

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

5/31/2004

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PRESIDING OFFICER: (SENATOR HALVORSON)

The regular Session of the 93rd General Assembly will please come to order. Will the Members be at their desks, and will our guests in the galleries please rise? The invocation today will be given by Pastor Jonathan Grubbs, First Church of God, in Springfield.

PASTOR JONATHAN GRUBBS:

(Prayer by Pastor Jonathan Grubbs)

PRESIDING OFFICER: (SENATOR HALVORSON)

Please remain standing for the Pledge. Senator Link.

SENATOR LINK:

(Pledge of Allegiance, led by Senator Link)

PRESIDING OFFICER: (SENATOR HALVORSON)

Be seated. Madam Secretary, Reading and Approval of the Journal.

SECRETARY HAWKER:

Senate Journal of Sunday, May 30, 2004.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Maloney.

SENATOR MALONEY:

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

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Maloney moves to approve the Journals just read by the Secretary. There being no objection, so ordered. All Members within the sound of my voice, please come to the Floor. We've got a lot to do today. Randy Squires seeks leave to photograph the proceedings. Is there any objection? Leave is granted. Madam Secretary, Resolutions.

SECRETARY HAWKER:

Senate Joint Resolution 85, offered by Senator Harmon. And it is substantive.

PRESIDING OFFICER: (SENATOR HALVORSON)

Messages.

SECRETARY HAWKER:

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

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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 955, together with House Amendments 1, 3 and 4.

Passed the House, as amended, May 30, 2004.

PRESIDING OFFICER: (SENATOR HALVORSON)

WICS-TV requests permission to videotape. Is leave granted? Leave is granted. Please turn to page 7, Senate Bills 3rd Reading. Top of the page. Page 7. Senate Bill 3001. Senator Welch, do you wish to proceed? Madam Secretary, read the bill. Senator Welch seeks leave to return Senate Bill 3001 to 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House {sic} Bill 3001. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

Yes. Floor Amendment No. 3, offered by Senator Welch.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch, to explain your motion -- amendment.

SENATOR WELCH:

Thank you, Madam President. Floor Amendment No. 3 deletes the underlying bill and inserts the provisions of this revised bill. This was in response to many of the questions raised in the Education Committee. In response to those, I came up with this Amendment No. 3. It specifies that the twenty-five school districts currently on the priority list shall be the first projects funded in Fiscal Year '05. The purpose of this bill is to carry out four more years of the School Construction Fund. We've had six years in a row where the State of Illinois has raised money and matched money from local school districts to help them build new schools. This is an attempt to continue that for four more years by increasing the bonding cap by 2.2 billion dollars to provide for five hundred and fifty million dollars in funding each of the next four years. I'd be glad to try to answer any questions on the amendment.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Ronen. No. Okay. Senator Welch moves the adoption of Amendment No. 3 to House

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Bill -- Senate Bill 3001. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any other Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 3001. Senator Burzynski, for what purpose do you rise?

SENATOR BURZYNSKI:

Thank you, Madam President. The Republicans request a caucus immediately, prior to this bill, for approximately fifteen or twenty minutes.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Burzynski, that is always in order. We will see you back on the Floor at 10:15. The Senate stands in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HALVORSON)

Madam Secretary, Introduction of Bills.

SECRETARY HAWKER:

Senate Bill 3384, offered by Senator Cullerton.

(Secretary reads title of bill)

3rd -- 1st Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

We'll be resuming 3rd Readings. Everybody please come to the Floor. Senate Bill 3001. Top of page 7. Chicago Tribune seeks leave to photograph the proceedings. Is there any objection? Leave is granted. Senator Welch, do you wish to proceed? Madam Secretary, read the bill.

SECRETARY HAWKER:

Senate Bill 3001.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch.

SENATOR WELCH:

Thank you, Madam President. What this bill will do will create four more years of school construction throughout the

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State of Illinois. At five hundred and fifty dollars -- five hundred and fifty million dollars available each of those four years, we're going to be able to construct many, many schools throughout the State. The -- the bill has undergone several changes. We've shaped it to the point where most of the objections, as far as we could hear them in the committee, have been taken care of. It's a bill that's going to make sure that the children of the State of Illinois have adequate facilities so that they can better able -- be better able to learn in this environment that we have in the 21st century. I'd be glad to try to answer any questions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Madam President. I rise in support of -- of this bill. As Senator Welch has indicated, it has gone through many changes. I was very much opposed to the original bill that was introduced by -- by the Governor's Office. This bill allows school districts to choose their own architects, their own engineers. It is a bill that allows school districts to ask for the involvement of the Capital Development Board, and it permits school districts an opportunity to be able to save on construction costs. Capital Development Board will charge no more than one percent -- a one-percent fee for construction management assistance. We also protected the priority system that is currently in place, with a minor modification to allow for the construction of preschool classrooms, but the priority system pretty much remains intact. And so, I think it's a bill that -- that will help the Capital Development Board help school districts save dollars. And the original intent was to make it possible for us to be able to save some dollars so that we could construct more schools. I think this -- this helps us do that, as well as include opportunities to -- through a demonstration project, to create energy-efficient buildings in our school districts. And so, we do need the money for school construction. This is an expansion of the current school construction program. It allows another fifty million dollars for -- for maintenance costs and repairs. And so, I think that it's a bill that we can support.

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PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Cronin.

