aisle. The Speaker is the sponsor of this bill. He wasn't even notified about this amendment. And it's something we really, really shouldn't do at this time. And -- and I think politically we should not do it. It's not something you have to vote for. I think it's something you should not vote for. And I urge a No or, most -- more properly, perhaps, a Present vote.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This -- this amendment is -- is fairly simple, as the Senator said. But also, as Senator Cullerton says, it has far-reaching implications. Senator Dillard reminded us that the Supreme Court just reminded us of the landmark legislation, as he stated, and that -- of the most sweeping ethics reform. Unfortunately, the Supreme Court did not rule on the ethics law itself. It ruled only on the standing of the people who brought it, and I'm standing here to say that I'm one of those. I have a couple questions of the sponsor, if he'd yield.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Jacobs.

SENATOR JACOBS:

I think the way -- as -- as Senator Cullerton said, this is poorly drafted. As an example, can I -- if I am an employee of the Governor or the Secretary of State, for that matter, or if I'm an employee of the Mayor of the City of East Moline, can I solicit my wife for a contribution?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Yes, unless you regulate your wife.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

That goes without saying. Let me clarify it a little further. And my wife will kill me for this one because she doesn't own a liquor -- liquor license, but if she was a tavern owner and she and I were talking, and I'm working for the Secretary of State and

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

I ask her for a donation to my boss, am I guilty of an infraction and -- and can I be dismissed?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

If you're the Liquor Commissioner or the one who doles out the liquor licenses and your wife or relative would own a bar, you would be, in that case, which is an extraordinary case, barred from getting a campaign contribution from her.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

So, we are -- we are really being very discriminatory, I think, in this particular issue at this point. I just have a problem with this whole thing from the standpoint of a number of reasons. But notwithstanding that, do you feel that this flies in the face of -- I think that the -- the landmark case was Buckley versus Valeo that says, in effect, that elimination of money is elimination of speech. That's as I understand -- or speech is money and money is speech. Do you think that that stands by that constitutional muster?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Senator Jacobs, I don't believe it violates Buckley versus Valeo. There is no prohibition on voluntary contributions. All this does is it stops those who -- and, to me, this is common sense, those State or local government employees who inspect or regulate or license an activity from seeking contributions from those they license or inspect. And it is -- it is narrowly drawn, but, to me, it is common sense that you should not pound political contributions from those you inspect or regulate. That's wrong.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

One can argue -- I think that Senator Cullerton brought up the point that it doesn't affect us. I think that it's your intent that it does affect the legislature also, because whenever you go back and refer to the other parts of the legislation, I think it does affect us. And anyone who is involved in licensure, as an example, or you act upon a license, as an example then, does that mean that if we vote on any bill that has to do with licensure of plumbers or -- or licensure of doctors, can we, at that point, accept contributions from them, or can we solicit contributions from them if we're an employee thereof?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Senator Jacobs, we or the City Council of Moline, we're a policy-making body. We are not the direct investigators, inspectors, licensers, or the actual regulatory enforcer.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

So what you're saying is -- is we can solicit money from people we're passing legislation for, but an employee cannot -- of a -- of a constitutional officer cannot solicit money from those same individuals. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

That is essentially correct. And the distinction is, as I pointed out, money that we receive is on the Internet. And it is there for the whole world to see. It is not there for a

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

rank-and-file State employee or a rank-and-file worker in the Quad Cities.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Associated Press requests permission to take photographs. Hearing no objection, leave is granted. Any further discussion? Senator Jacobs.

SENATOR JACOBS:

Under the Official Misconduct, it -- it basically says -- or, at this point, that if you do something wrong, you're guilty of a felony. I mean -- and here's a case, as Senator Cullerton indicated, we're reducing that penalty and now we're including, into that same frame -- frame of -- of legislation, the employees of that constitutional officer. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Senator Jacobs, I -- I think Senator Roskam may have something to say on these distinctions. But, you know, the Official Misconduct Statute is already on the books today. It applies to you. It applies to me, and it applies to a governmental employee in the State of Illinois. And it's there today. And, you know, one of the things that I think when we pass these laws, whether it's the one from a few years ago or today, we forget. And sadly, I think, a number of people - in fact, fifty-four of them in the license-for-bribe scandal - have found out we have a number of laws on the books today that we are subject to. And we make a minor change to the Official Misconduct Statute with this bill we're doing today, but Official Misconduct's already there. It's already on the books.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

It would seem to me, Senator, under the current law, those people were guilty of breaking a law. They were caught. They're in the process -- the legal process now. It seems to me that the system does work without this piece of legislation, which creates a whole new group, if you will, of -- of -- of potential offenders. Without going on any further, 'cause, you know, it becomes a moot point sometimes, but I think that there are two things that -- why I feel we should vote No on this bill. Number one, I feel very strongly that this type of legislation really hurts challengers. Number one. I think that it truly adds to the power of leadership of -- and -- and also to a -- a more powerful position by the PAC groups that you're -- you're attempting to -- to take a shot at here. And it seems strange to me that we have to come up with legislation to restore integrity of this Body, as -- as I think you indicated earlier, or to the elective process, when this legislative Body, as an example, according to the polls, is at an all-time high of seventy-eight-percent favorable rating. So that doesn't seem to -- to -- to make a lot of sense to me. But I just think that it's a -- a potential just to make leadership more powerful and makes it more difficult for us to raise money, and I think that it also makes it almost impossible for challengers to really come after you. I just ask for a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in strong support of House Bill 4680. And just to address a couple of the arguments that we've heard today, Senator Cullerton made a point that the things currently in the Misconduct Statute are, in fact, in the Misconduct Statute and are illegal. But it's my understanding that the Misconduct Statute focuses in

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

on sort of an underlying bribery theory. In other words, I will do this for you if you give me this money. What we're trying to do today, and I think, Senator Dillard, wisely, is to create a political firewall. Let's take a step back, and we know that the underlying cancer that developed in the license-for-bribe scandal was a ferocious amount of financial pressure that came under the various Secretary of State employees. If we, through our leadership, take the Secretary of State employees and all other State employees out of this pressure, then we're creating a more healthy environment. That's all there is to it. Those of us who are attorneys know that frequently we're contacted by our clients and they'll say to us, "Could you loan me some money, Mr. Lawyer? Can I get an advance on my settlement?" And, unfortunately, there's a canon of ethics that says you can't do that. And so I turn to my clients and say, "You know, I'd really love to help you, but the canon of ethics says I cannot. And I'm not going to give you any money even though I'd love to do it, because I'll lose my law license if I do." So I think what -- what Senator Dillard's initiative does is it takes the pressure off of these employees. They can say, "You know what? I would absolutely love to participate in this, but the law says that I can't do it." So let's not kid ourselves. This is not an area that is addressed in the statutes anywhere right now. And these employees are vulnerable today to fierce pressure, and we've seen the ramifications of that. You know, they say a lock on a door keeps an honest person honest. If you want to knock down the door, if you want to beat it down, if you want to break through the lock, you can do it. But I think that this is a lock on the door that we can wisely put to protect State employees, to protect municipal employees, from inappropriate pressure. But let's not -- let's not be deluded into thinking that this protection exists today, absent this statute. So I encourage an Aye vote.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate.
Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Obama.

SENATOR OBAMA:

Senator Dillard, as I understand it, there are essentially two components to this bill. One which has to do with setting a set-certain amount for what constitutes a nominal gift. That's an amendment that's been placed on the Gift Ban Act. That's number one. And then the second is this solicitation misconduct language that has already been discussed. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

That's all it is. Two simple changes, but important changes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Obama.

SENATOR OBAMA:

Well, let me separate out the -- the two issues, briefly. And as a preface for this, I should say that I was one of the negotiators with Senator Dillard on the initial ethics package that we passed four years ago. Has it been four, five? Four years ago. And I actually think that probably at that time we should have included a certain amount with respect to what constituted a gift, to provide clarity. I think that was one of the issues that was raised in the suit filed by Senator Jacobs, among others, and I think that was a legitimate point. I should say that I think the two of us were in favor of a set amount. Somehow that got lost in the ultimate bill, and I -- I think there

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

are probably some improvements that could be made on the bill. I think this is probably an improvement. I might have set it at fifty dollars, as opposed to a hundred. I'm not -- but that can be debated. I guess what I want to ask you about, Senator Dillard, is a question of process, why we are surfacing this on the last day of Session with no discussion, more or less, on the other side of the aisle only a week after the Supreme Court upheld the existing law but still raised this prospect: If, at some point, a individual with standing brought another lawsuit, that some of the substantive issues that Senator Jacobs raised might resurface. Why are we rushing this instead of taking a more careful look, seeing what improvements need to be made on the existing package, and perhaps including some of the solicitation misconduct language that, by the way, is not entirely new? As I understand it, House Bill 1330 that had come over had looked at this. I'm a cosponsor -- I'm the Senate sponsor of House Bill 400, a bill that Representative Fritchey passed. So -- so I'm just curious as to why we're going about it in what seems to be a rushed and somewhat haphazard manner, solely to score a few political points before we go home for November.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you. The reason we're doing this the last week of Session is the Illinois Supreme Court received the case of Senator Jacobs' on the former gift ban and ethics laws in September. They finally - finally - issued their decision late last week, either Thursday or Friday. And we're doing it now, 'cause this is allegedly the final week of Session. I would point out, Senator Obama, the language that's in here is essentially similar to House Bill 400, which you're the sponsor of, that goes through and tries to ban these activities. We looked at House Bill 1330, which made

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

it through the House of Representatives, and your House Bill 400, but the language here comes from a variety of groups that have worked on this type of -- of -- of issue for years. So it's not a late, last-minute thing. It had a hearing yesterday. Senator Molaro raised some excellent points in the Executive Committee. And, you know, we've seen all of this before. And why are we doing it now? Because fifty-four people have been indicted in the Secretary of State's license-for-bribe scandal. And I will tell you, if we had this law on the books, many of those people would not be going to jail today, and the State of Illinois, in -- in the eyes of the public, would be held in higher esteem.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Obama.

SENATOR OBAMA:

I don't want to belabor this point, but I -- I just want to be clear on the relationship between the Gift Ban Act and -- and the issue of solicitation misconduct. You are correct that there have been a variety of proposals dealing with the issue of solicitation misconduct, including the bill that I'm sponsoring, House Bill 400, which has been bottled up in Rules this entire Session. Now, passage of something to deal with that issue was -- by no means contingent on the decision of the Supreme Court related to the Gift Ban Act. We could have been debating and discussing and working on the issue of solicitation misconduct, refining it, answering some of the questions that Senator Cullerton had had. We could have been doing that for the last three, four, five months, because these fifty-four folks were not just indicted this week; they've been indicted over the course of this entire year. That's something that we could have taken some time on. Even as the sponsor of House Bill 400, I would assume that there are probably improvements that could have been made, issues that have been raised by other Members that I might not have thought of. My

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

assumption was is that in a bipartisan fashion, we might have come up with something that made sense. Here we've got something that's plopped on our desk, at least my desk, twelve hours, hopefully, before Session ends, without any input. And it's very hard to gauge whether, in fact, there may be additional constitutional problems that arise out of this. The second point I guess I've made is -- I would like to make is, is that we have not looked at the Gift Ban Act to see if, other than the hundred-dollar nominal issue, there may be some other issues that we could have potentially raised that would avoid further constitutional attack on the existing Gift Ban Act. It seems to me that all that points to what probably be -- would be wise, which is -- would be for us to table this bill, come back after the election, after all the pressure's off, and to do this right the first time, as opposed to try to rush something through. I know that probably will not be done, because we've got to go through the political Kabuki dance that we -- we do every -- every year to -- to -- to cover our -- our backsides before we go back to the voters. But this is not the best way to do it. Having said that, I'm not sure that I can, in good conscience, urge No votes on this side of the aisle. I -- I don't want to dispute -- obviously, this potentially puts people in a box. They don't want to be known as voting against, quote, unquote, "ethics bills". But I don't think this is the best way to do it. I think it raises some issues in the future that may be of concern. I think the target problems that you're trying to deal with are appropriate and legitimate, but I wish we had done it in another way.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator O'Malley.

SENATOR O'MALLEY:

Will the sponsor yield?

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator O'Malley.

SENATOR O'MALLEY:

Senator, just for purposes of clarification, the issue of official misconduct was brought up being a Class 3 felony. And, of course, the violation that is the subject matter of this legislation would be a Class A misdemeanor. Is it your intention, in any way, shape or form -- because I think I heard language on the Floor that would have suggested that by passing this legislation, we were somehow lowering the penalty for official misconduct below a Class 3 felony.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Senator O'Malley, this is not lowering the official misconduct penalty. This is a subsection of official misconduct, and the -- obviously the prosecutor will have some discretion. But we are not lowering the Official Misconduct Statute.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

So it would be purely up to the prosecutor to make decisions as to how any particular conduct was charged. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Like most charging decisions, there is some prosecutorial discretion, and it's all here. It's all going to be in the Official Misconduct Statute and the prosecutor will have some discretion.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

SENATOR O'MALLEY:

Well, I -- you know, I'm going to offer my support for this legislation and vote for it. I think it is certainly not only a step in the right direction, but a large step in the right direction. And -- and I just wanted to be clear, for the record, that in no way, shape or form does this legislation lower the penalty for general official misconduct under that statute below the Class 3 felony status that it has now. Thank you, Senator.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Hendon.

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Hendon.

SENATOR HENDON:

Senator Dillard, I -- I believe I understand what you're attempting to do here, but I do have some questions, a few things that trouble me. First, is it -- is it true that the employee would go to jail but the constitutional officer would only receive a fine? And if that's true, do you think that's fair?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

...small part we're dealing with here deals with employee conduct; although, there is a part of this that makes it clear that the candidate cannot take this tainted money. There are plenty of other statutes, I think, as Senator Jacobs pointed out, or somebody from your side of the aisle, that applies to we elected officials, but this just gets to State and local government employees. But there is some burden under this on the actual elected official.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

Senator Hendon.