SENATOR CRONIN:

Thank you very much, Madam President. I rise to speak to the bill. I -- I am rising to -- to urge all of us to look at this bill very cautiously. I rise with guarded and deliberate opposition. Let's see if we can recall the history of this bill briefly. Many of you know that the history of this issue is one that -- that was established several years ago under the Republican Majority, a wonderful program that has done marvelous things for school districts across the State. Many of you may recall when we addressed the issue of school funding, there were quite a few of us that toured the State, looked at poor school districts, came to the conclusion that one of the most pressing needs in schools and in education, elementary and secondary education, was the need for capital projects, whether we were in Sparta, Illinois, or we were in the Quad Cities or in certain areas of the suburbs. We needed capital. We needed to repair crumbling schools. And that project was born at a time when we addressed the foundation level. We brought the bottom up and we put fifty cents out of every new dollar into education. It was a good comprehensive approach. One of the features that made it so good was that it -- it has been administered very, very well - no criticisms from anybody - it's been administered by the independent State Board of Education. State Board of Education is a regionally balanced, partisan balanced body, as we well know. We've sort of fought this battle with the Governor already. And it gives all of us, all of us, a fair shake. All of us have an opportunity to call our State Board member. All of us have an opportunity to share our thoughts and concerns about a school funding project. All of us have an opportunity to bring to the attention of the State Board the needs of a school or a school district in your area. Well, you know what, Ladies and Gentlemen? With all due respect to one of the previous speakers that talked about the priority list, I think that you're making a grave mistake today by giving that away. Yes, Ladies and Gentlemen, with this bill, you are going to give the Governor some influence and power over the construction and funding of your schools that he's never had before, and I don't

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know why you want to do it. Whether he's a Democrat or a Republican, I don't understand why you want to do it. Giving this program, transferring it over to a code agency where there is a whole body of law that's developed about the power and the control and the authority that the Governor has over the conduct of that agency is just a bad idea. Let me just point out a couple of quick things, if I may. 2.2 billion dollars with no - - no funding source. I don't know. Does that make sense to any of you? In the past, when we addressed school construction, we always -- we tried to do the responsible thing and identify the funding source to go with that debt. To -- when you take on debt, you have to understand that there's a plan to pay off that debt. As this bill stands here, as it's presented to us right now, there's no -- there's no funding source. 2.2 billion dollars of additional debt without a thought about how to pay it back - it's really not very responsible. Secondly, the priority list that's been mentioned. I got to tell you, there is a list in the bill here and it talks about twenty-four school districts, and that's a way to demonstrate that, gee whiz, we're really committed to this priority list. But you know what? There's over two hundred schools on the list. And you may have a school district that you represent that's not of the twenty-four, and by your vote today, you may be moving or bumping that school off. School districts -- two hundred and thirty school districts have already submitted applications. Under this bill, they would have to reapply, and the Governor, in his infinite wisdom, of course, would be able to determine the priority, whose school district would get funded and whose wouldn't, because it's a whole new set of rules now. They have to reapply. So, whether you live in a downstate district, you're a Republican or you're a Democrat, that list that's already published -- it's kind of like waiting to get into a club. You can look and see where you are on the list, but in this instance, this is the Governor's club and he's going to decide the priority. I don't know why you want to do that. I don't know why you want to give the power of the Legislature, an equal branch of government, I don't know why you want to concede that. Democrat, Republican, Chicago, upstate, downstate, it doesn't make sense to me. You guys are going to regret this Yes vote, I

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believe. In closing, I would like to share with you that there is a wonderful bill, a wonderful bill sponsored by Senator del Valle. He's my hero. Senator del Valle is sponsoring a bill, I believe it's Senate Bill 1553. It has a wonderful, thoughtful approach on how school construction grants should be administered? Ladies and Gentlemen, it looks like we're in here for awhile, and we're ready to work and we're ready to get something done, and let's start with this one. I urge my colleagues, all of my colleagues, to vote No or Present. There's a better way to do this. Do the right thing. Vote No or Present.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Ronen.

SENATOR RONEN:

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

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR RONEN:

I know, Senator Welch, there's been serious concern raised in committees and on the Floor here about the priority list of which schools will be on that priority list, so I'd like to ask you very specifically some school districts and have you tell me whether they are, in fact, on the -- on the list. Is the Community Consolidated School District 93 on that list?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch.

SENATOR WELCH:

Yes, it is.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Ronen.

SENATOR RONEN:

Thank you. And let me -- I'll list a group -- a grouping of others and you can just give us a -- a yes. Villa Park School District 45, the Westmont Community Unit School District 201, the Big Hollow School District 38, the Hinckley Big Rock Community Unit School District 429, Winfield School District 34, the Rochester Community Unit School District 3A, the Fairfield Public School District 112, the Stewardson-Strasburg Community

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Unit District 5A and the DuQuoin Community Unit School District 300 - are all of those school districts on the priority list?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch.

SENATOR WELCH:

Senator, not only are they on the list, some of them have already been constructed and their schools are waiting to be reimbursed after passing a referendum raising taxes on their constituents.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Ronen.

SENATOR RONEN:

Senator Welch, are you saying -- that they won't get the money -- that construction has already happened and the money won't be -- they won't receive monies they've already expended unless we act today?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch.

SENATOR WELCH:

That's correct. If we do not pass a school construction bill this year, those twenty-five projects will not happen, including the fact that although they've been promised money to reimburse them for building the school and raising their own taxes by referendum, they're own real estate taxes, we're going to say, "Sorry! We just pulled the rug out from under you, but good luck anyway." That's what's going to happen.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Madam Chairman {sic}. First I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR RADOGNO:

What is the total amount of the schools that are on the list?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch.

SENATOR WELCH:

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The districts, there are twenty-five districts. You wanted that, not the total amount of money?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Radogno.

SENATOR RADOGNO:

The total value of the schools that are on the list, some of those that were just enumerated by Senator Ronen.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch.

SENATOR WELCH:

We have two figures. The State's share is 151.7 million dollars. The local share is one hundred and twenty-seven million dollars.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Ronen.

SENATOR RADOGNO:

I'm Radogno.