SENATOR HENDON:

Again, I ask you, is it fair for the employee -- if you're trying to get to employees who are being pressured by constitutional officers to do something wrong, why would your legislation send the poor, pressured employee to jail, but only fine the elected -- the elected constitutional officer? Why would you do that? Do you think that's fair?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Senator -- or, Senator Hendon, if the actual officer - the elected official - knowingly participates in the -- the scheme - again, top-down pressure on employees - they would also personally be liable under this Act. So there are a lot of burdens here on the elected official, as well, if they are the ones that are pushing from the top down their employees to go out and solicit those they regulate or inspect.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

Well, Senator, you still haven't answered the question, if it's fair to send the poor employee to jail and the constitutional officer only gets a fine. I don't think that's fair. I don't think that's justice. And it -- it bothers me that you would take that approach when you're saying you're trying to protect the poor, pressured employee. It just doesn't make any sense. In addition, I read further here where someone who does a false claim would only be looking at a Class C misdemeanor. How could a constitutional officer defend themselves if they decide to fire someone for other reasons, and then that person, under your Act, goes and makes a claim that they were fired because they wouldn't

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

sell tickets? Who is the burden of proof on at that point? How can the constitutional officer defend themselves against the bad press that they're going to receive? Even, in the end, they may be vindicated that they did not pressure that employee. But for someone to make a false claim, they only get a Class C misdemeanor. But if they -- if it's actually happening, they can go to jail. I think you put the constitutional officer in a quagmire to try to figure out how can they get rid of a bad employee without then being subject to this Act, because any employee could then say, "Well, I was fired because they wanted me to sell tickets." I -- I think you're trying to go at this problem, but you're going about it the wrong way. You're not giving the employees a little fine; they go to jail. But the constitutional officers, who you're really protecting by going at it in this manner, would only receive a fine. I say send the big fish to jail and give the little people a pass. You want to send the -- the little people to jail and give the big people a pass.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

The sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Under your -- your amendments here, you -- we cannot receive -- a candidate cannot receive more than a hundred-dollar gift. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Senator Geo-Karis, there are a number - over twenty - exceptions for the Gift Ban Act. The last one of those under

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

today's law says that we can accept a gift that is nominal. And we take that last exception and we define nominal as a hundred dollars or less during any calendar year.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, I think -- I'm glad you're defining a hundred dollars, 'cause I think that's fair, because I can remember when I was in the hospital and had flowers coming out of my ears. And I'm sure they spent more than twenty-five or fifty. But what could I do with them? All I can say, I think that's fair. I think it's a fair amount, because no one is going to sell their soul for a hundred dollars. And I do think that your amendments are meaningful, and we have been calling for cleaning up our act and we're doing it. And I commend you, Senator Dillard, for taking the initiative to do so. So I am supporting this, and I urge all of my colleagues to vote for it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. We'll -- we'll try to make this as quickly as possible. Just so there's some -- let's get some technical stuff out of the way so we can get this done. So, for legislative intent, let's make this clear: Employees can solicit from anyone in the State of Illinois. What they can't solicit from - and at the end, Senator Dillard, you could say whether this is right or wrong - what they can't do, if they personally have the regulatory authority over the person that they're going to solicit from. So, let's make that clear. I want it clear from the record. There's thirty thousand people that work for, say, the Governor's Office - I don't know how many do. There are certain people who decide what

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

buildings can be leased by the Governor. Those people who make the decision on what buildings can be leased can't solicit money from the people who lease buildings. But every other employee can solicit money from the people who lease buildings, because those other employees don't have regulatory authority over who gets a lease or not. So, I want to make that clear. And the reason I'm making that clear - and this is for Senator Roskam, and I usually never say another person's -- in debate, but maybe you can -- late time -- I don't want to say he should have his chance to response, but I think we're reading this wrong. Hey, this is ethics legislation. Who the heck wants to vote No or Present on ethics legislation? Tribune and Sun-Times are watching. I understand that. This bill has a chance to come back, and it has a chance to do some language that's correct. Because here's the major problem, major flaw in the -- in the argument. First of all, we had the Gift Ban Act. Senator Hendon's right. It's a bunch of pages, went to Supreme Court. There are no criminal penalties in the Gift Ban Act. Yes, we have Official Misconduct, but that wasn't the Gift Ban Act. Everybody's under the Official Misconduct Act. Gift Ban Act - we went through it, no criminal penalties. Now we come to employees, we make this bill and it says if you are the executive, if you're the official, you have no chance of going to jail, but if you're an employee, we're going to make you a criminal. We're going to make employees criminal. Now, Senator Roskam said and Senator Dillard said this is being brought so we can take the pressure off. Well, let's make this clear. The boss, the employer, goes to the employees and there's pressure to sell tickets. That's what everybody said. There's big-time pressure. There was pressure sort of like, "Hey, if you want to get a raise, you want to get promotion, you want your transfer, start raising money for us." There's pressure. Well, this bill does nothing for that. Nothing. Read the bill. It does

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

nothing. Thirty-five thousand people work for the City of Chicago and work for the Governor. There's maybe five or ten who regulate things. There's only the Commissioner who decides who gets what. The forty thousand people that work for the Mayor or work for the Governor, they regulate nothing. So they still are going to be under pressure. They can't say, as Senator Roskam implied, "Hey, there's a law now that says I can't sell these tickets." That isn't what this says. It may have five or six people that it talks about, but ninety-nine percent of the people who are -- who are salaried employees don't regulate. This does not address those ninety-nine percent of the employees. It says nothing about those employees. And if Senator Dillard would go right to the crux when I'm finished, it says, and it's crystal clear, an -- an employee -- executive branch -- when, at any time, he knowingly solicits or receives contributions from a person engaged in a business or activity over which that person, employee, has regulatory authority. Not many people do. So this does absolutely nothing. It -- it is -- it is intended to do something it doesn't. It doesn't stop any of the pressure that we've been talking about. So I would say let's vote Present and come back with a better bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Dillard, to close.

SENATOR DILLARD:

Thank you, Mr. President. And I appreciate the Membership paying attention this morning. This is not easy to deal with. And it's one of the reasons why a lot of these groups who wanted us to do a major rewrite of ethics laws in Illinois on the 30th or 31st of May are just not grasping reality. It is very difficult any time you try to tinker with anything dealing with -- with ethics. Senator Obama, I -- I apologize. You and I have been great partners on a -- a number of things over the years, including

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

this. And both candidates for Governor -- and I have spent a lot of time on the phone with my candidate for Governor, the Attorney General, Jim Ryan, who has urged Senator Philip and I to pass a much more comprehensive bill. He is earnestly looking for changes to -- to clean house, as he puts it, I guess, in -- in government throughout Illinois or give it a bath, I guess, is his term. We have spent a lot of time, the Senate President and myself, on the phone with Jim Ryan. But I think this discussion here today shows you that on May 30th or 31st, we can't pass a big law. It took us a year working with former Senator Simon and the groups who wanted this to come up with the law that the Supreme Court ruled on last week. This is very complicated material. We copied, Senator Obama, your bill, essentially, House Bill 400, to put it into ours. And I apologize, but sometimes there's sensitivities with constitutional officers and the groups themselves and others that don't allow us always to touch base like we should. Rod Blagojevich and Jim Ryan, I'm sure, will be back here, depending upon which one is elected next year, and we can do some more comprehensive things on the Gift Ban Act. But this law today is very simple. We are getting at the crux of the license-for-bribe scandal. And I want to point out again that this doesn't treat employees differently than we elected officials. Any employee who knowingly acts in concert with another employee, from the top down, who does have regulatory authority, will be subject under this Act. And this protects employees. Employees should like this. It says that if they're discharged or demoted or suspended or threatened or harassed, that they have the right to be made whole. Carter Hendren, who's the toughest political animal around here, when we did the major bill three years ago, told me, "Senator Dillard, sometimes you have to try to protect people from themselves." And I am trying to protect State and local government employees who want to do their job without political

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

pressure to sell tickets. That's what this does. And if this law were on the books, many of the fifty-four poor people who were indicted in the license-for-bribe scandal wouldn't have been in those situations and the State of Illinois would be held in higher regard than it is today. I do want to point out, and Senator Hendon, I think, alluded to maybe that the elected official is not being treated as hard as the State employee or local government employee, that is not true. Under the Gift Ban Act and the law that applies to us from a couple of years ago, if you flaunt or are reckless with that, you can be charged under the Official Misconduct Statute in some circumstances. So, employees and elected officials are treated the same. And this bill has plenty of safeguards in it. It ends the conspiracy of trying to sell fund-raiser tickets, and it cleans up State and local government. It will keep people, in the future, from getting into the situation that those fifty-four people who are indicted today are in. It's a good step forward. This is a simple bill, but it is a very important bill. And I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 4680 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 51 Ayes, 1 Nay and 6 voting Present. And the bill, having received the required constitutional majority, is hereby declared passed. Top of page 11, in the Order of House Bills 3rd Reading, is House Bill 5150. Senator Lauzen, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Senator Lauzen seeks leave of the Body to return House Bill 5150 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 5150. Mr. Secretary, are there any Floor amendments approved

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Lauzen.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

Amendment No. 2 becomes the bill. I don't know if I should -- I would like to ask the Chamber to adopt the amendment. And then be happy to answer any questions on 3rd Reading.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments approved?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. On the Order of House Bills 3rd Reading is House Bill 5150. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

House Bill 5150.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

Thank you very much, Mr. President. Members of the Legislature, House Bill 5150 clarifies that the State, through the Comptroller, is permitted to sell debt that has been certified as uncollectible by either the Attorney General or the Debt Collection Board, to private vendors in the business of debt collection. According to the most recent State Receivable Report, there are nearly four billion dollars of uncollectible or

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

worthless accounts receivable on the State books. This is a huge amount of money owed to the State, which increased by two hundred and ninety-one million dollars in 2001, which has been certified as worthless or junk. When most of us have junk in the garage or the attic, we don't throw it away or write it off or ignore it; we have a garage sale. And if we succeed in recovering just a nickel for every dollar now classified as uncollectible, we'll generate two hundred million dollars. With federal matching funds for Medicaid purposes, these proceeds could contribute four hundred million dollars toward caring for the elderly and disabled. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 5150 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wished? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And House Bill 5150, having received the required constitutional majority, is hereby declared passed. Middle of page 11, the Order of House Bills 3rd -- 3rd Reading, is House Bill 5647. Senator Dillard. Mr. Secretary, read the bill. Oh, I beg your pardon. Senator Molaro, what purpose do you rise?

SENATOR MOLARO:

A point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR MOLARO:

You know, we just passed the bill. I was in committee. We did -- we did Floor amendments on a bunch of bills and were being called on -- in order and the only bill that's not being called is 5168. And -- and -- and I just want to point out -- you were in committee. I understand that it's a pension bill, and I -- and I

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

feel bad that I have to do this. But, unfortunately, we always know there might be some omnibus bill - we don't know what's going on - but we knew, and we talked about this a hundred times, that this has nothing to do with an omnibus bill. Now, I've been told no a thousand times on that side of the aisle. I've been asked and I've been told no. But every time that they said yes - Leadership -- or I said yes, I kept my word. Now, after ten years, I don't want to leave this Senate, end this, and we're not keeping our word. It's one thing to say no, it's one thing to do whatever you have to do. That's what the gavel's about. I never had a problem with that. Disagreeing is fine. But I was giving my word. Now, the problem I have is that this is a -- this is a Senate amendment. It's got to go back across the way. So to just say, "Well, maybe we're going to be talking about pension bills and maybe we'll call it at 10, 11 o'clock at night when we got a budget deal," does me no good, because if we don't have this deal on pensions, this bill's in trouble. And I was given the word that my -- word on that side of the aisle by Leadership that this would be called. So I'm just wondering, what -- what came -- it was never part of any other big pension deal. They knew this was running separate. And all I'm saying is that the word was given, and I just want to know, are we going to keep our word or are we going to wait four or five, six hours to make sure that this doesn't pass?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro, thank you for your comments. It is the intent of the Chair to get to that order of business, but currently, as you may have noticed, the sponsor of that particular bill is not on the Floor. And we will -- get to that order of business today. But at this point, sponsor is not -- is Senator Tom Walsh on the Floor? Senator Walsh? In the middle of page 11, in the Order of House Bills 3rd Reading, is House Bill 5647. Mr. Secretary, read

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

the bill.

SECRETARY HARRY:

House Bill 5647.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. This is an Election Code bill that does two things. It -- it was brought to us by the -- by -- by Cook County and the City of Chicago, who pointed out that in some parts of the State, we do not close registration of voting on the same day. In some places it's twenty-eight days before the election, others twenty-nine. So, we make -- we make it all consistent so that all voting closes throughout the -- the registration throughout the State in the same way. The second thing the bill does is it authorizes the Illinois State Board of Elections to start -- begin a certification process for direct recording electronic voting systems, or touch-screen votings. This is a little different than previous bills because it would require the touch-screen voting machine to have a paper audit trail. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 5647 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wished? Take the record. On that question, there are 56 {sic} (58) Ayes, no Nays, none voting Present. And House Bill 5647, having received the required constitutional majority, is hereby declared passed. Senator Molaro, what purpose do you rise?

SENATOR MOLARO:

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

Well, I -- I was just wondering. Senator Walsh was up on the board voting Yes on that. I don't want to have to start asking for a verification on every vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

That request...

SENATOR MOLARO:

I mean, either he's in the...

PRESIDING OFFICER: (SENATOR DUDYCZ)

That request is in order. Senator -- Senator Dillard does not seek to verify the affirmative vote. I meant Senator Molaro. Members, turn your attention to the bottom of page 23 of your regular Calendar, to the Order of Secretary's Desk, Non-concurrence on House Bills. House Bill 5652. Senator Roskam.

SENATOR ROSKAM:

Mr. President, I move to refuse to recede from Senate Amendment 1 to House Bill 5652 and request that a conference committee be appointed.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Roskam moves that the Senate refuse to recede from the adoption of Senate Amendment No. 1 to House Bill 5652 and that a conference committee be appointed. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. Senator Philip, what purpose do you rise?

SENATOR PHILIP:

For the purpose of an announcement and kind of bring the Membership up to date where -- where we are. As you know, there's a lot of rumors floating around here, to say the least. The House has agreed to pass a budget back to the Senate sometime today. We have been meeting with the Governor, late last night, early this morning. I think we're fairly close to a compromise, but we're going to have to go back to our respective caucuses. I would

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

suggest we wait till the budget comes over here, have a look at it, and then we will have -- we'll have a Republican Caucus. I'm sure that you'll want one on the other side of the aisle. Hopefully we could get out of here later tonight, if we get lucky and keep the rhetoric down.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, 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 2216, with House Amendment No. 1.

We have a like Message on Senate Bill 2214, with House Amendments 1, 2, 3, 5, 6 and 7.

Both passed the House, as amended, May 31st, 2002.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Resolutions.

SECRETARY HARRY:

Senate Resolution 450, offered by Senator Emil Jones and all Members.

And Senate Resolution 451, by Senators Shadid and Hawkinson. They're both death resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Consent Calendar. Senate will stand in recess until the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WEAVER)

Senate will come to order. Committee Reports.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures has been assigned: Refer to the Committee on Appropriations - the Motion to Concur with House Amendments 1 and 2 to Senate Bill 2393.

Senator Tom Walsh, Chair of the Committee on Insurance and Pensions, reports House Bill 4975 - the First Conference Committee Report Be Approved for Consideration, and Senate Bill 314 - the Motion to Concur with House Amendment 1 Be Approved for Consideration.

Senator Dillard, Chair of the Committee on Local Government, reports Senate Bill 1635 - the Motion to Concur with House Amendments 1 and 2 Be Approved for Consideration.

Senator Syverson, Chair of the Committee on Public Health and Welfare, reports Senate Bill 2241 - the Motion to Concur with House Amendment 3 Be Approved for Consideration.

Senator Cronin, Chair of the Committee on Education, reports Senate Bill 1983 - the Motion to Concur with House Amendment 1 and 2 Be Approved for Consideration.

Senator Peterson, Chair of the Committee on Revenue, reports House Bill 1975 - the First Conference Committee Report Be Approved for Consideration.

And Senator Burzynski, Chair of the Committee on Licensed Activities, reports Senate Bill 1689 - the Motion to Concur with House Amendment 2 Be Approved for Consideration.

PRESIDING OFFICER: (SENATOR WEAVER)

For what purpose does Senator Rauschenberger seek...

SENATOR RAUSCHENBERGER:

For purposes of an announcement.

PRESIDING OFFICER: (SENATOR WEAVER)

State your purpose.

SENATOR RAUSCHENBERGER:

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

The Senate Appropriation Committee will meet at 5 o'clock to take up the House budget action in Committee Room 212, at 5 o'clock. Please, all Members, the committee would appreciate your being there, and other Members are invited if they are bored, have nothing else to do.

PRESIDING OFFICER: (SENATOR WEAVER)

Messages.

SECRETARY HARRY:

Message from the House by Mr. Rossi, 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 1966, together with House Amendment No. 2.

We have a like Message on Senate Bill 2393, with House Amendments 1 and 2.

Both passed the House, as amended, May 31st, 2002.

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

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to adopt the First Conference Committee Report on House Bill 1640 and requests a Second Committee of Conference to consider the differences between the two houses in regard to Amendment No. 1.

Action taken by the House, May 31st, 2002.

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

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of their amendments to a bill of the following title, to wit:

House Bill 5375, with Senate Amendments 1, 2 and 3.

Nonconcurrent in by the House, May 31st, 2002.

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

Mr. President - I am directed to inform the Senate that

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

the House of Representatives has refused to recede from their Amendment No. 1 to a bill of the following title, to wit:

Senate Bill 727.

I am further directed to inform the Senate that the House of Representatives requests a First Committee of Conference.

Action taken by the House, May 31st, 2002.

PRESIDING OFFICER: (SENATOR WEAVER)

Without objection, the Senate accedes to the request of the House for conference committees on these bills just read by the Secretary. Leave is granted. What purpose Senator Karpziel arise?

SENATOR KARPIEL:

For an announcement, Mr. President. I hope all Members can hear me in their offices. There will be a Republican Caucus immediately in Senator Philip's Office.

PRESIDING OFFICER: (SENATOR WEAVER)

For what purpose Senator Cullerton arise?

SENATOR CULLERTON:

Thank you, Mr. President. I would request a Democratic Caucus immediately. We'd like to have it in Senator Philip's Office, but we can't, so we're going to have it in Senator Emil Jones' Office. So, all the Democrats should come to Senator Emil Jones' Office immediately.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton, we're having a caucus in Senator Philip's Office. If you'd like to attend, why, you're welcome. Senate will stand at ease at the call of the Chair.

(SENATES STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will the Members in their offices please come to the Floor

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

immediately. We are about to begin substantive action. Committee Reports.

SECRETARY HARRY:

Senator Rauschenberger, Chair of the Committee on Appropriations, reports Senate Bill 2393 - the Motion to Concur with House Amendments 1 and 2 Be Approved for Consideration.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

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

House Joint Resolution 73.

Adopted by the House, May 31st, 2002.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Resolutions.

SECRETARY HARRY:

Senate Resolution 452, offered by Senator Radogno.

It's substantive.

PRESIDING OFFICER: (SENATOR DUDYCZ)

WICS-TV Channel 20, ABC 7, WLS-TV Chicago, WGN, Fox 32 have all requested permission to videotape the proceedings in the Senate. Hearing no objection, leave is granted. NBC-Channel 5 Chicago has requested permission to videotape. Hearing no objection, leave is granted. Chicago Tribune requests photo to -- requests permission to photograph the proceedings. No -- hearing no objection, leave is granted. CBS-Channel 2 News has requested permission to record the proceedings. Hearing no objection, leave is granted. WAND requests permission to record the proceedings. Hearing no objection, leave is granted. Committee Reports.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to the Committee on Executive - Senate Amendment 1 to House Bill 539, Amendment 2 to House Bill 1276, Amendment 1 to House Bill 2381, the Motion to Concur with House Amendment 1 to Senate Bill 1543, Motion to Concur with House Amendments 1, 2, 3, 5, 6 and 7 to Senate Bill 2214, Motion to Concur with House Amendment 1 to -- to Senate Bill 2216, and Conference Committee Report 1 to House Bill 6012, Conference Committee Report 1 to House Bill 5996 and Conference Committee Report 1 to House Bill 5652; Be Approved for Consideration - Conference Committee Report 2 to House Bill 1640 and the Motion to Concur with House Amendments 1 and 2 to Senate Bill 1657.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm, what purpose do you rise?

SENATOR KLEMM:

For the purpose of announcement, Mr. President. The Senate Executive Committee -- Committee will be meeting at 8:25 in Room 212, one hour from now. 8:25 in Room 212, Senate Executive.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Thank you, Senator Klemm. If you bring your attention to Supplemental Calendar No. 1, Ladies and Gentlemen. It has been distributed on the Members' desks. Mr. Secretary, Senate Bill 2393. Read the motion.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 2393.

The motion, by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Before you now, Senate Bill 2393, represents the culmination of the longest series of budget negotiations that I've ever been involved with. I said the other night, it's probably sixty hours of hearings have gone into this and -- and hundreds of hours of meetings. This bill is essentially much of what the Senate Republican finance plan was five weeks ago, and we're proud that, in a lot of ways, this Chamber moved the whole process forward. It comes back to us -- it was first introduced by the Governor on Monday night as a 22.5-billion-dollar plan. It was adjusted by our colleagues in the House, reflecting some of their priorities and some of their concerns, and comes back to us now as a 22.8-billion-dollar plan, three hundred million dollars larger in General Revenue than what it left this Chamber as. This budget does what we need to do in -- in difficult financial times. It provides adequate and reasonable funding for schools. It deals with the concerns that people have in our community providers, both mentally ill and -- and those that work with people with developmental disabilities. This budget adequately finances a -- a downsized State government. It reasonably accommodates, we believe, the Corrections Department, despite all the controversy and -- and the frustration. It's a budget that we need to move forward on. The State of Illinois and the people that depend on State government need some kind of certainty. It's been a difficult time for those people who depend on State government to -- to know what our directions are. We all know we were frustrated by inaction in the House in November, by the failure of the House to be able to gather majorities to pass extraordinary authority in January. We've all sat here frustrated for months as the House failed to act. We finally got a bill out of the House that we think we can move to the Governor. With the Governor's authority, he can govern under this bill. I hope we can all come

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

together and pass this bill out of the Chamber and on to the Governor. We're on a concurrence motion. I'd be very happy to answer questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Pat Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Welch.

SENATOR WELCH:

Senator Rauschenberger, how much revenue do we have to raise to pay for this bill above what the projected revenue is for the State of Illinois?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

In the neighborhood of three hundred and fifty to four hundred million dollars would give us an adequate year-end balance for a constitutionally balanced budget.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

That include borrowing the money from the Rainy Day Fund within a few days after we put the money in there?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

That's a cash flow question. We borrow the Rainy Day Fund, although it remains in press, we put an IOU in it. We use that so that we can fund the flow of our bills. We all know we've been in difficult cash times, and we've had a very difficult time persuading the Comptroller and the Treasurer to support short-term

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

borrowing, which is statutorily permitted.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

This bill also provides for a -- requires us to borrow a -- a billion dollars from projected revenue over the next year so we can pay providers within a thirty- to sixty-day payment schedule. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

No, Senator Welch, that's not correct. We're already borrowing hundreds of millions of dollars from providers and pharmacists and hospitals and nursing homes across the State of Illinois because we're unable to pay our bills on time and because we were unable to reach consensus on revising the budget. What this budget does do is it sets aside fifteen million dollars to pay the interest costs if the Comptroller, the Treasurer and the Governor agree to use the Casual Borrowing Act to accelerate that -- those payments of bills.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

So, this bill requires that they consent to the short-term borrowing?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

No, this bill does not require any kind of consent. It's an appropriation bill. The -- the requirement for the Treasurer and the Comptroller to participate in the decision are -- is -- I think, is in the Casual Borrowing Act.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

So all we need, according to you then, is three hundred and fifty million to four hundred million dollars and the whole budget is balanced that's passed in this bill. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

No, Senator Welch. Maybe I could take you through a little further. That was the amount of new revenues from new tax sources. If you take decoupling into consideration, it adds two hundred and forty million of it -- additional resources, and the plan to borrow -- to -- to harvest from other State funds adds a hundred and sixty-five million of additional general revenues, in addition to the reductions in the -- the Governor's budget.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

Those are the only two revenue items that you think we need after we pass this budget? We don't need the cigarette tax or the riverboat tax increase?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

No, I'm sorry. I mentioned those in the first three hundred and fifty to four hundred million. That -- that's the value, roughly, of riverboat gaming increased taxes, plus tobacco taxes, which are going to be heard in the Executive Committee, hopefully in about fifty minutes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Trotter.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

SENATOR TROTTER:

Thank you very much, Mr. President. You know, we had an opportunity to look at this bill in committee, just little over a half an hour ago. Overall, I think this is a much better budget than we saw the other day, the Senate version. The House has done a very good job in -- in restoring those dollars that we felt are important to the people of this State. However, I do have a few questions, and if the sponsor would yield.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Trotter.

SENATOR TROTTER:

Thank you very much. Senator Rauschenberger, we put twenty-five million dollars in DOC. In the original Senate version, we had put twenty-five million dollars in there, and basically it was money that the Director can use at his discretion. This bill, we put another twenty-five million dollars in there as lump sum; however, there is no specific language here saying how he should spend the money. Believe the original intent was that the dollars were supposed to go in there to -- so we do not have to go in to do the privatization deal that was originally there. Can you tell me what those -- that twenty-five million dollars is supposed to do?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

The concept of a management lump sum is not new to the budget and it's not new to State government. We use lump-sum budgeting, for example, to budget for the Chicago State University. They receive the general funds that we give them to manage their campus on a general funds basis, and then we review each year how they allocate and spend those funds. The twenty-five-million-dollar lump sum was a response to the politicization of -- of the -- the

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

whole discussion of the Corrections budget where news releases and -- and district interests seemed to kind of swarm around the whole process the last five weeks, and we came to believe that by putting a lump sum in to give the Executive Branch and the Department of Corrections some flexibility in managing that Department was in the best interests of the people who are in Corrections and those people who need to be safe in managing the Corrections system. So this -- this lump sum is not identified for use. It could be used -- if -- if the Governor decides not to privatize for some of those funds, it could be used to open other facilities or to remanage the system. It's not designated, and it's -- it's a concept very similar to what we use in higher education.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Trotter.

SENATOR TROTTER:

Again, I thought it was the intent of these dollars that were going in there was to ensure, at least make sure, that we had the revenue necessary so they would not have to privatize. And what you're saying now is, they could certainly still go along with their privatization plan and use these dollars -- or -- or, use these dollars for anything they want?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Trotter, they couldn't use it for anything they want. They have to use it for the operations of the Department of Correction. This Chamber voted out overwhelmingly a prohibition on privatization. I think the House did as well. That bill, I think, speaks to the intent of the General Assembly about how we feel about privatization. This -- these funds are designed to be flexible for the administration, once we're out of Springfield,

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

once we take the politics and -- and the -- the -- that kind of thing out of this -- this whole issue, that they can remanage their system in the best interests of the people who work there and need to be safe and -- and the people that are incarcerated in that system.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Trotter.

SENATOR TROTTER:

If we can go forward. The transition centers - we know that the transition centers in the City of Chicago, or at least two of 'em, have been identified to be -- remain opened. Have there been any other plans to keep open the transition -- transitional centers in the other parts of the State?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I know of no plans to close any of the Department of Correction's transition centers that are operated by State employees. I've not heard any announcements to close those. I know of no plans to close those. As to the question of what they're going to do with other contractual transition centers, that's up to the discretion of the Executive Branch, as it always is.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Trotter.

SENATOR TROTTER:

Yes. Does this bill have provisions to stop the pain -- the pain of layoffs? Is there enough dollars in here that, what we've seen so far, is the end of the layoffs in the Department of Corrections and also the other agencies throughout the State?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

SENATOR RAUSCHENBERGER:

This budget and no budget really controls the pain of layoffs. The decisions on layoffs has to do with capacity in departments and decisions by the Executive Branch, as well as negotiations with the labor unions and the employees who work in 'em. The -- question of -- of early retirement affects how many layoffs. We've sent a bill from the Senate over to the House. Some -- and I guess -- I've heard from reliable sources that the Speaker has finally agreed that an early retirement initiative is a reasonable thing to do so that we have to lay less people off. But, no, the State government is not managed through the budget; it's funded there.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Trotter.

SENATOR TROTTER:

If we can go forward, down to DHS budget. The dollar an hour for home care workers. Is there dollars in this budget to ensure that those home workers can remain whole?

PRESIDING OFFICER: (SENATOR DUDYCZ)

The Chair would request that the Members and staff take their conversations off the Floor. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Well, unlike other dollar-an-hour initiatives in the past, there was a proposal to increase the rates for home care services to -- to contractual providers who provided them, by a dollar an hour. It was a rate question though; it was not a -- a wage question. Unfortunately, when the Governor proposed that, in order to do that, he would have had to restrict access to the home care program for seniors. Rather than create a waiting list of -- of over two thousand senior citizens, the Governor decided not to move forward with a dollar increase in the rates to the contractual providers. Been a lot of pressure on the home

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

services program. We all know that as Illinois and the United States grays, that we're going to have continuing demand there. In a year when many other resources and many other agencies did not receive more generous resources, the Governor has agreed to fully fund the expected caseload in home services, but, unfortunately, we were not able to increase the rates for those providers.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Trotter.

SENATOR TROTTER:

Well, we -- we can go on like this for awhile, but however, we -- for the sake of time, you know, basically I believe this is a good budget. We certainly did restore the MAP program, which we felt that the students in this State deserved so they can go ahead and get an education so they can become viable citizens in this State and also become good taxpayers and carry their own load, as you -- as you may go for. We also restored sixty-five million dollars to the Chicago Teachers' pension plan, which was a good thing. And we've done other provisions as well. But, Senator Rauschenberger, do we have a funding stream for all these good things, this two hundred and eighty million dollars above the mark that the Governor had -- had first given us?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

If we pass this budget out of this Chamber and we pass the revenue items that'll be before the Executive Committee in, I guess, about forty-five minutes now, we will have a constitutionally balanced budget and we'll be in a position to adjourn.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Trotter.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

SENATOR TROTTER:

Thank you very much, Senator. Also, we have found that we have also reinstated the dollars to Teen REACH. The City Colleges and the downstate colleges also would be an additional five million dollars from what we have in this plan. And as pointed out earlier, it -- this is a good budget. It's the best budget that we can put together in -- in these very difficult times. However, we do have a problem, again, that there was a deal made that we would be using some securitization dollars. Well, from -- it is our understanding at this time that that deal has been broken, and because of that, I will be voting Present on this bill. And those on this side of the aisle that feel so inclined should do the same.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Madigan.

SENATOR L. MADIGAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise to alert people in this Chamber to something that's going on in this budget that I'm disappointed in. In the bill that we're voting on right now, there is a 12.3-million-dollar appropriation that goes into General State Aid for education funding. It was told to us in the Senate Appropriations Committee by Senator Rauschenberger that that was an overappropriation in the General State Aid line. My understanding of that is that was to be money that was going to go into the poverty grant, specifically to help schools that have high concentrations of poverty students. So, Rockford, Decatur, Urbana, Joliet, Rock Island, Quincy, Springfield, Aurora, Alton - these school districts were scheduled to get some of that money. The reason they are apparently not going to do that is that, while this money is in this bill, there's no actual language in the Budget Implementation Act to make sure that that happens. Now, I don't

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

know if there's anything else in this current bill that needs to have language in the Budget Implementation Act to make sure that it's allocated appropriately, but this is certainly one area where it has been told to us that we are trying to help, in this very difficult budget year, some of the school districts that will not see increases, that will not see the necessary funding to maintain their programs. And so for some of those school districts, this was going to be money that would help them, help them not end up in a hold harmless situation, and I'm disappointed to see that this is how things are being handled. So I think the Members should be alerted to the fact that while it actually looks like there's some appropriations being made in this bill, in this budget, that money may not be going where you think, unless there's the necessary language in the Budget Implementation Act.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Let me put that question to rest right away. And I guess I'm a little disturbed, if we have an Attorney General candidate who's going to operate on hearsay evidence. There is -- there is an appropriation value in the General State Aid Formula. There is no change in formula for the poverty grant that's been proposed to the BIMP or moved as a legislative bill, nor has there been a single hearing in either Chamber about changing the poverty formula. For you to get up and lead people to believe, based on -- on assertions made to you by one Member of the House, kind of surprises me. Do you have copies of the BIMP bill showing a request for a change in the poverty formula?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan.

SENATOR L. MADIGAN:

I didn't ask a question. I made a statement, to start with.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

But I appreciate, Senator Rauschenberger asking me a question. There have been numerous meetings, some of which you've been at - I don't know how many you've been at - you were at the last one where this was discussed, where we were talking about how it was that we were going to increase the grants either by ten million dollars or fifteen million dollars. When I finally saw the budget that came out of the House today, it was a number of 12.3 million dollars. So, to say that this has never been talked about, to say there's only one Member of the House that's made this assertion is simply untrue. The reality is, this has been talked about, and it's my understanding that there are people in your caucus that are against this. The reality is, there are many districts within Republican Senate areas in the State of Illinois that would stand to gain if this money was in a poverty grant. I think it's where it should be going, and I can understand that there are things in this budget that no caucus wants. There are things in this budget that many of the caucuses want. There are things in this budget that maybe only one caucus wants. But there was discussion about this. There are at least three caucuses that are in agreement this money should go into the poverty grant, and I think that's where it should go. And that's the statement I would like to make on this Floor. Thank you very much.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Viverito.

SENATOR VIVERITO:

Sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Viverito.

SENATOR VIVERITO:

Senator, in all due respect, I think you and I both have served in township government many, many years ago. I've been township supervisor for almost thirty years. And before I do a

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

budget, I always -- in fact, I think Senator Bill Peterson's a -- has been a township supervisor. I believe that Senator Pate Philip has been a township supervisor or trustee. Many of you on the other side of the aisle have served in the same capacity as I have through these many years. And I can't comprehend how you can do a budget without understanding what the revenue is first. I've never done a budget without understanding the revenue.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I -- I have never served in township government, although I am a -- a township committeeman for the Republican Party. But State budgeting's a little different. First of all, in the -- in a township, you're both legislative and executive at the same time. That's not the -- the element here. Second of all, we're sovereign, so we have the right to raise our revenues by simple majorities in both Chambers. We have always done our budget and then done our revenues here. It -- it's the custom, I guess. Normally, they're done much more closely in time and there's much more consensus because we have extraordinary revenue circumstances this year. But I assure you, this is the normal process.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Viverito.