PRESIDING OFFICER: (SENATOR HALVORSON)

I mean, Senator Radogno. Sorry.

SENATOR RADOGNO:

That's okay. That's one hundred and fifty million out of -
- we're authorizing 2.2 billion?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch.

SENATOR WELCH:

That's correct.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Radogno.

SENATOR RADOGNO:

Well, it just strikes me that this is a rather appalling example of holding out a little carrot there and saying "Vote for this", when we're only authorizing a little bit of the money that -- that we're actually authorizing in the bonds. So that means that, sure, we might be assured that these schools that are on here, and you're being very clear that some of those are our schools, will get funded, but then what about in the out years? We're authorizing 2.2 billion. We will have no control, nor will your Members, over where that money goes. And that's what we have a concern about, that the Governor is going to be

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able to then pick and choose and we'll see this again: You vote for my program, okay, we'll put your school on the list, maybe. This is a bad policy. We have a very good program in place. I'm very much in favor of the school construction program. It's a good program, and we need to ensure that we continue to do it the way that we have done it. But I have another question for you. Again, it's been pointed out that we are issuing 2.2 billion dollars' worth of new general obligation bonds. I'm sure that you're aware over this last Session, one of the things that's received a lot of discussion, not only here under this dome but throughout the State, is the fact that we're borrowing an awful lot of money. Senator Cronin's already pointed out that there's no revenue source identified for this program. Another issue we've talked quite a bit about though, in fact, the idea of how we structure and repay our debt has been the subject of two hearings over in the House. Your Democratic State Comptroller has expressed concerns about how we are issuing debt, the -- the amount of it and the structure. The Republican State Treasurer has -- issued concerns about that. And -- newspaper boards throughout the State have editorialized about that. So my question to you is, does this bill include any of the ideas that have been talked about and supported by all of those groups, including limiting the length of the debt, including making sure that we start paying that money back right away, including that we have level debt payments so that we pay this off and are able to free up more bonding authority for future generations without raising additional taxes? Have any of those ideas been included in this?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch.

SENATOR WELCH:

Senator, this is not a revenue bill. What it does do is raise the cap for borrowing so that we can construct these schools. The amount it would take each year is one hundred and fifty-eight million dollars. We have bills here that are going to raise over one hundred and fifty-eight million dollars. We passed one a week ago Thursday night, my bill on -- on loophole closing. We've got other bills that'll be coming up today. So I think that there is revenue and will be revenue available, and

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certainly in a budget of fifty-four billion dollars, we can find one hundred and fifty-eight million dollars next year for this important piece of legislation.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Radogno.

SENATOR RADOGNO:

Well, the fact is, we're amending the GO Bond Act, so many of those provisions would, in fact, be appropriate to include in this bill. And secondly, I'm not sure that some of the revenue ideas that are out there are going anywhere. So, I think it would be ill-advised to pass the spending portion before we have any idea where that revenue's coming from.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch.

SENATOR WELCH:

Was that a question?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Sandoval.

SENATOR SANDOVAL:

Thank you, Madam President, Members of the Senate. Senator Welch.

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield. Senator Sandoval.

SENATOR SANDOVAL:

Thank you. Senator Welch, I represent a number of suburban school districts in my district, the Cicero and Berwyn School Districts, and I'm -- been led to believe that they have a number of school construction applications that they submitted for FY'03 and FY'04 and FY'05. How will those applications now be considered under this proposed evaluation system by the CDB?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch.

SENATOR WELCH:

Exactly the way they're considered now. There is no reapplication process, as was mentioned by a previous speaker. Things are going to remain the same.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Sandoval.

SENATOR SANDOVAL:

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As I look at the bill and I see that some of my school districts have not been incorporated into this first round of applications, the -- their fate gets -- although you indicate that they'll be evaluated under the same premises and with the same eyeglasses under the previous system, or the current system, there's nothing that leads me to believe, except your word, that they will be -- get due consideration just as they would under the current system. I find that hard to believe, knowing that the CDB is a board of -- of political appointees that traditionally don't have the background as folks have had in the current ISBE board.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch.

SENATOR WELCH:

Well, Senator, the Capital Development Board was chosen as the operating agency because they do have expertise in saving money in construction. Many of the existing projects that we've done over the last six years have been projects that have paid up to ten percent of the total amount of the grant for construction managers. One school paid three and a half million dollars for a construction manager. With the expertise on the -- on the Capital Development Board, we can save money and actually create more money in the pot that may help you get your school on a -- on a list. That's why it's going to Capital Development Board. And don't forget, we just passed a bill that said the -- the board for the State Board of Education is all going to be appointed by the Governor anyway. Plus, he's going to hire a new School Superintendent. So, who are we kidding here? The Governor's going to be in control of the State Board of Education and he's going to be in control of the Capital Development Board. So, to say that, "Oh, we can't shift this from the Capital Development Board to the State Board", is -- is complete folly. The Governor appoints both boards.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator, you have to put your light on if you want to speak again. Senator Sandoval.

SENATOR SANDOVAL:

To the bill. Just my general comment. I am in support of the school construction program, but when it comes to the people

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in Cicero and Berwyn and my district, we're talking about one of the largest suburban municipalities in all of suburban Cook County and we're talking about some of the school districts are the most underserved in need of -- of classrooms and renovations. And I, yet, have to see that this bill may not serve the needs of my people. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Madam President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR LUECHTEFELD:

Senator, I understand that there's another bill that Senator del Valle has that really basically says the same thing as far as school construction, that -- that we did previously. I think we all have sort of a comfort level with the way it was run before. We was under a Republican Governor. I -- I've never -- I didn't hear Democratic Senators and Representatives saying that "My project was put back because I happen to be a Democrat." I think there's a -- a level of -- of frustration on this side that, with the present system that you're trying to get through, we may have a little of that. And -- and I think even Democratic legislators need to be concerned about that because you may vote the wrong way, as far as the Governor's concerned, one or two times and you may not get your school. My question to you is, if we had a system that was really working, and I understand that Senator del Valle's bill tries to do that, why would you want to change it? Were you not happy with the way it was run before?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch.