SENATOR VIVERITO:

In all due respect, Senator, the bottom line is, if you don't know what the revenue is, I can't see how you can possibly do a budget. Obviously, I'm in the black in Stickney Township. We have no outstanding anticipation warrants. All of our bills are paid for. We do what is appropriate. And if, in fact, the State of Illinois does a budget before it understands its revenue, maybe we ought to be doing it in reverse. Maybe we ought to know how much revenue we're going to have coming into our budget before we

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

allocate these different monies to different areas. How do we know we're going to have that money if, in fact, it -- it isn't due?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

In all due respect, let me point out that the State government, unlike local governments across the State, is not carrying billions of dollars in reserves. One of the reasons we discuss the Local Government Distributive Fund is the amount of money retained. I think it would be very interesting in State government if we could collect our revenues for the next fiscal year, ascertain the amount before we spent them. But we are always working on estimated revenues. This last -- the budget year we're in is a clear example of the vagaries of State finance. We assume, based on past performance, what our revenues are going to be. We're always working on revenue planning. There is no certainty in State revenues. You have a sovereign that can make adjustments. The Governor also has the authority to amendatorily veto or to reserve spending. Those are all tools to manage State finance. You just -- there just is no certainty in State revenue.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Viverito.

SENATOR VIVERITO:

Senator, I really appreciate that, but what happens if we don't pass the revenue Act? What happens if we don't pass and you don't get enough votes to be able to generate the money coming into the budget? What happens then?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

The Governor will be forced then, by amendatory veto or by line-item reduction veto, to shut down facilities, to close

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

programs and to reduce costs. I mean, if -- if this General Assembly can't keep a deal for eight hours, can't act responsibly in its constitutional duty to pass a balanced budget, then the Executive Branch will fill in.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Viverito.

SENATOR VIVERITO:

In all due respect, Senator, I'm not an argumentive Senator. I'm a realistic individual. I come from a very poor family. I've been gifted by the fact of being able to learn here in this Body. And I'm only telling you that within our own township government, which most of you advocate to - grass roots - the responsibilities of understanding your particular areas is the first priority in township government. We're the closest to the people. You're doing something today, pushing it onto the Governor, who's probably been a decent Governor, in my humble opinion - a lot of people don't agree; I believe he's been a decent and honorable Governor and I think Illinois FIRST has really enhanced many of our areas - but I cannot see how you, as a responsible township committeeman - does that mean Republican committeeman or Democratic committeeman? I don't know - but the point that I'm making is, before you do a budget, you have to understand what the revenue is. Thank you very much. And as far as I'm concerned, you're doing the cart before the horse.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I actually just have a -- a question and -- and some of it may be answered later -- later on...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Obama.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

SENATOR OBAMA:

As I understand it, the way you've structured the revenue package that -- that we hopefully will be presenting in Executive and have an opportunity to debate before midnight tonight, you -- you've included some new revenues with -- or a package will be included that includes cigarette taxes, gaming taxes. There's the decoupling, which already exists, the -- the stream of which is already in place. We're going to be taking some money out of the funds that -- like the Road Fund -- I don't -- I don't know which funds have been identified, but essentially money that's already sitting in the funds. And that gets us much of the way there, and then we still have a gap or a hole to fill that, as I understand it, we are essentially filling by decreasing the amount of money that's going to be in the year-end fund - is that -- is that correct? - that we could use for lapse-period spending.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

No, not exactly. We're not decreasing the year-end balance. Our current year-end balance, when we wrap up this fiscal year, will be very, very low - some people say as low as fifty million dollars. Our best estimates are between a hundred and forty and a hundred and ninety million dollars. The plan, if it's executed and it's successful in the Executive Committee, will give us a balance approaching four hundred million if the Governor accepts the entire budget, somewhat more if he decides that some spending's unnecessary.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Obama.

SENATOR OBAMA:

So, as I understand it then, it will be anticipated that we'll have a four-hundred-million-dollar year-end balance, and

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

statutorily, constitutionally, we're not required to maintain a particular balance, that this will be sort of a guesstimate or -- or -- or an assumption on your part that a four-hundred-million-dollar reserve will be sufficient for us to be able to pay our bills. Go ahead.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Well, I wouldn't say it's my assumption. I'd say it's a result of House action. The -- my assumptions were embodied in Tuesday's bill. I know that didn't meet with warm response on your side, but I would be cautious in calling these my assumptions. This is a financial plan worked through based on the Governor's introduced budget and the House action. But do I believe four hundred million dollars is sufficient? It's more than Jim Edgar carried in five of the eight fiscal years that he was Governor, and -- and I don't think people were concerned about whether he was financially prudent. It's always better to have a larger balance, financially. I would appreciate if we had a larger one. But this year, our extraordinary times, I certainly don't believe anybody in this Chamber would believe we ought to lay off more people to get a larger balance or -- or punish the taxpayers more to get a larger balance. It's a time for us to be, you know, careful.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Obama.

SENATOR OBAMA:

Just to close, then, on the bill. I actually think that this bill reflects a relatively decent compromise between the various caucuses, but I am concerned about a couple of points that have been raised. One is the point that Senator Madigan raised. And I recognize that that side of the aisle disagrees, but I think that

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

to the extent that we're thinking about how we're going to be spending education dollars that we vote on in this budget, making sure that those communities, particularly downstate communities, I might add, that have large percentages of poor children in them and don't have a significant property tax base should be attended to. The second thing is I am disappointed that we, in fact, are not including in this budget the one-dollar-an-hour rate increase. I recognize that it's not technically a wage increase, but my understanding, at least, was - and I may be mistaken about this - is that it wouldn't have cost us more than perhaps seventeen, twenty million dollars to do. When I look at some of the spending priorities that are reflected in this budget, I think it's unfortunate that we couldn't find the money to devote to some of the lowest-income, but also hardest-working, citizens in the State of Illinois. Having said that, I'm assuming that there are aspects of this budget on the other side of the aisle that people are also unhappy with, and I do recognize that the hour is late and a lot of work has been done. So, having said that, I think that this is probably a budget we can potentially support, to the extent that we end up having the revenues in place to make it happen.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. Senator Rauschenberger, I truly appreciate the professional way in which you responded to Senator Obama's questions, and you always normally respond in a professional way and I hope you will continue to do so for the rest of the night. I'm sure you remember, earlier, President Philip asked us to keep the rhetoric to a minimum, and we'd like for that to be on both sides. When I first met you in freshman class, I met a friend and a gentleman. You were a gentleman then. I know these are tough times, and perhaps you're a little tired,

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

but the way you treated Senator Madigan and Viverito I think was a little terse. We don't need that. I caution you not to continue with that so it won't be such a long evening. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Shaw.

SENATOR SHAW:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Shaw.

SENATOR SHAW:

Yes, would you tell us, the Body, the hundred-and-twenty-five-million-dollar real estate transfer tax, what stream of revenue have you replaced that with?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

We've not replaced it with any stream of revenue.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

Well, we have -- we've added about two hundred and some million dollars to this budget from the time it left here to -- to the time it came back. How do we plan to finance that? I think this is where Senator Viverito was trying to go. How do we -- how do we plan to pay for this, for these programs?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I would have argued we wouldn't have added two hundred and seventy million. That was action by the House of Representatives, in their wisdom. They're a coequal branch. They -- or, coequal Chamber. They believed that they needed two hundred and seventy

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

million more in spending. The spending plan that I would have advocated you saw on Tuesday night. We will get by by probably delaying payment cycle a little bit and managing more closely, hopefully with the support of -- of casual borrowing, that -- that we can manage through. We're better off with a larger balance. The House has chosen some spending priorities that we're being asked to concur in tonight. But it's not necessary to respond to every House action with an increase in taxes. The -- the real estate transfer tax that you speak of never appeared on a Senate bill. No one ever brought it to committee. Although I know it was discussed as a concept, it was never agreed to by anyone.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

I -- I realize that, but don't you think that we have a responsibility in this Body to send -- put forth a balanced budget, in terms of making sure -- not shifting the responsibility to the Executive Branch - because we have a lame-duck Governor, we're going to shift it to him and accuse him, at some point, of making these cuts - that we should -- that we should make or either find the finances to finance these cuts? What -- just a minute. Why should we shift our responsibility that the people elected us -- what the people elected us to do, to the Executive Branch? These programs and -- and most of the programs that exist in this budget that was add -- added to the budget is good programs. Many of them -- you're talking about schools and senior citizens and all of the people that cannot help themselves, nursing homes and so forth. Why would we do this -- and the prisons. Why would we pass this budget knowing full well that we don't have the money stream to pay for the programs that are in it? Doesn't make any difference who do it. We are equal -- coequal branch with the other side of the aisle. But you're the

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

budget director and you-all have the votes over there. Why can't you -- why can't we -- and there are many proposals out there, but you don't want to accept those proposals and it don't cost the taxpayers any additional money. You just refuse to do 'em because, I guess, you didn't think of 'em or your side of the aisle didn't think of 'em. You know, I'm beginning to wonder what's wrong with that side of the aisle. Maybe we're drinking bad water in Illinois. Would you answer just a couple of those points?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I'll do my best to answer them in a respectful fashion. You started off there. I was getting kind of excited. I was going to ask the Senate President to make another chair over here. I agree with you, we should be acting more responsibly. I agree with you, we should be balancing this budget in a better way than we're doing. I would argue that the Senate, in many ways, has tried. We acted in November. We acted in January. We acted in March. We acted again in April. We put a financial plan out that I thought was stronger than the one we're facing today. But according to the Constitution, we have to have consensus with a hundred and eighteen State Representatives who saw the world differently. So, I agree with you, we -- we could be doing a better budget than we're doing, but this is a constitutionally balanced budget. We can manage with the revenue streams here if we're successful in the Executive Committee in about thirty minutes, as they take up the revenue questions that will help fund this budget. I agree with you, as well, that the programs in this budget are good programs. I don't quibble with any of 'em. I've worked on Appropriation for eight years and supported the kind of programs we're doing. I'm proud of the work we do in the State of Illinois.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

But this is -- these are extraordinary times, and it is a challenge for the legislative process to rise to extraordinary times. You know, I -- I appreciate your comments and know that this is not a budget that makes very many people happy. Keep in mind, this isn't my budget. I'm carrying a concurrence motion on the best work of the House of Representatives, led by the Speaker and the Minority Leader.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

I wanted to -- we have looked at that and I know that you-all have looked at it on the other side of the aisle there. In terms of what revenue stream do you have in place or you're thinking about - and maybe I should follow you down to the Revenue Committee - that would pay for what we are about to do here? Can you tell us that at this point?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator, the -- the largest-single revenue stream in the State arsenal is the income tax, followed by the sales tax, followed by, I think, the public -- or, corporate income tax, followed by the public utilities tax. In addition to those streams of revenues, we have a lot of other taxes, including the cigarette tax. The new revenues that people are discussing for this budget are an increase in the cigarette tax in -- in the neighborhood of thirty-five to forty cents per pack, which will raise an additional two hundred and forty million dollars, and a -- a bill that we're going to take up soon on riverboat gaming that will increase the revenues from riverboat gaming in the neighborhood of a hundred and fifty to a hundred and eighty million dollars. And as I pointed out a little earlier, in addition to those new

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

revenues, the revenue assumptions in this that they're going to -- we hopefully are going to have consensus and pass decoupling from the federal stimulus package - that's worth another two hundred and forty million dollars - and the transfer of other fund balances into the General Fund for a hundred and sixty-five million. So, those are the revenue streams that I would rely on.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

Finally, in terms of the security -- the Tobacco Fund securitization. Let's discuss that for a minute. What's the problem with that, when about twenty-some other states have used it? What's the problem with that? And that don't cost -- wouldn't cost the local taxpayers any additional money. That money has already been awarded by the tobacco industry. Wouldn't cost anybody and other states have done it across this nation. Why do we have such a hard time letting the bond companies take the risk, rather than Illinois take the risk? Is -- is this another one of those issues that you-all didn't think of on that side of the aisle and you want to -- you just want to discount it? And you don't have to raise taxes. You don't have to raise any of these taxes. And you could deal with that fund and balance this budget and pay for many of the programs. Can you answer that question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

For the record, I think I had the first or one of the first bills revolving around securitization. Back when the Fund first started, the Treasurer asked me -- Judy Baar Topinka asked me to introduce a bill to securitize the tobacco revenues. At the time before we had assigned permanent programs to the Tobacco Fund stream, I was in support of it if we could sell our risk off. The

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

problem with selling the risk of the Tobacco Settlement is the discount rates required to sell off the risk, unless you guarantee it with general revenues, meaning the discounts are substantial. Yields unguaranteed are in the neighborhood of thirty-two, twenty-eight, thirty-five cents per dollar. It -- it generally was seen as not a good deal, not a good enough deal, and we retreated from the proposal. In the ensuing period, we now have anchored some very important permanent programs on 'em. Circuit Breaker/Pharmaceutical Program, the Earned Income Tax Credit program is anchored in the Tobacco Settlement proceeds. So it's -- we -- we don't think it makes as much sense today to securitize that stream of revenue. So, you know, I'm sorry -- I know some people like that idea. It just isn't one that works out with the budget planning. I'm sorry we're not doing it for you this year.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

Finally, to -- yeah, we have a lot of finals here tonight. The -- at -- what you just explained with the Treasurer, at that time that she was investing, you were making money on those programs; you wasn't losing money. Today you're losing money. And you should point that out as well. The other part -- the other part of that is that -- to the bill: It -- I have a problem with you -- with this Body shifting the responsibility to the Governor. You-all are going back to your respective districts and talk about you -- you passed a balanced budget and then you're going to allow the Governor to amendatory veto a lot of stuff out of this budget. You-all are going to be running on that this fall.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw, would you bring your remarks to a close, please?

SENATOR SHAW:

I am going to bring 'em -- thank you, Mr. President.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

PRESIDING OFFICER: (SENATOR DUDYCZ)

Thank you.

SENATOR SHAW:

You'll be running on that this fall, but at the same time, at the same time, you have not met your -- you haven't met your responsibility, in terms of really voting on a balanced budget, and you should be ashamed of yourself to pass this kind of budget with no revenue stream, shift it to the Governor, a lame-duck Governor, that you know that you haven't put the money in there to pay for the program. And you go back out to the community and tell the people what you did, and I think it's wrong to try and hoodwink the people.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I know that tempers are short -- and actually, fuses are short. Tempers might be short, as well, and hopefully they're not too long. But we've had a lot going on here this evening. I've already yelled at a room, clearing out cell phones in a hearing room. I just had an argument with one downstate Rep, whom I consider to be a very good friend, a very good colleague and very knowledgeable on education issues. But I'd be very remiss if I didn't stand here tonight to talk a little bit about some of the education issues that haven't been talked about or addressed in this budget. And those are issues that very many people sitting around a room talked about and had consensus, to some degree. Maybe not full degree, but consensus. Four caucuses, not just three. Now, when we talked about poverty level spending, there was consensus with three. I'm a downstater. Yes, some of my schools will benefit from an increase in the poverty grant. No doubt about it. And maybe we do need that, and I'm not going to

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

deny that. But also, it'd be very remiss for my Chicago colleagues to sit here and say it's a downstate issue, because out of that twelve-million-dollar increase they're talking about, about six million of that would go to the Chicago public schools. So, let's not say it's a downstate issue entirely. But what we agreed on, in -- in premise and in principle and -- and just kind of across the board, were cuts that totaled ten -- or, reductions, I should say, to be reallocated equaling tens of millions of dollars. Every one of those has been added back in on this plan. Those reductions and reallocations would have fully funded mandated categoricals in the State of Illinois, which would also have helped downstate schools deal with special education issues, deal with transportation and busing issues, everything that's also important to all of us. It also would have fully funded the hold harmless clause that we have, not to -- not like what we've got presented to us tonight. You know, is this budget perfect? No, it's not. And I have to tell you, I sat in that room the other night with my colleagues from the House and from the Senate and from all four caucuses and I said - no offense, Pate; no offense, Emil - I said, "You know, if we could remove the four Leaders and the Governor from this process, we could probably reach consensus." But the truth of the matter is, that's not going to happen. So, anyway, I think that we have to recognize that we passed a budget out of here Tuesday evening that outlined Republican Caucus priorities in education spending. None of those are addressed in this budget. But I do believe it does go a long way to address some of those issues, and I just thought I needed to stand up and clarify the record.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further -- further discussion? Senator Jacobs.

SENATOR JACOBS:

...you, Mr. President, Ladies and Gentlemen of the Senate.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

I'll make this brief. Number one, I'm not mad at anybody and my temper isn't short yet, but it may get there. Just one question that might clear up some -- some of the questions, I think, that have been raised on this side of the aisle.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield, Senator Jacobs.

SENATOR JACOBS:

I'm sorry. Thank you. There's been a lot of concern about revenues versus appropriations, and this is a budget bill. Correct me if I'm wrong, Senator. All I really need is a yes or no on this. If, in fact, we think that this budget is the best thing we can come up with, we can vote Yes on this budget bill and still get another bite of the apple whenever the revenues are -- are brought around in the Budget Implementation Bill. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

You get a vote on the -- on the revenues, certainly, but this would be the only budget vote. But, yes, in concept, it's...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

Just -- just one follow-up. This budget is of no value without the Budget Implementation Bill, correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

That's right. I -- well -- I -- I -- it probably would be unprecedented for the General Assembly to pass a budget without a Budget Implementation Act. I'd really -- there's about twenty-two or twenty-three programmatic changes in the Budget Implementation

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

Act, but you'd have to find a more experienced authority to find out what would happen. I'm pretty sure the Executive Branch would do its best, if we adjourned, to implement the budget without the Implementation Act. But that's a good question.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator -- Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President. Just -- Ladies and Gentlemen, I just want to point out a couple procedural points. Obviously midnight is fast approaching. Prior to what we -- what happened here in 1988, I don't know if the press in the gallery or the TV cameras are going to let us stop this clock at midnight, as you well know, if we don't get this done before midnight. I would love to stand up here and say that we should vote No because of a certain reason. And this budget is a good budget. It's the best that we could do under the circumstances. I think we agree with it. Our colleagues in the House, the Democrats who put this on, were Democrats. They went to our constituencies. We put it back on, and then, you know, you -- you fellows and ladies over there are concurring. So, I -- I have no problem with this budget. The problem is -- and I don't know why anybody's talked about it, last night when the Leaders met and I read it in the newspapers - I wasn't there, so I don't know; I just go by the newspapers - that there was -- and I guess this is what Senator Viverito was talking about. At least there should be an agreement on the revenue stream. Yes, you can pass the budget first. That makes sense. But there should be an agreement, trail of revenue streams coming that we agree to. Now, anybody who read the newspapers or watched TV this morning, we had a deal and the deal was that tobacco securitization would be part of this. And it seems like one of the four caucuses backed out of that deal. Now, remember, I wasn't there. So, if it wasn't the deal, it wasn't. But that's

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

what I read. And the only reason we're up here taking thirty-five minutes or forty minutes on a budget that's going to get forty or forty-five votes is because we know what's coming, and what's coming is going to be the fight on the revenue stream. And that's why we're saying what Senator Shaw said and Senator Viverito, is saying we're passing this and we don't know the revenue streams because we thought we had agreement and we don't. The only thing I will finish with is this -- however, I would state to the colleagues on this side of the aisle, is that if - what Senator Jacobs was talking about is true - if this gets more than thirty votes, which I think it will, in its concurrence, it goes to the Governor. And if two or three hours from now that caucus will finally live up to their agreement on the revenue stream a couple hours from now and we agree and we all vote the revenue stream, we're not going to get a chance to vote for this budget again. So, you may be voting for a revenue stream that you voted No on on the budget. So, just remember, that this is concurrence and this might be your only chance to vote on the budget. So, if you're a Yes, now's the time to do it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Jones.

SENATOR E. JONES:

Thank you, Mr. President. You know, listening to the debate and see where we -- seeing where we are tonight, I thought last evening that I would be packing my bags around this time, having concluded Session and having accomplished something. But it's important to know how we reached this particular point. It's important to know why we are voting on this measure this evening. It just didn't happen by accident. If you'll recall when we were here and the -- and -- on Tuesday and you passed an appropriation bill out of here on a partisan line, you took money from Chicago Teacher's pension, you took money from the juvenile, you took all

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

these types of things and moved them around. You didn't take any from DuPage, but you took all those things, sent it over to the House. The House, in turn - and I listened and I listened quite well and I even hear that which is not spoken, and I told the Members of my caucus this - the Speaker of the House said, "The Senate is going to pass a bill over," which they did, "and we're going to amend the bill and send it back," which they did. But there was one twist to that. The Minority Leader of the House said, "I'm not going to vote for a bill that's not balanced." And you read all the accounts in the paper. You're going to send a budget over here and let the Governor do the cutting on the programs. So, we had a meeting last evening, a meeting of the minds to try to resolve this particular issue. This bill would not be here tonight had not there been a -- consensual agreement in concept as to how we would resolve the revenue as well as the spending problem. Schnorf, the Budget Director of the Governor, said, "I need at least six hundred and -- and fifty million dollars in year-end balance to deal with any lapse spending that we may run into." Lee Daniels, Minority Leader, indicated that he did not want to be irresponsible in voting for a budget that was not balanced. With the consensual agreement that we would have a balanced budget, placed him in position based on those words that we would do same things, far as revenue and so forth, they, in turn, put the votes on the bill. That's how the bill got over here. People relied on what was said around the table. And one other shocking thing was said around the table. Everyone talked about the tobacco -- money, far as securing those dollars to help deal with this budget. The Budget Director for the Governor said, "Well, we can't do that 'cause you know Wisconsin lost their bond rating, they lost it because they used these dollars to balance the budget." I said to him, "Well, I read the same article you read and I -- I got a different interpretation." And I gave it to

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

him, and he read the same article that he claimed to have read. And he said, in front of all the Leaders, the Governor, "I apologize, you were right. I apologize to you for giving misstatements as it relate to the use of these dollars." It did not cause the bond rating to go down. What happened is, their previous budgetary practice over several years caused it to go down. Using the tobacco dollars sort of helped them a little bit. And I noticed in debate last -- early this week on another issue when you jumped around talking about Wisconsin went down, and I told you this morning you were wrong. It was not -- that bond rating did not go down because they used the dollars. So, how did we arrive at this point? Let me get back to that. This bill would have never passed the House because they didn't want to pass a budget that would be sent to the Governor and give the Governor the responsibility of doing our jobs, as Legislators, to do all the cutting. So, an agreement was reached, in concept, that we would use certain tax revenues, we would use decoupling, we would use some other funds, we would use securitization as a year-end balance, not in operation, so that in the event we run into problems, the dollars would be there. That's why we're here today. And then I hear worry that all of a sudden securitization's off the table. Then what the hell did we spend all that time down there last evening for? We wouldn't be voting on this bill tonight if people keep their word on things that they are going to do. I'm not hung up on securitization. It could be any other revenue stream. But you put the House in a trick bag by having Members over there vote for a budget that they thought was going to be balanced, and you need a year-end balance, according to the -- the Governor's Budget Director, and we decided to do it this way. That's why they voted. And now I hear all this talk about we can't do this and we can't do that. Uh-uh. I learned years ago in this Body, the only thing you have is your word. And when your

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

word is no good, you know the rest. That's why when I came out of that meeting last night and I -- I always know a leopard never changes spots. I came out of that meeting. You got all the press there and they asked me a question. I said I hope that I'll be able to get the hell out of here tomorrow. I -- not one time did you hear me say anything about the agreement. And the reason why I didn't say anything about it, because I know this past weekend, all four staffs worked day and night. I'm on the phone talking to my budget spokesperson, my budget director. Your staff's there. Everybody's there, and they come to agreement as to what should be in the budget. And lo and behold, that agreement that they came to with your staff, your Leaders, your spokesperson, you come up with an amendment that took everything out. No conscience. Word don't mean anything. So this -- the times have changed here in Springfield. It's changed here in the Capitol. I'm not hung up on securitization of tobacco dollars. I'm not hung up on that piece. But your word should mean something. And when your word doesn't mean anything, we cannot accomplish anything. There are a lot of good points in this bill. I like it. But you would not be voting on this bill today, tonight, if that conceptual agreement had not been made on the Second Floor. And once that conceptual agreement was made, then the Speaker and Minority Leader went back to the House, they debated the issue, and this -- and this bill passed out on the concept that you would have securitization, you would have the cigarette tax, you would have decoupling and you would have a tax on riverboats. That was the consensual agreement that caused the House to act on this bill today. But when you back away from that, nobody can ever trust you. I know my budget spokesman, he -- spokesperson, he's upset. That's why he -- recommended a Yes -- I mean, a Present vote. I know why. Because your word must mean something when you sit across the table and talk to someone. I want to get out of here. I don't want to be

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

here tomorrow. I don't want to be here the next day. But you must trust the person that you're dealing with, and that's a sad thing that's happened this past week. It's terrible. And I say it time and time again, this bill would not be in this Chamber had not it been for the agreement in concept on where the dollars was going to come from to take care of this budget. I intend to vote for the budget, but I'm not voting for the other stuff because we don't know where the Budget Implementation Bill is that would drive the budget, and I'm tired of playing the unnecessary games. You can sit here and talk about a balanced budget, what should be and what should not be, but I see everything that you took out, you are voting for. Know why you're voting for it? Because you, in some respects, did respect the conceptual agreement that was made down there. But you cannot live up just to part of it; you must live up to it in the whole. And you should be ashamed of yourself for saying that -- what you're not going to do. Your word got to mean something in this Body.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Philip.

SENATOR PHILIP:

I will assure you -- Mr. President, Ladies and Gentlemen of the Senate, I will assure you one thing: There was no agreement whatsoever. None at all. And you'll all remember around here, when we come to agreement, what do we do? All five of us walk out of the Governor's Office and meet the press, don't we? Did we do that last night? There was only one person that walked out there and made some comments. I wasn't there. The Governor wasn't there. The other three Leaders, I believe, were not there. Now, did we talk about Emil's idea? We certainly did. We -- we were there three and a half hours talking about cigarettes, riverboats, everything you can think of. There wasn't a consensus. It got to be about 8:30 or 9 o'clock at night. I'm getting kind of tired.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

I'm an old guy. So the Governor's Chief of -- not the Governor's Chief of Staff. The Governor's expert on the budget said, "Let me put together a rack-up, a one page, what we've been talking about tonight." I have it right here. There's nothing about Emil's plan on tobacco on this whatsoever. It -- we didn't -- we didn't come to an agreement on it. We talked about it. It's not here. You can come in and look at it yourself. We have never seen anything in writing on that plan. And the experts say, "We're not sure it really works, and it's only a one-year fix." Now, and -- and also, all of the -- the Minority Leader over there went over to the House. All of his stuff is on this bill - the stuff for Chicago, the stuff for downstate Democrats. You ought to vote against it. You're the benefactors of this. You're stuff's all in there. I don't have anything in there - you'll be happy about that - not a thing. You know, as the Governor said, you know -- you know, what time is it? Oh, only 8:30 at night. You want to be here the weekend? You know, we're heading that way, with all this extra chatter. Stand up and do the right thing. This is the -- this is the best budget we've had in a long time, and the Governor will do the right thing when he gets it down on the Second Floor. It will be balanced.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger, to close.

SENATOR RAUSCHENBERGER:

Favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 2393. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, 2 Nays, 1 voting Present. And the Senate does concur in House Amendments

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

No. 1 and 2 to Senate Bill 2393, and the bill, having received the required constitutional majority, is hereby declared passed. Ladies and Gentlemen, if you'll bring your attention to today's regular Calendar, in the Order of Senate -- House Bills 3rd Reading. If you'd turn to the middle of page 8, to the Order of House Bills 3rd Reading. Senator Klemm, what purpose do you rise?

SENATOR KLEMM:

Just as a reminder that we are going to Executive Committee right -- actually, as soon as you recess, in Room 212. Immediately.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Thank you, Senator Klemm. The hour is 8:25. Senate will stand in recess until the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DUDYCZ)

Members of the Senate within hearing of my voice, please come to the Senate Floor for substantive action. Immediately. Members, please come to the Senate Floor. We are -- be going to substantive action immediately. Senator Smith, what purpose do you rise?

SENATOR SMITH:

Mr. Chairman and Members of the Senate, I'd like to announce that there will be a caucus meeting in the office of Senator Jones for about fifteen minutes, please, if you may.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Smith requests a ten-minute caucus of the Democrats. The Democrats will be having a ten-minute caucus immediately in Senator Jones' Office. We will reconvene exactly 9:25 and a half. Senator Karpziel, what purpose do you rise? Senator Karpziel, for

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

what purpose do you rise?

SENATOR KARPIEL:

Thank you, Mr. President. To announce a Republican Caucus, a five-minute caucus in Senator Pate Philip's Office.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senate Republican Caucus in Senator Philip's Office immediately, for five minutes. So that when the Democrats come back here in eight minutes, we will be ready.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DUDYCZ)

Committee Reports.

SECRETARY HARRY:

Senator Klemm, Chair of the Committee on Executive, reports House Bills 5652, 5996 and 6012 - First Conference Committee Report Be Approved for Consideration; Senate Bill 1543 - the Motion to Concur with House Amendment 1 Be Approved for Consideration, Senate Bill 2214 - the Motion to Concur with House Amendments numbered 1, 2, 3, 5, 6 and 7 Be Approved for Consideration, Senate Bill 2216 - the Motion to Concur with House Amendment 1 Be Approved for Consideration; Senate Amendment 1 to House Bill 539, Amendment 2 to House Bill 1276 and Amendment 1 to House Bill 2381, all Be Adopted.

PRESIDING OFFICER: (SENATOR DUDYCZ)

We will now be proceeding to the Order of House Bills 3rd Reading. Senator Rauschenberger, in the middle of page 8, House Bills 3rd Reading, we will be going immediately to House Bill 539. Will the Members please come to the Floor? Middle of page 8, in the Order of House Bills 3rd Reading, is House Bill 539. Senator Rauschenberger, do you wish this bill returned to 2nd Reading for

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

the purposes of an amendment? Senator Rauschenberger seeks leave of the Body to return House Bill 539 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 539. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Philip.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip. Senator Rauschenberger, for Senator Philip.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Floor Amendment No. 1 to House Bill 539 does three simple things. I'd call this kind of one of those -- four simple things -- one of those merely bills. It merely raises the cigarette tax in the State of Illinois from fifty-eight cents to ninety-eight cents. It's a forty-cent-per-pack increase, estimated to deliver between two hundred and twenty-five and two hundred and forty million dollars of additional revenues to the General Fund. It also provides a -- an exemption for stamped floor inventory in the possession of a distributor up to a hundred and fifteen percent of his -- of any one -- any year's average monthly sales. It also establishes the transfer from the tobacco receipts -- from the cigarette tax receipts to the School Infrastructure Fund beginning April 1st, 2003, to begin the process of paying for the bonds that we hope to authorize a little later tonight. And it also reallocates Illinois' current real estate transfer tax, not raising the rate, but simply changing the allocation. This is one of those bills that's critical to implementing the budget, and we know how much and how concerned people have been about that. I'd be very happy to answer questions about this bill. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

Is there any discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. In the middle of page 8, in the Order of House Bills 3rd Reading, is House Bill 539. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

House Bill 539.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank -- thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 539 now, as amended, raises the Illinois cigarette tax from fifty-eight cents to ninety-eight cents per pack. It also provides an exemption for stamped floor inventory in the possession of -- of a distributor. It gives them a credit, essentially, for the increased tax for an average monthly inventory. It also provides for transfers to the -- to the School Infrastructure Fund to begin funding the capital program that we expect to be passing a little later this evening. And it also does the reallocation of the real estate transfer tax. Does not increase the rate. Simply reallocates the proceeds of our current real estate transfer tax. I'd be happy to answer questions on this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? ...there any discussion? Senator Hawkinson.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, will you explain the -- the school construction portion of this reallocation and how that works and what size school construction program this transfer would permit?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Senator Hawkinson. Essentially what we've done in the past is take an existing revenue and allocate it to help pay the debt service on the School Construction Fund. In principle, they're actually general obligation bonds, but because we dedicate a stream of revenue, we -- it changes their effect on the rest of our capital plan. This sets aside a portion, essentially five million dollars a month, of the new expanded cigarette tax to pay the debt service on the school construction program. That program we expect to authorize at one billion dollars, and we expect to appropriate five hundred million dollars in this year's appropriation bill and five hundred million in next year's appropriation bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson.