SENATOR WELCH:

Senator, I'm not happy when money gets wasted by local school districts by hiring construction companies that have greased the skids to get the contract. I'm not happy when the local school districts don't go and do as efficient a job as they can of picking people to build these schools. I'm not happy when a school district can bid two schools for one district

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separately but puts them together so that only a large company charging extra-large fees can get the job. So, no, I wasn't happy with it.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Senator, I'm not real sure that you answered the question that I was really after, about whether or not this could be -- but, you know, you answered it, I think, in a different way. And I'm telling you that -- you know, for instance, this particular situation is -- you're -- you know, are you going to be happy with -- if the Governor passes you by on a vote that you don't make, how do you feel about that?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch.

SENATOR WELCH:

Aren't we really assuming a lot here? I mean, the -- you're attributing the politicalization of this process to this Governor without even having a look at it. In fact, Senator, you raised that question in committee, and it was brought up that we put, for the first time in history, the actual projects -- the first twenty-five projects have been approved in the bill. And one of the Members of the committee said, "Well, why did you do that? We shouldn't be doing that." "Well, it was because, Senator, you asked for it, and I responded to that. That's why that's in there." So, now you're raising another issue. So, if you're going to vote No, you're going to vote No.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Senator, you know that you just put twenty-five bills -- or, twenty-five schools. There's another four hundred million dollars in -- in -- in fact, in one year's -- you don't know -- you didn't put those in there, by the way. You -- what's the Governor going to do with those? I mean, that was just a little -- you know that was phony. That was just twenty-five projects that happen to be on the list, and the rest of it -- you -- what are we going to do with the rest of it?

PRESIDING OFFICER: (SENATOR HALVORSON)

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Senator Welch.

SENATOR WELCH:

Senator, I didn't do that to be phony. I did that because those are the only projects that have been approved by the Board. The other two hundred projects haven't been approved. If they were, I would have stuck 'em in the bill. Why wouldn't I stick 'em in the bill, because half of 'em are Republican projects.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Senator, I think if you were on this side, we'd be getting a whole different story. For instance, you know this is our only opportunity to stop anything you want to do because of the bonding. And -- and I think you would say to us, if you were on this side advising us, "Get what you want in the bill", because this is the one thing, the only thing, that can stop you from doing basically what you want to do. And you know that. I mean, this is -- this is the one issue that we can make a difference on.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch.

SENATOR WELCH:

Senator, let me think for a second what I would do if I were on your side of the aisle. I think I would stand up and say, "You know, I'm going to put the kids ahead of these other priorities that have been set on -- on the new side of the aisle I'm on." I'm going to say, "I think that the school construction bill is so important to me to make sure that the future generations that we've expressed so much concern for, having to pay the debt on borrowing, has a good school to go to over the next twelve years they're in school." That same generation. And then I would announce, "I'm changing parties and going over to the Democratic side." That's what I'd do if I was on your side of the -- of the aisle.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Senator, are you a lawyer?

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PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch.

SENATOR WELCH:

In my...

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Luechtefeld.

SENATOR WELCH:

In my previous life.

SENATOR LUECHTEFELD:

We care as much about the kids as you do and we care about our kids and so that we get our fair share of the money, and I think you know what -- I think I know what you would say if you were on this side of the aisle. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Brady.

SENATOR BRADY:

Thank you, Madam President. To the bill. You know, it amazes me. Senator Welch claims that he's done a great job by placing all these safeguards in for a whole hundred and fifty million of 2.2 billion dollars over four years. Someone called it phony. I think it's worse than that. I mean, if we're truly going to rely on this administration to make decisions on who ought to receive these monies for their schools in a fair way, we don't have to look very far, Senator. We could simply look at the health care system of the State of Illinois. This administration decided, for political and other reasons, to eliminate two carriers in this State. We know the report cards show that they were great carriers. We know that there were political influences involved and those carriers were cut out. Then after that was brought to light, this Governor has his political administration retract that. You know, we don't have to look any further than the IDOT capital projects this -- year. Our staff tells us that less than thirty percent of the IDOT projects are in Republican districts. Is that fair to the people of Illinois? And do you really trust this administration to be fair with those school dollars? This is a sham. It's a political sham, and you're not going to buy off Members on this side of the aisle with twenty-five projects. Be real. Not to mention the fact that there's no debt responsibility initiative

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with this. We've got a Governor who, 'cause he can't sell the Thompson Center, borrows two hundred million dollars in a no-bid contract from a French bank. Is Iraq next? Now let's take a look at how we're going to pay for this. You so brilliantly and eloquently said we can find a hundred and fifty-four million dollars next year and every year thereafter. Here it is less than thirteen and a half hours before a deadline and you guys are dealing with an initiative that requires thirty-six votes, not one that requires a simple majority. If you really cared about the kids, you'd pass a budget before midnight - if you really cared. Instead, you're wasting time on an initiative that could be passed tomorrow as easily. Senator, be real. Be honest with the people. Go back in your office and work on the budget for the kids. Do the right thing. Everyone on this side should vote No and so should all of you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President. Move the previous question.

PRESIDING OFFICER: (SENATOR HALVORSON)

There are four speakers, left. Senator Winkel.