SENATOR HAWKINSON:

Senator, will that reallocation cover all of those schools that are currently waiting, have provided for their local match and are ready to begin their school construction programs?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

To the best of my knowledge, the amount of entitlement at the State Board of Education is just under a billion dollars. We have seventy million from the old authorization that we will add to this one billion dollars. So I think the answer to that is an enthusiastic yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Sieben.

SENATOR SIEBEN:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Sieben.

SENATOR SIEBEN:

Many of us represent border districts around this State and certainly I think we're concerned about the impact of the forty-cent tax increase on sales of tobacco products around the borders of our State. Certainly my district borders Iowa, Wisconsin, and I think there's some recognition that this may put us at a competitive disadvantage, at least for awhile, to our neighboring states. Can -- can you give us some indication of -- as the evaluation was made of this increase in tax, what impact it may have on -- on sales? And -- and are we realistically projecting the beneficial gain from the tax increase with some consideration given to some loss of sales across the borders?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Senator Sieben, for asking that question. When we first presented the Senate Republican plan about five weeks ago, we called for a twenty-two-cent cigarette tax, which would have given Illinois an eighty-cent-per-pack tax. That would have still made us the highest tax rate in the Midwest. The rates in

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

neighboring states are, Wisconsin, seventy-seven cents; Michigan, seventy-five; Iowa, thirty-six; Missouri, seventeen cents; Indiana, fifteen and a half; and for those areas that -- border on Kentucky, you can probably say good-bye to sales because Kentucky's cigarette tax is three cents. So, I -- I don't think any of us, as we did the analysis, consider forty cents an ideal solution, but in our compromise with the House in working toward an appropriation bill, that was the amount that ended up emerging from the agreement.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sieben.

SENATOR SIEBEN:

Thank you very much for that explanation. I certainly support the need for this tax increase at this time. Many of us, you know, are not comfortable voting for tax increases, but if we are going to pay for the programs that we voted on earlier this evening, we absolutely -- we have to do the responsible thing and step up to the plate and say this is a revenue stream that will provide some of the monies necessary to pay for these programs. Second part of my question, or second question I would have is, when we increase the -- the cigarette tax by forty cents, will there then also be sales tax collected on that forty-cent increase and -- and are we accounting for some type of increase in our sales tax receipts, as well, from the increase in the forty cents on the cigarette tax?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Sieben, thank you for asking that question. When you increase the tax on the cigarettes, if we get the sales that we forecast, you'll have about a two-hundred-and-thirty- to two-hundred-and-forty-dollar increase in the price of the

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

cigarettes purchased, which will all be sales tax. Arguably, there may be as much as ten or eleven million of a different -- of additional sales tax collected. But I would caution people, because most people think of consumption as a -- as a -- as a limited pot. People, to -- in order to pay this new higher tax, will buy some amount less of something else which would be sales taxable. So other analysts would say there's -- it's almost a zero-sum game.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Pat Welch.

SENATOR WELCH:

Thank you, Mr. President. I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Welch.

SENATOR WELCH:

Senator, we were off the Floor. Could you tell me how much you -- you project the revenue to be from this bill?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Between two hundred and twenty-five million and two hundred and forty million dollars to the General Revenue Fund.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

How many people will stop smoking because of this tax increase?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I think the advocates hope a lot, and I want you to know, I'm going to try.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Emil Jones.

SENATOR E. JONES:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Jones.

SENATOR E. JONES:

Yeah. Senator Rauschenberger, you indicated in your remarks that you originally thought it would be twenty-two cents that you had recommended on the cigarette tax. So how did the change come about?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I -- I think it's been clear in watching our colleagues from across the Rotunda, that their appetite or their willingness to accept budget reductions was somewhat less than ours and their appetite for spending restorations were larger. We've had to raise the revenues necessary to make the budget work that -- that they've shared with us.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jones.

SENATOR E. JONES:

Then there was some negotiations then to arrive at this particular figure, am I correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Jones, I was not a part of any negotiations setting the tax rate. I presume someone was, but I was not a party to those negotiations.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

Senator Jones.

SENATOR E. JONES:

Well, even though you were not part of it, you already -- already said so because there had to be some sort of agreement to reach this particular point. At the same time, any other -- we recognized that these revenues were -- were not sufficient to -- to put us in position where we would have a balanced budget, so there were other revenue agreements that was made also. And I happened to be in that -- in that room when -- when those agreements took place, and it was a total package agreement. We cannot pick what we're going to support and what we're not going to support. And so when you bring this matter before us, we recognize that it's insufficient to bring a balanced budget, but if they were all together, the things that we agreed in concept, then you would have a balanced budget. What is so -- what is frightening to -- to me and Members on this -- and Members on this side of the aisle and many posted outside these doors wondering about this, if the budget goes to the Governor with insufficient revenue, we know that constitutionally he has the power to -- to strike certain line items out, he has the power to reduce the budget, in order that at the -- at year-end, he would have sufficient revenues to deal with lapse spending. And that was part of the agreement, and -- and you can't do it in a piecemeal manner. It's -- it's amazing how one can sit here on the Floor and state where -- what the other Chamber did, but -- but you came to an agreement and that's why you have this forty cents here. And I'm going to recommend Members on this side of the aisle to vote Present until such time we see a total package that's going to balance the budget for the year 2003. And that's the only way we can operate. We cannot do it in a piecemeal manner 'cause it just does not work.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

Senator Rauschenberger, to close.

SENATOR RAUSCHENBERGER:

I appreciate that advice, but it seems to me we've got to continue to make progress. This is a realistic attempt. It not only adds the cigarette revenues, it also includes the reallocation of the real estate transfer tax. It establishes the revenue transfer necessary to make our school construction program work. So, I would hope that people will give this plan a chance. Please vote Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Question is, shall House Bill 539 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 30 Ayes, 6 Nays, 22 voting Present. And House Bill 539, having been -- having received the required constitutional majority, is hereby declared passed. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator -- Senator Hendon, what purpose you rise?

SENATOR HENDON:

Thank you, Mr. President. Verification, please.

PRESIDING OFFICER: (SENATOR DUDYCZ)

That request is in order. Senator Hendon has requested a verification of the affirmative votes. Will all Members please be in their seats? And will the Secretary read the affirmative votes?

SECRETARY HARRY:

The following Members voted in the affirmative: Bomke, Burzynski, Cronin, Dillard, Donahue, Dudycz, Geo-Karis, Hawkinson,

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

Wendell Jones, Karpziel, Klemm, Lauzen, Luechtefeld, Mahar, Myers, Noland, Parker, Peterson, Petka, Radogno, Rauschenberger, Roskam, Sieben, Stone, Sullivan, Syverson, Tom Walsh, Watson, Weaver and Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Does Senator Hendon question the presence of any Member voting in the affirmative?

SENATOR HENDON:

Yes. Senator Mahar.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Mahar is sitting next to Senator Philip.

SENATOR HENDON:

That's it, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

On a verified roll call, the Ayes are 30, the Nays are 6, those voting Present are 22. And the bill is declared passed. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned; Referred to the Committee on Appropriation - Senate Amendment 2 to House Bill 4580 and Amendment 2 to House Bill 5686; to the Committee on Insurance and Pensions - Senate Amendment 3 to House Bill 5168 and Amendment 1 to House Bill 5169.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Tom Walsh, what purpose do you rise?

SENATOR T. WALSH:

For the purposes of an announcement. The Insurance and Pensions Committee will meet in Room 400 at -- one hour from now, 10:45.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger, what purpose do you rise?

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

SENATOR RAUSCHENBERGER:

For purposes of an announcement. The Senate Appropriation Committee will meet at 10:45, in Room 212. And I caution all Members, we have to move the BIMP bills and a couple of other things. We will need to move quickly. We've been advised by the Senate President we have little time. So, as soon as I have a -- a quorum, I'm going to try to roll. So, if people come -- could come to Appropriation as quickly as possible, I'd appreciate it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

House Bills 3rd Reading. House Bill 822. Senator Weaver, do you wish this bill returned to 2nd Reading for purpose of an amendment? Senator Weaver seeks leave of the Body to return House Bill 822 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 822. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator -- or, Amendment No. 1, offered by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill -- or, Floor Amendment No. 1 to House Bill 822 represents an effort to bring together a consensus of the industry people in the gaming industry, in a search to help us do what -- what Senator Jones has challenged us to do: raise enough revenue to fund the desires of this Body and the government. In this bill, essentially what happens is we reallocate the twelve hundred dormant positions that are associated with the tenth license, until and when and if that tenth license begins operations. It's -- those twelve hundred license -- those twelve hundred positions

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

are allocated to the top four grossing boats in the State. In addition, there are four hundred positions at Rock Island that are temporarily available for as much as eighteen months. In addition, they are allocated. It also changes the -- in -- in the statute currently, it says the Gaming Board may issue up -- "may" issue up to ten licenses. It changes that permissive to a "shall" issue ten licenses in an effort to assure those people in the horse racing industry that as soon as the cloud over the tenth license -- the tenth license is cleared, that there will be an expeditious issuance of a license, because I know the horse racing industry is very interested in their proportionate sharing in that tenth license. It also increases, to some extent, the -- the prorated taxes on the larger boats. It's designed to raise between a hundred and seventy-five and a hundred ninety million dollars. It's about thirty or forty million more than the Governor has planned on in his plan. It's a -- it's a tax on the industry that they can hopefully make up about a third of through increased activity; two-thirds really falls to the tax rate. I'd be happy to answer questions. I hope the Body will consider supporting this consensus bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments approved?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment No. 2 solves a problem in the preceding bill. There was -- some of the -- some of the four larger boats, in order to

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

accommodate the extra gaming positions, sought permission to place those in their pavilions immediately adjacent to their boat, temporarily. It caused a great deal of controversy and, I think, consternation to Senator Jones, in particular, in the Executive Committee. So in deference to him and those people who are concerned, we have removed the provision which permits the positions to be placed on land adjoining the boat. So now the only way these positions can be used is on the floating boat. They can no longer be placed on the pavilion next door, and I hope that helps make the bill more acceptable to people who would like to do the gaming industry a -- give 'em a decent shot at making the revenue that we're insisting that they contribute.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. In the Order of 3rd Reading, House Bills 3rd Reading, is House Bill 822. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

House Bill 822.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President. I think I kind of exhausted the whole Body with my gum flapping on the last two explanations. I would hope that people will thoughtfully consider a favorable roll call. Also contained in this bill are two -- a couple of

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

important provisions, one which permits the Rock Island boat to move a very short distance and to be located right off the Mississippi River. They sought permission to do this administratively. They were advised by the Attorney General that they needed to seek permission from the General Assembly to make this short move. There's also a question, apparently, in the Alton boat where they've built a boat superstructure over two floating barges. The Gaming Board, in their wisdom, have decided that that makes it two boats, not one boat, and in order to clarify whether two welded-together barges is one boat, we need another tiny fix. So, this is kind of now the -- the omnibus fix-it-up gaming bill. We'd appreciate people supporting the bill and I'm very happy to answer questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President, Members of the Senate. I rise in opposition to this. You know, back when we passed the dockside gaming, we made a commitment to the racing industry that they would receive their fifteen percent of -- of the cut. You know, if -- if they was to do something right quick, okay. This has been very devastating to the thoroughbred and the standardbred racing industry. And I think it's something that'll -- if we do this, will completely do away with our -- our racing industry, especially in southern Illinois, and I'm very much opposed to this.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This becomes a difficult position that I know a couple of us on this side are -- are put in. We feel very strongly that -- as our

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

Leader has indicated over here, that we have a -- a bigger problem than what we're solving with most of these pieces of legislation. And we get all through, we're still not going to have enough money to pay for the budget. This bill does allow my boat to move. It's something I wanted -- want to see happen. It does allow for some other things that some of our -- our caucus cannot vote for just on its face. But, I guess, my question is more -- more procedural than -- anything else. There's also another bill that has been presented. If this bill were to pass, will the other gaming bill also be called and then both of them sent over to the House to see what happens, or what are they going to do?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I'm -- I'm -- I -- I'm not sure what you're referring to. We had -- we had a taxes-only bill come out of the Executive Committee, I think, a little while ago. I'm hopeful that this bill passes with support and then we may not need that other bill. But if this bill fails, certainly the other one will go. I don't know whether the sponsor intends to send both over. We've been working very hard to try to give the industry a chance to -- to be able to participate. They didn't ask to be brought to this party; we've kind of drug them in, in our need for revenue.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

Because it makes it even difficult to -- to -- to argue the reasons why I'm for this bill - in fact, I'm a cosponsor of this bill - because if we have two different bills out there floating, it -- it really makes it difficult to -- to stand up and make an intelligent argument, because we could vote for this one, break our little group we have up over here that are standing together

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

pretty damn firm for a change and -- and still be in a position to where we're going to see another bill. If this one -- it does pass, we still may see another bill, which I understand is the Governor's bill. And I just might add that the second bill that -- that if it's called that just come out of Executive, would -- would really put a hindrance on -- on our boat. And I think, at that time, the language becomes moot as to whether or not we move or not, because I don't think that the revenues would be there under the second bill in order to finance the move, which would knock out the hotels and et cetera that -- that are going to be constructed along with the new -- at the new site. And it just becomes a difficult situation. And we have seven hundred employees at stake there, and the City of Rock Island -- relies very heavily on that, which most of you know that have boats in your area. So, it just becomes difficult. And I -- I don't know what I'm really asking for. Let me just tell you that. I -- I -- I've got mixed emotions on my own behalf, 'cause I'm -- I'm torn between two -- two charges here, and I just wanted to stand up and at least let you know where I'm coming from, and we'll watch the board and act accordingly.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator O'Malley.

SENATOR O'MALLEY:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator O'Malley.

SENATOR O'MALLEY:

Senator Rauschenberger, could you just clarify for me how many gaming positions are involved in this legislation?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

Well, there's -- there's a total of twelve hundred times ten licenses statewide authorized. This affects the placement of the twelve hundred that would be associated with the tenth license, which is now in the possession of the Gaming Board, and temporarily four hundred from the Rock Island casino that they aren't using currently and would be happy to have someone else use until they complete their renovation, assuming they do complete it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

So it's fair to say we have sixteen hundred gaming positions, of one kind or another, potentially involved in this?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Certainly.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

And these are -- these are the gaming positions that are authorized with the existing ten licenses. And in some cases, they're being -- they're going to potentially be relocated. In fact, they're substantially being relocated.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

How much revenue will be generated -- do we have any estimates

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

how much revenue will be generated for the benefit of the casino operators as a result of those sixteen hundred positions?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I don't know that I could tell you what the net profit of the casinos would be on the gaming positions. I would tell you that these would be taxed at the -- because they're located on the four highest-grossing boats, they would be taxed at our highest incremental tax rate because they'd be additional positions. So the revenue would be -- you know, they'd lose forty-five percent of the revenue in their -- in sharing with the State, to begin with. So their net would be whatever the difference between fifty-five is and their expenses.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Well, can you estimate what that would be? In...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

With -- without -- no I really can't. Without an understanding of the operating costs of the boats, I -- I wouldn't be able to -- I don't know. I really don't.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator -- Senator O'Malley.

SENATOR O'MALLEY:

Well, you know, there's one thing that's missing in this legislation, I think, and I'm going to call you and ask you if you can clarify it. Do you restrict -- I know we say that they're going to lose forty-five percent because it's going to be paid out in the form of taxes. But are we, in any way, shape or form,

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

restricting their ability on their payouts so that they are unable to lower the payout ratio to the players at these positions?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

There is nothing in the bill that changes the Gaming Board's authority over the positions, and there's nothing in the bill that would prevent an operator - who could do it now, if he -- if he wanted to - from adjusting his payouts. Generally, people believe that the slot machines are the most competitive part of the gaming industry. Frequently, you'll see billboards advertising ninety-six-, ninety-seven-, ninety-eight-percent payouts. So, generally, the market takes care of the payouts. There is no restriction in this bill preventing the operators from -- whether we pass this bill or the simple tax increase, from adjusting their -- their payouts.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Well, you know, I submit to you that perhaps you're right, but I find it hard to believe there's a marketplace where these ten -- well, there's nine operating licenses. But we have these nine operating licenses basically located in different parts of the State and each one of them is a monopoly within a given territory. So, I don't know how there's any competitive factors that could lead into it. So that's kind of a rhetorical and editorial comment that I'm making for you. With respect to the Rock Island boat -- and you may not even have the answers to this, and maybe the good Senator on the other side could -- could help us if you are unable to. But it's my understanding that in the process of relocating that boat, it is going to an area that may be floodplain, or is it a river, or -- I know it's -- it's currently

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

on a river.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

As -- as I understand it, it's moving to a basin that's currently in use as a sand and gravel pit and separated from the river by wetlands and undisclosed man-made improvements. Maybe Senator Jacobs, if he's still here, knows the area better and would be happy to -- think he's going to his microphone. He could maybe describe the area more completely.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

Yes, it's -- it's on backwater that does drain into the Mississippi. It -- it really would not be too much different than -- than what has happened in the Joliet area, with -- I think it's Harrahs. And the gravel pit is only a small portion of it. That also, especially whenever it floods, has problems, but the gravel pit itself, as I understand it, now is not part of the site.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

You know, it seems to me, what I've been able to find out about this, and I know, Senator Rauschenberger, you don't know geographically where this is and what the physical lay of the land is, but it's my understanding that this floods intermittently throughout the year. And that it's -- on some occasions, it -- it -- it's even dry because it's a floodplain area. Is that -- is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger. Senator -- Senator Jacobs.

SENATOR JACOBS:

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

Normally, it -- it -- it is full of water. Now, whether there are occasions to where whenever it dries and we don't have any high water or we don't have a lot of rain, it's like any other area that -- that's marshy, at best, that perhaps may run into some -- some temporary problems, but, also, they're going to be -- still be utilizing a boat. There will be some digging that has to be done. Some excavation has to be done to ensure that it does float.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator O'Malley.

SENATOR O'MALLEY:

Yeah. In -- you know, in closing, I think it's obvious that I'm not in favor of this legislation, but I -- and I -- and I personally consider it to be the expansion of gambling. But I would hope that maybe we consider - maybe the House Members will hear about this if this does pass - that at least in those periods when the -- the area is dry - and this is supposed to be a process where these things float - that either it shuts down and isn't gambling at that time or, in the alternative, that perhaps the local property tax assessor consider imposing a tax burden on it for the benefit of the local schools. Appreciate your -- your willingness to take those questions, Senator.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Petka.

SENATOR PETKA:

Thank you, Mr. President, Members of the Senate. I'm not going to discuss the hydrology of boats and whether they float or not during certain seasons. But I do wish to comment upon my -- my good friend Senator O'Malley's comment about this being an expansion of gambling. This -- the question of whether or not we should have riverboat gambling in the State was -- was settled, actually, twelve years ago. I voted No against that legislation,

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

and about four years back, we also had a vote here about dockside gambling, which I also was opposed to. But at that time, we set into motion a -- an allocation on the number of slots that we have, what are commonly referred to as gaming slots. If a favorable vote is cast for this legislation, there will not be any increase whatsoever in slots. The equation will be -- the lump that we allotted in 1997 will be the same as today so that there is no numerical increase. All this amendment really attempts to do from -- in -- in connection with the reallocation, is to give those publicly owned and publicly traded corporations, which own most of the boats in the State of Illinois, an opportunity to -- to help pay for what we are asking, to draw upon their resources for fixing a hole in the budget. The -- the -- the seven thousand plus employees in north -- northeastern Illinois who hold jobs just like other working people throughout this State are expecting, in my mind, that this Legislature, if it gives us -- gives -- wants to take resources from them, should at least give their employers the opportunity to expand their resource base. In my opinion, to -- to state that this is a -- an expansion of gambling is simply intellectually dishonest. It is simply not the case, because there is a sunset provision in this legislation that in the event that the so-called tenth license -- that the claimant under that license wins the litigation, that these will -- will expire by operation of law. There will never be an expansion under those terms and circumstances and that will be left for a later General Assembly to decide what should be done. I would urge an Aye vote for this legislation.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Shadid.

SENATOR SHADID:

Thank you. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

Sponsor indicates he will yield. Senator Shadid.

SENATOR SHADID:

I -- I think that Senator Petka answered my question. But I need to ask the sponsor, is there a provision here that this tax will expire in two years? It's just a temporary tax?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

The -- the tax and the surcharge tax, the increased ten percent, expires when the tenth license is issued and becomes operational and they begin collecting revenues from what's likely to be a boat as profitable as our most profitable in the State.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shadid.

SENATOR SHADID:

Could you answer me then, how -- what will happen to those extra slot machines that are being distributed to those four boats?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

The -- the positions themselves are returned to the license holder of the tenth license. The actual slot machines, that's another question. I would imagine that there is a vigorous aftermarket, and I would imagine, in addition, that the machines that they have wear out. So they probably would retire some machines or -- or perhaps they would put 'em in Walter Dudycz's old office as a memorial.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shadid.

SENATOR SHADID:

I didn't ask the right question, apparently. I didn't mean

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

slot machines. The spots. The locations. What will happen to those locations then?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

The four hundred from the Rock Island would be returned to the Rock Island casino as soon as they were ready to utilize them in their new location, provided they move. The twelve hundred assigned from the tenth license would return to the -- to the new -- to the new tenth license holder as soon as his operation was operational. So, they would go back to the -- to the tenth license. So, it's a temporary placement of these, along with a temporary tax, to solve our - as many people have said - temporary revenue problem.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shadid.

SENATOR SHADID:

I noticed that you only picked four casinos to get these extra spots. What about the other five? Do they operate just the way they're operating now? And they're not going to make any money.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Keep in mind this bill was drafted by the nine license holders. The goal was not to restructure gaming or reform gaming or do something good for the big boats; the goal was to raise revenues to fix our problem down here. They got together and they said the only way that you can really get some value out of these positions is if we put 'em in the biggest boats in the State where they sell the most. So, the other five boats agreed to this distribution - in fact, support it - because you're going to see a bill in a little while that they don't support and they don't

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

like. So, I -- I -- we're hoping this solution works for people.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shadid.

SENATOR SHADID:

Would you -- do you think that if we don't pass this, that some of these boats will probably close up?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I don't think it's the failure to pass this that will cause boats to close up. But there are a couple of the boats located with competition directly across the Mississippi who believe or who have asserted that the tax increases and the admission charge increases in the Governor's version could have a very, very deleterious effect on their business and may cause them to close or, in another case, choose not to expand.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shadid.

SENATOR SHADID:

Well, if they do, I'm sure there'll be a lot of buyers to want to buy 'em. I -- I think this is an expansion of gambling and I am opposed to it. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Jacobs, for a second time.

SENATOR JACOBS:

Thank you, Mr. President. I apologize for rising the second time, but Representative Brunsvold is here, whose district the -- the move would go to and where the Rock Island boat currently is located. And he was also Mayor of Milan, Illinois, that is right next to where the new boat's going, and he says that there is always water there, Senator. So, I just wanted to pass that on to you.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

PRESIDING OFFICER: (SENATOR DUDYCZ)

No further discussion? Senator Rauschenberger, to close.

SENATOR RAUSCHENBERGER:

Well, I got to tell you guys, this is maybe kind of the -- the night of my life. Not only have I gotten to carry a cigarette tax, I'm now getting to carry a riverboat gaming tax. I wasn't here when the General Assembly authorized riverboat gaming. Had I been here, I would have voted No. Four years ago, as Senator Petka points out, when we did the Rosemont expansion, I would have voted No. I didn't agree with the process. I -- I don't think gaming is necessarily good for the State of Illinois. However, I represent one of the largest-grossing riverboats in the State, the Elgin boat. My district also touches Aurora, where the Aurora boat docks. They didn't get asked to the party. We restructured their taxes, I think it was three and a half short years ago, giving Illinois the highest tax rate in the United States on gaming. For the record, we have the second-highest revenue derived from gaming in the nation. With nine riverboats, we come within fifteen percent of achieving the same tax revenues today that -- that Nevada achieves from all of Las Vegas and all of Reno. So, you know, I don't -- I -- you know, there's kind of a concept here that everybody with a riverboat is a marauding millionaire ready to decimate. But gaming goes on. In fact, there's a lot of gaming going on, probably near George Shadid's house, in taverns with video poker machines. There's pull-tabs at a lot of places. I -- I -- I know a good sheriff would -- would stamp it out if they could. But anyway, I just wanted to tell you how excited I am I'm carrying a riverboat bill. Now, to -- to -- to my point, the -- the -- this industry did not ask to be invited into our party. They're -- we're down here talking emphatically about how we need to raise sufficient revenues. So people know, this bill, to the best of my knowledge, is supported

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

by the Horsemen, by the Thoroughbred Association, by all of the tracks, except one. Arlington -- or, Arlington Race Track is not supporting it. And I think the best answer to -- to Senator Jacobs about whether we're going to have to pass this bill and pass another bill as well, is the attraction of this bill is it delivers a hundred and seventy-five million or more to the State budget question, where the other proposal that you're going to see in a little while is a hundred and thirty million straight taxes. So I'd appreciate people being thoughtful, and hope you'll vote Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 822 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 7 Ayes, 41 Nays, 9 voting Present. And the bill, not having received the required constitutional majority, is hereby declared failed. Senator Philip, what purpose do you rise? On page 9, in the Order of House Bills 3rd Reading, is House Bill 2381. Senator Walsh, do you wish this bill returned to 2nd Reading for the purpose of an amendment? Senator Walsh, seeks leave of the Body to return House Bill 2381 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 2381. Mr. Secretary, are there any amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Philip.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Amendment No. 1 is really in two parts. It increases the

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

admission tax to riverboats by one dollar. It would be a total of three dollars. Two dollars would go to the State. One dollar would go to the local government. Also, it -- it rearranges an increase in the lower boats' tax, 2.5 percent on each -- each boat: up to and including twenty-five million at fifteen percent; twenty-five to fifty million, 22.5 percent; fifty million to seventy-five million, 27.5 percent; seventy-five million to a hundred million, 32.5 percent; a hundred million to a hundred and fifty million, 37.5 percent. And then for the fat cats, creates a new category: a hundred and fifty million to two hundred million, forty-five percent; and over two hundred million, fifty percent. That brings in a total of a hundred and ten million dollars.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Jacobs.

SENATOR JACOBS:

Yes, Mr. President, Ladies and Gentlemen of the Senate. I do want to just state, Senator Philip, that this bill will put -- and I know it's the Governor's bill, but this bill will definitely put, in my estimation -- if it doesn't put our boat out of business, it will severely damage it. And we're not one of the bigger boats, I think which you're all aware. But you have to remember that the reason we started the riverboats in the first place is so we could compete with Iowa and to take care of distressed cities. To -- to -- the passage of this bill, in my estimation, if it does put our boat out of business, which I think it very well could, probably will not hurt the State that much 'cause they'll figure out some way to -- to get that thing somewhere else -- moved somewhere else. But what it will mean, it will mean that six hundred and fifty employees will be without a job. It does mean that the City of Rock Island, who is dependent on -- on the -- the monies from this riverboat gaming and helps keep their property taxes down, will be faced with about a

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

two-and-a-half-million-dollar deficit. So, I -- I reluctantly voted against the last bill, and you know that, Senator. I think that you know very well it was a very reluctant vote. But this one, to me, is more onerous, and I have to stand up and say that it very well could put our boat out of business. I think it could put a big crimp in the Metropolis boat. I think that this bill actually may end up becoming, instead of a positive revenue source, could end up becoming a negative revenue source. And I ask for a No or Present vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any -- any further discussion? Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. I would certainly indicate that we know that we have to come up with approximately a hundred and eighty, two hundred million dollars from the riverboats. There's no question about it. We have to do that before we go home. This is not the right plan. The industry has indicated -- they have given us more than one alternative that we're all aware of that could raise even, potentially, more money than this. And I think at this point in time, we should not support this particular plan. We do know that before we leave, we have to raise money from this industry. So, I would ask for a No or a Present vote from this side of the aisle, at least.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro, what purpose -- or, further discussion?
Senator Molaro.

SENATOR MOLARO:

Thank -- thank you, Mr. President. I'll also be brief. This just doesn't have enough. It's the overall plan that we're having a problem with here on this side of the aisle. We just don't feel that there's enough. There's a better plan out there. If this passes, fine. If it fails - everybody knows Senator Jones' number

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

- we'll sit down. We'll still have a half hour, an hour that maybe Senator Jones and Senator Philip can sit down, and at this late hour, I think that they're reasonable men and they can come to an agreement. I just don't think that's been set before us and the Republican plan for the revenue stream, which wasn't the agreement, I keep hearing, from last night, is enough. And I just hope that if this does fail, we will sit down within the next half hour and we'll be back here with a better plan. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any -- other further discussion? If not, all -- if not, all those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. In the Order of 3rd Reading is -- is House Bill 2381. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

House Bill 2381.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh, Tom Walsh.

SENATOR T. WALSH:

I would defer to Senator Philip.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR T. WALSH:

...did a pretty good job of it.

SENATOR PHILIP:

Just -- just to -- Mr. President, Ladies and Gentlemen of the

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

Senate, just to refresh your memory, most of us just voted for the budget - bigger than we anticipated because people added things to the budget over in the House. A lot of those things came from the other side of the aisle. Now, if you're responsible at all, you've got to pay for those additions over the Governor's budget. This is one small way of doing that. So look in the mirror. Be responsible. It's only a hundred and ten million dollars, but it's a step in the right direction.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Molaro.

SENATOR MOLARO:

Just briefly again, and -- so we can explain it. Thank you, Mr. President. We did vote for it. We certainly have a way to pay for it. Senator Jones has his plan. He thought there was an agreement on it. You have your plan. You're calling it now. We don't agree with your plan. We have a plan to pay for it, too, but we can't call what our plan is; you can. This is part of your plan. We think it's a good one. We think we have a better one. And hopefully, that by 10:30, 10:45, if we do come back, you and Senator Jones can get a compromise and we can have a plan that we can all agree on. This just isn't it. So I would urge a Present vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Sullivan.

SENATOR SULLIVAN:

Will the sponsor yield, Mr. President?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Sullivan.

SENATOR SULLIVAN:

Senator, do you know how the unions stand on this bill and how they stood on House Bill 539, which was the cigarette tax bill?

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

Senator Philip.

SENATOR PHILIP:

I have been informed that the unions are very much in favor of this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sullivan.

SENATOR SULLIVAN:

Ladies and Gentlemen of the Senate, I feel that I stand with a great deal of credibility in -- as the most pro-labor Senate Republican and as someone who has been recognized in my career by the developmentally disabled community and the hospital community, endorsed by the AFL-CIO and the IEA, that I would ask my friends in the unions and the developmentally disabled community, the schools, the day care community, the mental health industry, hospitals and the education community, that they should please pay attention to this vote and the vote we just had on House Bill 539 and remember who stood up for the working men of this State - this side of the aisle did. Please, all those groups that have been advocating for this budget, please pay attention to who stood up for them in this budget cycle - the Senate Republicans did.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. You know, it -- it is just -- it just warmed my heart. It warms my heart to see that you are now a convert in support of organized labor. It is mind-boggling. The Democratic Party is a friend of organized labor. Over the years, we have proved it through our actions. But we're not prisoner, we're not going to be held hostage or used by you-all, blaming -- saying we're going against organized labor. That is not the case. Leader Jones has put forth a wonderful program. You want bipartisanship? Let's get together. We still have time. Have a

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

bipartisan compromise and we can move this thing. But don't stand up acting like you're a friend of organized labor and you know you never have been. And everyone needs to understand, we are Senate Democrats, House of Lords; we are hostage to nobody.

PRESIDING OFFICER: (SENATOR DUDYCZ)

There are ninety-nine additional speakers. Further discussion? Senator Welch, Pat Welch.