SENATOR WINKEL:

Thank you, Madam President. Just briefly to the bill. It's been said by the sponsor that somehow in committee, he got the idea that we requested that the school districts that they've used in a very political way this morning, which obviously tells us how they're going to be used in the future, this list, none of us in the -- in the committee asked you to put in the statute that list of schools. None of us did. I think that's been mischaracterized. No, no. No, sir. Now, I was there, too. No, no, no, no. That's not the way it was. The way it was is we made a very big point, sponsor. We made a very big point that this system works independently. It's worked very well. There's been no problems with the way schools are selected, eligibility determined, and the way that it's gone on in the past is the way that it should go on in the future. There is no case that's been made in committee. You've made no case today that we need to change. This is yet another power grab that we can see, from the way it was used this morning,

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that you intend to politicize the way that these projects are selected. You did it today on the Floor. It'll happen again in the future if this were to become law. We should vote No.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:

Thank you, Madam President. You know, we're all familiar with the -- the cartoon - the Peanuts cartoon where Lucy has the football and Charlie Brown comes running along, and on every time, what happens? Charlie Brown says, "Are you really going to hold that -- are you really going to hold that football, Lucy?" "Oh, yes, Charlie Brown." She swears on a stack of bibles or whatever cartoons do. "I am going to hold the football." And Charlie Brown comes running down, and what does she do every time? She moves the -- she moves the football and Charlie Brown gets a knock on the head. Well, what we're being asked today is to give the -- give the football to the proverbial Lucy on the Second Floor, and that is, for somebody who said, listen, I am... -- during the course of his campaign, the governmental Lucy told us, "I am in favor of OSLAD funding and I'm going to go to the mat for OSLAD funding. I think it's a terrific thing." Well, the governmental Lucy pulled the football and it's not in his budget. He also said, "I'm in favor of Vandalia, I'm in favor of Lincoln Developmental Center, I am in favor of Rushville," and the Second Floor Lucy pulled the football, and all of the Charlie Browns in those districts are being knocked in the head. Now, we're -- we're being told by the sponsor that he's sort of shocked that this has become a political process, but remember, this is a Governor who, in an unprecedented fashion, has come up with what? A new political action committee to deal with all of you. This is a Governor who apparently has worked his machinations and his wonders in this Chamber to bottle up Senator del Valle's amendment on this bill, which would prohibit political solicitations. Where is that amendment? That amendment has not seen the light of day. So, why are we going to empower the governmental Lucy on the Second Floor to take all of the folks who have projects that Senator Cronin articulated a couple of minutes ago - these are projects -- I have a school district that's on this list, but I

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have school districts that aren't on this list. These are schools districts all across the State of Illinois that are impacted that aren't going to be able to be -- that are going to be moved down to a lower priority, school districts in -- in Lake County and LaSalle County and Williamson and DuPage, Adams, Alexander, Cass, Johnson and so forth and so on. By voting Yes on this bill, if you don't -- if you don't basically give the safety vest of this twenty-four or twenty-five districts, then you're letting these other districts just drift out. I think Senator Sandoval had it right when he said that -- that we can do better than this, essentially. I urge a No or Present vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Watson.

SENATOR WATSON:

I was afraid I was going to have to follow that. Lucy Goosey Blagojevich. Anyway, I was actually the sponsor of the school construction grant -- back -- program back in 1997. I was the sponsor of that legislation, and when I go to the -- to the big Senate in the sky and somebody reads a -- a -- a nice resolution about what important legislation I sponsored here in the Senate, I'm hoping that that will be one that will be remembered, because that -- I think nobody in this State had any quarrel with the school construction grant program. We helped school districts and schoolkids throughout this State, from the north to the south. It didn't matter. And everybody participated at the same level. But now, this is where we get ourselves into a little bit of a problem, in turning this over to the Capital Development Board. And when we -- when the Governor talked about changing the way we do education in this State, I didn't necessarily disagree at all with some of the things he had to say, but one thing that I did say is I do not want to see education politicized. I don't want to see politics enter in to what is in the best interests of schoolkids all over this State, and in every district of this State, not in just a select few. And unfortunately, I think that's where we are right now. I think that's what we have before us, is -- is an effort to politicize the process. And I -- and there is a track record out there, and it's been mentioned on the Floor already, that in the year and a half of this administration, we have seen

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a politicizing of unbelievable number of projects and commitments, even, that have been made by most of us to communities and counties and municipalities in our districts already that the plug has been pulled by this administration. Hospitals. So, I just think that -- that we already have a precedent out there to -- give us an indication of what might follow this legislation. And to follow up on -- on Senator Radogno and the fact that once again, we've -- we have very -- we have a high rate of concern about the debt of this State, and now we're going to advance it 2.2 billion dollars without a revenue stream? And, Senator, you'll recall when we passed the -- the school construction grant program, we had a revenue stream that -- that paid off that debt. There is none here. And to say that we'll go into the budget year after year and find a hundred and fifty-eight million dollars to solve the budget problem and solve the -- the funding problem for this, I think is -- is not a accurate statement. We're right now trying to solve a budget issue, and -- trust me, a hundred and fifty-eight million dollars is precious dollars that we could use to solve the budget issue of this coming year. So, I just -- I really appreciate the way our side of the aisle has approached this and the manner in which many of us -- many of them have spoken. And I -- I thank them for their insight on this and their thoughtfulness because we don't need to have school construction grant program politicized, and that's where we're headed. I urge a No or Present vote. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jones.