SENATOR WELCH:

Thank you, Mr. President. I want to thank Senator Sullivan for his points that he made. They are for -- Senator Sullivan is for labor, but only a little bit of it. Because what we've done here is we've added money to the budget, but we're not adding enough revenue to pay for what we added. Yeah, you're for a little bit of these programs, but not for all of 'em. What happens when the get -- the bill gets to the Governor and he starts cutting because we didn't raise enough revenue? That's why we're all voting Present or voting No here; you're not supplying enough money. You're not supplying the money...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

My friends -- my friends, you ordered up the lunch and you didn't pay for it. That's what you're doing. You're passing a bill out there and not providing the money. There's a deal to send it down to the Governor so we can cut a couple hundred million dollars out of it, for which we have no control. You've turned over your responsibility to the Governor by underfunding this budget. That's what we're protesting. We're not protesting that we're funding these programs; we're not funding them enough. We're not funding them a hundred percent. You know, you talk about Senator Rauschenberger and his Playtex Living bra. Talk about a lack of support - that's what you've done. You're not

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

passing enough money to fund this or support what you passed. You're pulling a big scam on the people of Illinois. You want to leave here and say we voted for the taxes and the Democrats didn't. But you know what? You didn't fund enough. You didn't give enough money to the Governor; he has to cut - and you won't be around town when he's cutting. You'll have left town. That's what's wrong with this program. That's why we're voting the way we are. We do have an alternative program, but, you know, we planted that tree and you won't let the sun shine on it, you won't let our tree grow. Give us the chance to bring it out here and we'll come up with the money and we'll fund all of these programs, and all of the people that you made promises to, we're going to fund 'em. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you very much, Mr. President. Ladies and Gentlemen of the Senate, the previous speaker, I remember on Tuesday night, stood up and criticized the plan of putting twenty-five million dollars of cash in the budget to protect the jobs that were going to be lost at Sheridan, at least a hope toward a solution. So, while the Republican Caucus is putting cash in the budget for a possible solution to that problem, what we got was criticism. Tonight, again on Friday night, it's incomprehensible to me how a Present vote equates to us not -- we're -- we're in the process of raising revenues of seven hundred and fifty million dollars with Yes votes here, for what you say you want so badly in spending. It goes back to what Senator Sullivan was saying: The people who are standing up and funding these programs are the people who are putting the Yes votes on these packages.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? If not, Senator Philip, to close.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

SENATOR PHILIP:

If -- if I thought I could make a comment that would change a vote over there, I would -- I would make some comments. I'll ask for a roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 2381 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wished? Have all voted who wish? Take the record. On that question, there are 30 Ayes, 7 Nays, 21 voting Present. And House Bill 2381, having received the required constitutional majority, is hereby declared passed. Top of page 9, in the Order of House Bills 3rd Reading, is House Bill 1276. Senator Lauzen do you wish this bill returned to 2nd Reading for the purposes of an amendment? Senator Lauzen seeks leave of the Body to return House Bill 1276 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 1276. Mr. Secretary, are there any amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Weaver.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen, for Senator Weaver.

SENATOR LAUZEN:

Thank you very much. I -- I would ask for the adoption of this amendment on the Floor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments approved?

SECRETARY HARRY:

No further amendments reported.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. In the Order of House Bills 3rd Reading is House Bill 1276. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

House Bill 1276.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, very much, Mr. President, Members of the Senate. This is really a two-part effort. It takes care of the duplicate sales use tax in Chicago, and I'll -- I'll address that and then I'll ask my colleague, Senator Molaro, to address the Chicago Skyway initiative. But to begin with, in November of 2001, the City of Chicago passed an ordinance requiring retailers not located in the City to begin collecting the City's one-percent use tax. This ordinance also allows the City of Chicago Department of Revenue to audit these businesses. This is the only instance in the nation where a city has been granted extraterritorial tax collection rights. We passed a bill identical to this...

PRESIDING OFFICER: (SENATOR DUDYCZ)

I beg your pardon, Senator Lauzen.

SENATOR LAUZEN:

We passed a bill that was identical to this earlier this spring 43 to 11. I hope that we have that same support. And with that, I would ask Senator Molaro to address the other side.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

Thank you. The other portion of the bill is quite simple. We've done this for RTA and CTA. And all it does is, obviously,

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

if you have the Skyway -- the Skyway is owned by the City of Chicago; the municipality doesn't pay taxes. If you go and have a leasehold where there's a -- a lessee there, they also don't pay the taxes. And what we did is with this being done together, there's no net loss to IRMA or anybody else, so...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Just a quick comment. I know that people perceive that we're often defending, on this side of the aisle, the City of Chicago. In this case, I actually think Senator Lauzen is right. I think this was a bill where Chicago was trying to get something from other jurisdictions that was not reciprocal. I think it's a good bill. And I -- Senator Molaro just explained the Skyway portion of it, which is permissive, essentially allows the City of Chicago to lease out the Skyway. I think both these are good bills and deserve an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Lauzen, to close.

SENATOR LAUZEN:

Ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 1276 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 58 Ayes, 1 -- excuse me, no Nays, none voting Present. And House Bill 1276, having received the required constitutional majority, is hereby declared passed. Supplemental Calendar No. 3 has been distributed on the Members' desks. We will now be going to the Order of Supplemental Calendar No. 3, Secretary's Desk,

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

Non-Concurrence. House Bill 1006. ...Secretary.

ACTING SECRETARY HAWKER:

I move to refuse to recede from Senate Amendment No. 1 to House Bill 1006 and request that a conference committee be appointed.

Motion filed by Senator Judith Myers.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator -- Senator Myers.

SENATOR MYERS:

Thank you, Mr. President. I would like to refuse to recede from the amendment that actually was the bill that set up the rules that had to do with timber buyers and illegal harvesting of timber.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Myers moves that the Senate refuse to recede from the adoption of Senate Amendment No. 1 to House Bill 1006 and that a conference committee be appointed. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. House Bill 5375. Senator Luechtefeld. Madam Secretary. Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Mr. President, Members of the Senate. I would like to refuse to recede from Senate Amendment 1, 2 and 3 on House Bill 5375.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Luechtefeld moves that the Senate refuse to recede from the adoption of Senate Amendments No. 1, 2 and 3 to House Bill 5375 and that a conference committee be appointed. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. The -- the committees -- previously announced will be convening shortly. And the Senate will stand at recess till the call of the Chair.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpiel, what purpose do you rise?

SENATOR KARPIEL:

To announce a Republican Caucus immediately in Senator --
Senator Philip's Office.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Republican Caucus immediately in Senator Philip's Office.
Democrats, stand by.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DUDYCZ)

Members return to the Floor. We are preparing to get to
substantive action, legislative action, very shortly. Senate will
come to order. Committee Reports.

SECRETARY HARRY:

Senator Tom Walsh, Chair of the Committee on Insurance and
Pensions, reports Senate Amendment 3 to House Bill 5168 Be
Approved for Consideration; Senate Amendment 1 to House Bill 5169
Be Approved for Consideration.

And Senator Rauschenberger, Chair of the Committee on
Appropriations, reports Senate Amendment 2 to House Bill 5686 Be
Adopted.

PRESIDING OFFICER: (SENATOR DUDYCZ)

If the Members will turn to the middle of page 11. On the
Order of House Bills 3rd Reading is House Bill 5686. Senator
Rauschenberger. Ladies and Gentlemen, due to the late hour on
this final day of Session, the Chair will allow one minute per

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

side on the debate, for each side, proponent as well as opponent, on Senate Bill 5686. Senator Rauschenberger seeks leave of the Body to return House Bill 5686 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 5686. Mr. Secretary, have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senators Philip and Rauschenberger.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President. I'd appreciate its adoption. I'll explain it on 3rd.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Demuzio.

SENATOR DEMUZIO:

I have a parliamentary inquiry, since we're here at twenty minutes to 12. Any bill that is passed prior to 12, of course we know, takes an affirmative vote of thirty. Once that happens, does -- does it not then require thirty-six after midnight regardless of what we do, since the other House has adjourned for the evening?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Midnight is midnight, Senator. Is there any discussion? All those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. On the Order of House Bills 3rd Reading is House

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

Bill 5686. Senator Rauschenberger. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 5686.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The Senate Floor Amendment No. 2 to 5686 is the "merely" Budget Implementation Bill dealing with State Finance Act. It deals with State employees' group insurance opt-out, School Infrastructure Fund, Family Care Fund, Road Fund appropriations, lifting the cap for both the Illinois State Police, Secretary of State. Authorizes General Revenue transfers into -- to implement a hundred-and-sixty-five-million-dollar transfer. Tobacco Settlement Recovery Fund. Statistical Revolving Fund transfers that are normal. Violence Prevention Fund transfer. Line item transfer authority for three percent for this fiscal year. Income Tax Refund established annually to set the amount in the refund account. Local Government Distributive Fund is amended to eliminate the photo processing tax that was agreed upon. International Tourism Fund is adjusted to shift -- one and a half percent to the General Revenue. Riverboat Gaming Act - two definitional changes, Alton Belle and the permissive authority on the -- the Mississippi riverboats. Public Utilities - voluntary contributions to the PUF fund. Illinois State -- Illinois State Police laboratory priorities. Lincoln Presidential Library. I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? Senator Trotter.

SENATOR TROTTER:

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Trotter.

SENATOR TROTTER:

Senator Rauschenberger, is there any language - I didn't find it and my staff didn't find it in the bill - is there any language in here dealing with securitization?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Not that I found on my analysis. I don't think there's any.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Trotter.

SENATOR TROTTER:

Thank you very much. It's recommended on this side that we all vote Present on this legislation.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, the question is, shall House Bill 5686 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 32 Ayes, 1 Nay, 24 voting Present. And House Bill 5686, having received the required constitutional majority, is hereby declared passed. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures assigned: Re-referred from the Appropriations to the Rules Committee - Senate Amendment 2 to House Bill 4580; and Be Approved for Consideration - Senate Amendment 2 to House Bill 4580.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

Middle of page 10, in the Order of House Bills 3rd Reading, is House Bill 4580. Senator Rauschenberger, you wish this bill returned to 2nd Reading for the purpose of an amendment? Senator Rauschenberger seeks leave of the Body to return House Bill 4580 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 4580. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senators Philip and Rauschenberger.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President. I'd appreciate adoption of the amendment. I'll explain it on 3rd.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? Senator Trotter. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment's adopted. Any further Floor amendments approved?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. The Order of 3rd Reading is House Bill 4580. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

House Bill 4580.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

This is the second budget implementation shell. It's the human service implementation and education. It contains emergency rule-making authority to make the Budget Implementation Act immediately effective. Requires recipients in the Community Care Program to apply for Medicaid. Community Mental Health (Medicaid) Trust Fund is created. Abolishment of the Illinois Health Care Cost Containment Council. Transfers that authority to the -- for data collection to the Illinois Department of Public Health. Establishes a hospital homeland security grant program. Allows Statewide Economic Development Fund to be transferred to IEMA for grants. Abolishment of the Health Care Cost Containment Special Studies Fund, and the balance is transferred to General Revenue Fund. Allows Tobacco Settlement Recovery Fund to accept federal matches. Extends the KidCare Program. Without this bill, of course, the KidCare Program would expire on July 1st of 2002. This bill extends the KidCare Program by one year. Modifies the KidCare eligibility rules. Modifies KidCare waiver eligibility. Establishes in statute lower co-pays than currently are allowed under State law. Reduces the co-pays to a statutory level. Long Term Care rates were established that effectively restore fifty percent of the Long Term Care cuts proposed by the Governor. It contains a four brand {sic} (brand-name) Medicaid prescription limit. Financial aid grants to children. Municipalities providing funds for public purposes are phased out. Immigrant services - the sunset date on immigrant services is repealed in this Act, so it makes that a permanent program if this bill passes. Medical Special Purposes Trust Fund. It extends the TANF repealer from January 1st of 2003 to January {sic} 1st of 2006. Modifies the costs and dispensing fees under the Circuit Breaker program. In the Education Section, it modifies the Illinois Student Assistance Commission Act on contracts. Special education tuition is covered in this for their appropriation. It extends

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

the hold harmless provision. Without this, there's no hold harmless in the school education -- the education budget that we've already passed. Creates the current Technical Education Fund. Creates the Illinois Teachers and Child Care Providers Loan Repayment Program in the statute, and deletes -- or, repeals the Arthur F. Quern Information Technology Grant Program. So this one's chock-full of good stuff.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio, what purpose you rise?

SENATOR DEMUZIO:

Just have a parliamentary inquiry, if I might. Is this -- this bill - House Bill 4580 is it? - didn't it -- didn't it just -- wasn't it in committee a while ago in the Appropriations, and is this the one we just voted on in Rules? And did we -- did we kick it out of Rules and bring it back straight to the Floor? Is that what we've just done with this bill? How'd it get here?

PRESIDING OFFICER: (SENATOR DUDYCZ)

You are correct, Senator Demuzio. Any -- Senator Demuzio.

SENATOR DEMUZIO:

I just want to point out to you that a bill passed after the -- May 31st shall not become effective prior to June 1st of the next calendar year, unless the General Assembly by a vote of three-fifths of the Members elected to each House, provides for an earlier effective date. So, I don't know what we're doing here tonight.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Thank you, Senator Demuzio. Any discussion? Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President. This bill did come before our committee; however, as pointed out by Senator Demuzio, we did not vote on this bill. Also, as we were in committee, one of my questions I would have asked in committee, from the sponsor, is

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

there any language in this Budget Implementation Bill that has language for securitization?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator -- Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

No. It's the human services and education BIMP. It would have been in the State finance if it would have been there. So, it's not there.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Trotter.

SENATOR TROTTER:

Thank you very much. Then I recommend everyone on this side to vote Present.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 4580 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 32 Ayes, 2 Nays, and 24 voting Present. And House Bill 4580, having received the required constitutional majority, is hereby declared passed. Senator Karpiel, what purpose do you rise?

SENATOR KARPIEL:

Thank you, Mr. President. To announce a Republican Caucus immediately in Senator Philip's Office.

PRESIDING OFFICER: (SENATOR DUDYCZ)

A Republican Caucus immediately upon adjournment. The Senate will stand -- Senator Trotter, what purpose you rise?

SENATOR TROTTER:

Thank you very much, Mr. President. I inadvertently pressed the wrong button. I would -- meant to press Present. Will you please...

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

The record will reflect your intent.

SENATOR TROTTER:

Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Thank you. Any -- Senator DeLeo, what purpose you rise?

SENATOR DeLEO:

On a point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point, sir.

SENATOR DeLEO:

Representative Saviano is having an end-of-Session reception this evening at Remy's. He's invited all Members of this -- mid-end of close of Session ending reception at Remy's and all elected officials and staff are invited.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Thank you, Senator DeLeo. Senator Demuzio, what purpose do you rise?

SENATOR DEMUZIO:

Are you -- is this a ten-minute caucus, or how long do you anticipate, we only had ten minutes for ours.

PRESIDING OFFICER: (SENATOR DUDYCZ)

You took twenty minutes, Senator Demuzio. We will now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all those read in today will be added to the Consent Calendar. Mr. Secretary, have there been any objections filed to any resolution on the Consent Calendar?

SECRETARY HARRY:

No objections have been filed.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those -- in favor, say Aye. Opposed, Nay. The motion carries, and the

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 31, 2002

resolutions are adopted. Is there any further business to come before the Senate? If -- Senator Molaro, what purpose do you rise?

SENATOR MOLARO:

Thank you, Mr. President. I don't know if this is the time to do it, but I do want to ask, maybe not to that bill, if the Parliamentarian or you can answer. It'd be Section 10 of the -- of the Constitution. And it talks -- and it says here and maybe MayeBeth, I don't know, can answer this. It says that General Assembly may provide a different effective date in any law passed prior to June 1st. A bill passed after May 31st shall not become effective prior to June 1st of the next calendar year unless the General Assembly by vote of three-fifths of the Members elected to each house provides for an earlier effective date. I guess what I'm asking is, if -- if those people across the aisle {sic} pass it, it would be after May 31st, and the effective date would be next June 1st, unless it gets three-fifths of both houses. So, if they pass it, does it have to come back here? I mean, all these budget bills that we just passed...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Parliamentarian has informed the -- the Chair that, no, Senator, because we have passed it prior to midnight, June 1st. Senate stands adjourned until 11 a.m., June 1st, 2002.