SENATOR E. JONES:

Yeah. Thank you, Madam President. It's been quite interesting listening to debate on this issue. And as I read the bill, as relate to the priority list, all this does is codify into law what the actual priority list is for the next fiscal year. I hear all the talk about revenue. Who's going to find this -- the bonds, where's the revenue stream? You cannot have it both ways. You must be willing to vote for some revenue for the bonds, and you will have that opportunity. None of you have presented anything. All I believe that's in this bill, which is permissive - that many school districts do not have the

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expertise - it gives them permission to go to the Capital Development Board whereby that school district can save money for construction management. Some pay high as ten, fifteen percent. You don't want your school district to have the permission, if they so desire, to have the Capital Development Board, who has the expertise, to aid and assist that school district, where that school district could save more money and use that money to help the children in the classroom? That's all this bill does. But when you decide that you want to pay for the construction costs, when you decide you want to help the school district from Cairo to Chicago, when you're willing to say "I'm going to vote for revenue so that we can have this program to take care of all schools across the State of Illinois," then your talks will be legitimate. In this bill -- I see the list that's -- that's in this bill. This is the list that already exists, so it cannot be manipulated. So all those schools districts that are on the list being codified into law for the first year. That's all that it's doing. Giving power to the Capital Development Board to decide what projects and do all those different things, you have existing law. It is permissive, that if a school district needs the help in construction management and saves some money -- and whereby they would not have to pay fifteen percent costs of the bonds. If it go to the Capital Development Board, it only costs about one percent. You don't want your school to save any money? Then go ahead and vote against it, but let's be real about this issue. If you're interested in schools across the State of Illinois, this is a four-year program, and in the next three years, that same program that exists in developing the list will still be in place. It will not be manipulated. So, I don't know what all the fight's about. I don't know why in the world you're complaining. I haven't seen any of you stand up and say, "Well, I'm going to provide some revenue to help our schools across the State of Illinois." When you're willing to do that, then you have got some legitimate talk. We are willing to not only pass this bill, we're willing to provide the revenue. It's a darn good bill, and it is permissive. It does not mandate that the Capital Development Board run the local school district as relate to this program. The Capital Development Board there is

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to help the school districts if they so request and desire the -
- the Capital Development Board to help them. That's the issue
that's before us. So, it's not taking authority away from the
local school district. They maintain that. But I would think
local school boards across the State of Illinois will
want to come to the Capital Development Board if they can save
that school district money. They should have the opportunity to
do such. I urge a Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator -- Senator Welch, to close.

SENATOR WELCH:

Thank you, Madam President. You know, all this argument
about how the CDB is the bad guy, the State's Board of Education
is the good guy, well, oddly enough, Capital Development Board
currently has authority over general school supervision over all
the existing schools that were constructed. They're already
there, and the sky has not fallen. Darn it! There goes the
argument that was made the whole morning on the other side of
the aisle. But, you know, it's easy to argue that, oh well,
this bill -- "Where's the revenue source for this?" "We want to
vote for Senator del Valle's bill," which has no revenue source
and does not increase the bond authorization, but "We want to
vote for Senator del Valle's wonderful bill that came over from
the House." Well, you know why? Well, I'll tell you why:
Because you also loved voting for that wonderful bill that I had
that came over from the House that raised the school foundation
level by two hundred and fifty dollars. You're all on that. All
issued press releases. We all issued press releases, but when it
came time to pay the piper, how many votes were on the loophole-
closing bill that paid that? Thirty votes. Not one of you voted
to -- pony up the money to give those kids two hundred and fifty
dollars per child in schools. Rhetoric's cheap. Votes are tough.
And today, the same argument, only more crystallized, is being
made, and that is that, "Well, you're raising the school --
you're raising the bond construction limit, but where's the
revenue," as if you would vote for that. As if you would vote
for that. You know, the reference to Lucy and Charlie Brown is
true, only you're the folks holding the football, telling the
kids, "Look, you're going to get what you want. We're going to

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help you out. We're going to give you two hundred and fifty dollars per child." And all our schools are happy. They're patting us on the back. The school boards are happy. Everybody's happy. Say it for one more year, but then you don't vote to fund it. And now you're going to go back and tell those same school boards, "Hey, we were for that construction bill, really. We really wanted that but we just didn't like the people the Governor was appointing to one board as opposed to the people he was going to appoint to the other board," because that's what it comes down to. He's appointing all the people on the boards. The same Governor. This is a silly argument, a silly argument that's being made. You know, and this thing about, "Well, we don't trust this Governor to come up with the money, the hundred and fifty-eight million dollars to pay the debt service this coming year. We can't come up with that in a fifty-four-billion-dollar budget." You know, it's not the Governor we don't trust. We don't trust ourselves. Certainly, the Legislature, a coequal branch, can figure out a way to raise one hundred and fifty-eight million dollars for the upcoming year's bond payment and fulfill the promise that we've made to these schools and these districts that are listed in the bill, districts that were listed at the request of a Member of the Education Committee. Finally, let me just say that this bill is one that we can be proud of when we pass it. Four more years of school construction. Helps people go to work. Help kids learn. Improves education. And although there are those here that want a no-growth budget, tell those kids next year when you're in school, "Don't grow. Don't grow physically, don't grow mentally, don't grow educationally. It's a no-growth budget." That's the argument you're making. These kids need these schools. Many residents of these districts have voted tax increases to pay for these schools, and we time -- it's time that we kept our promise to those people who are relying upon us to help the children of the State of Illinois. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senate Bill 3001 would increase the amount to be borrowed against the State's general obligations. For these reasons, it is the opinion of the Chair that the bill is subject to the requirement of a supermajority established in Article IX of the

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Illinois Constitution. Accordingly, it will require a three-fifths vote, thirty-six votes for passage. The question is, shall Senate Bill 3001 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 31 Yeas, 14 Nays, 12 voting Present. And Senate Bill 3001, having not received the required constitutional supermajority, is declared failed. The Senate will stand in recess to the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HALVORSON)

The Senate will come to order. The Illinois Information Service and WCIA-Channel 3 and WCFN-Channel 49 seek leave to photograph and videotape the proceedings. Is there any objection? Leave is granted. Madam Secretary, Resolutions.

SECRETARY HAWKER:

Senate Resolution 584, offered by Senator Link and all Members.

And Senate Resolution 585, offered by Senator Harmon and all Members.

They're both death resolutions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Madam Secretary, Messages. Consent Calendar. Okay. Resolutions.

SECRETARY HAWKER:

Senate Resolution 586, offered by Senator Althoff.

And Senate Joint Resolution 86, offered by Senator Cullerton.

They are both substantive.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

Madam President, today is Memorial Day, and we would like to memorialize it. And I would like to ask that Senator Cullerton -- if -- if he wants to do it now -- would you like us to do it now?

PRESIDING OFFICER: (SENATOR HALVORSON)

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Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President, if you'd like us to do it now, I would like to call the people who will be involved in it to the Podium.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator, let me check for you, okay? We'll find out if we're doing that now. Messages from the House.

SECRETARY HAWKER:

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

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

Senate Bill 3000, together with House Amendment 1.

Passed the House, as amended, May 31, 2004.

I have like Messages with respect to Senate Bills 3338, with House Amendments 1 and 2; Senate Bill 3341, with House Amendment 1; Senate Bill 3342, with House Amendment 1; Senate Bill 3343, with House Amendment 2; Senate Bill 3350, with House Amendment 2; and Senate Bill 3356, with House Amendments 1 and 3.

All passed the House, as amended, May 31, 2004.

Message from the House by Mr. Mahoney, Clerk.

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

House Joint Resolution 55.

Adopted by the House, May 25, 2004.

I have a like Message with respect to House Joint Resolution 75, which was adopted by the House, May 27, 2004; and House Joint Resolution 79, adopted by the House, May 20, 2004. They're all substantive.

PRESIDING OFFICER: (SENATOR HALVORSON)

The Rules Committee will meet immediately in the President's Anteroom. Rules Committee. Messages, Madam Secretary.

SECRETARY HAWKER:

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A Message from the President to all Members of the Senate,
Emil Jones, Jr., President, May 31, 2004.

Attached is the Senate schedule for the 2004 Fall Veto
Session.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senate will stand at ease while Rules is meeting.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HALVORSON)

Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Viverito, Chairman of the Committee on Rules,
reports the following Legislative Measures have been assigned:
Refer to Education Committee - Floor Amendment No. 3 to House
Bill 762 and a Motion to Concur with House Amendment 1 to Senate
Bill 3000; refer to Executive Committee - Floor Amendment 5 to
House Bill 4847, Floor Amendment 3 to House Bill 7181 and a
Motion to Concur with House Amendment 1 to Senate Bill 1897;
refer to Insurance and Pensions Committee - Conference Committee
Report No. 1 to House Bill 599; refer to Judiciary Committee -
Motion to Concur with House Amendment 1 to Senate Bill 2499,
Motion to Concur with House Amendments 1, 2, 4, 5 and 6 to
Senate Bill 3007; refer to Licensed Activities Committee - Floor
Amendment No. 3 to House Bill 4200, Motion to Concur with House
Amendment 1 to Senate Bill 2108 and a Motion to Concur with
House Amendments 1 and 2 to Senate Bill 2617; refer to Local
Government Committee - Floor Amendment 3 to House Bill 834 and a
Motion to Concur with House Amendments 1, 3 and 4 to Senate Bill
955; refer to Revenue Committee - Motion to Concur with House
Amendment 1 to Senate Bill 334, Motion to Concur with House
Amendment 3 to Senate Bill 1592 and a Motion to Concur with
House Amendment 1 to Senate Bill 1946; refer to State Government
Committee - Floor Amendment 1 to House Bill 1010, Floor
Amendment 1 to House Bill 7177 and a Motion to Concur with House
Amendment 1 to Senate Bill 2375; refer to Transportation
Committee - Motion to Concur with House Amendment 1 to Senate
Bill 184 and Floor Amendment 2 to House Bill 714 and Floor
Amendment 2 to House Bill 731; re-refer from Executive to Rules

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Committee - House Joint Resolution 64, House Joint Resolution 68, House Joint Resolution 69, House Joint Resolution 86, Senate Joint Resolution 73 and Senate Joint Resolution 81; and Be Approved for Consideration - House Bills 805, 929, 2721 and Senate Joint Resolution 85; refer to Appropriations II Committee - Floor Amendment 1 to House Bill 2721; refer to Executive Committee - Floor Amendment 1 {sic} (2) to House Bill 805; refer to Insurance and Pensions Committee - Floor Amendment 1 to House Bill 929; and Be Approved for Consideration - House Joint Resolutions 64, 68, 69, 86, Senate Joint Resolutions 73, 81 and 85.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Silverstein, for what purpose do you rise?

SENATOR SILVERSTEIN:

For a purpose of an announcement, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your announcement.

SENATOR SILVERSTEIN:

The Senate Executive Committee will meet in 212 at 6:30 p.m.

PRESIDING OFFICER: (SENATOR HALVORSON)

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

SENATOR CROTTY:

Point of an announcement.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your announcement.

SENATOR CROTTY:

Thank you very much. The Licensed Activities Committee meeting will be meeting in the Stratton Building, Room A-1 at 8 p.m.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Martinez.

SENATOR MARTINEZ:

For the purpose of an announcement.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your announcement.

SENATOR MARTINEZ:

The Insurance and Pensions Committee will be meeting at -- in Room 400 at 7:30.

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PRESIDING OFFICER: (SENATOR HALVORSON)

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

SENATOR HAINE:

For purposes of announcement, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your announcement.

SENATOR HAINE:

The Local Government Committee will be meeting at 7:30 p.m. in the Stratton Building, A-1. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

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

SENATOR LINK:

An announcement, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your announcement.

SENATOR LINK:

Senate Revenue Committee will meet at 6:30 p.m. in Room 400.

PRESIDING OFFICER: (SENATOR HALVORSON)

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

SENATOR SCHOENBERG:

The purposes of an announcement, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your announcement.

SENATOR SCHOENBERG:

The State Government Committee will meet at 6:30 p.m. in A-1 in the Stratton Building.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Welch, for what purpose do you rise?

SENATOR WELCH:

For purposes of an announcement.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your announcement.

SENATOR WELCH:

The Appropriations II Committee will be meeting at 8 -- 8 o'clock in Room 212. Appropriations II, 8 o'clock, Room 212.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator del Valle, for what purpose do you rise?

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SENATOR DEL VALLE:

Thank you, Madam President. The Education Committee will meet at 7:30.

PRESIDING OFFICER: (SENATOR HALVORSON)

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

SENATOR DeLEO:

Thank you very much, Madam President, Ladies and Gentlemen of the Senate. The Senate Democrats will ask for a caucus immediately in the Senate President's Office. And so, we'd like to have all Members go to the Senate President's Office immediately for a Democratic Caucus, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you. That is always in order. Senator Burzynski, for what purpose do you rise?

SENATOR BURZYNSKI:

Thank you, Madam President. First of all, I have two things. Did -- did I hear you read in -- or, did someone read in the resolution relative to the Fall Veto Session and the dates? Will that be running concurrent with the end of the Spring Session?

PRESIDING OFFICER: (SENATOR HALVORSON)

Possibly, Senator Burzynski.

SENATOR BURZYNSKI:

Okay. Thank you. And then we would also request a Republican Caucus. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

That's always in order. Thank you. Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President...

PRESIDING OFFICER: (SENATOR HALVORSON)

Yes.

SENATOR GEO-KARIS:

...and Ladies and Gentlemen of the Senate, I know we're going to have our caucuses, but I would like to know how long they're going to be because we've got to have our memorial service today. This is the day. So, perhaps when we return, we can do so. I would like, Madam President, if you would check with the President of the Senate so -- and my Leader so we can do it.

PRESIDING OFFICER: (SENATOR HALVORSON)

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Thank you, Senator Geo-Karis. We will check on that and get back to you. Senator DeLeo, for what purpose do you rise?

SENATOR DeLEO:

Well, thank you very much, Mr. President. In response to Senator Geo-Karis, the President did want to be present during the ceremony, so he'd want to do it when he's out of the conference. So, he wanted to be on the Floor at the time that the -- the lady was presenting her memorial presentation.

PRESIDING OFFICER: (SENATOR HALVORSON)

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

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HALVORSON)

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

SECRETARY HAWKER:

Senator Viverito, Chairperson of the Committee on Rules, reports the following Legislative Measures have been assigned: Corrected Report of 5/31/04 - Floor Amendment No. 1 to House Bill 929 was not in possession of Rules Committee at the time of assignment; refer to Executive Committee - Floor Amendment No. 2 to House Bill 805.

Senator Viverito, Chairperson of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to Education Committee - Floor Amendment No. 1 to House Bill 929.

And that was Rules Committee Report No. 3.

PRESIDING OFFICER: (SENATOR HALVORSON)

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

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DeLEO)

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

SECRETARY HAWKER:

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Senator Silverstein, Chairperson of the Committee on Executive, reports Senate Amendment No. 1 {sic} (2) to House Bill 805, Senate Amendment No. 5 to House Bill 4847, and Senate Amendment 3 to House Bill 7181 and the Motion to Concur with House Amendment 1 to Senate Bill 1897, all Be Adopted.

Senator Schoenberg, Chairperson of the Committee on State Government, reports Senate Amendment No. 1 to House Bill 1010 and Senate Amendment 1 to House Bill 7177 and the Motion to Concur with House Amendment 1 to Senate Bill 2375, all Be Adopted.

Senator Jacobs, Chairperson of the Committee on Insurance and Pensions, reports Conference Committee Report No. 1 to House Bill 599 Be Approved for Consideration.

Senator Haine, Chairperson of the Committee on Local Government, reports Senate Amendment No. 3 to House Bill 834 and a Motion to Concur with House Amendments 1, 3 and 4 to Senate Bill 955, all Be Approved for Consideration.

Senator del Valle, Chairperson of the Committee on Education, reports Senate Amendment No. 3 to House Bill 762 and Senate Amendment 1 to House Bill 929 and Motion to Concur with House Amendment No. 1 to Senate Bill 3000, all Be Approved for Consideration.

Senator Welch, Chairperson of the Committee on Appropriations II, reports Senate Amendment No. 1 to House Bill 2721 Be Adopted.

Senator Munoz, Chairperson of the Committee on Licensed Activities, reports Senate Amendment No. 3 to House Bill 4200 and Motions to Concur with House Amendment 1 to Senate Bill 2108, House Amendments 1 and 2 to Senate Bill 2253 and House Amendments 1 and 2 to Senate Bill 2617, all Be Adopted.

Senator Link, Chairperson of the Committee on Revenue, reports a Motion to Concur with House Amendment No. 2 to Senate Bill 334, House Amendment 3 to Senate Bill 1592 and House Amendment 1 to Senate Bill 1946, all Be Approved for Consideration.

The following correction was made to the Report from the Senate Rules Committee. On May 31st, 2004, a Motion to Concur with House Amendment No. 1 to Senate Bill 334 was referred to the Committee on Revenue, the proper motion to have been

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referred is a Motion to Concur with House Amendment No. 2 to Senate Bill 334.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Ladies and Gentlemen, would all Members please come to the Floor? All Members within the sound of my voice, please come to the Floor. We'll be doing final action. Also, there'll be a Rules Committee. All Members of the Rules Committee, please report to the Anteroom immediately, the President's Anteroom. All Members of the Rules Committee, please report to the Anteroom. Madam Secretary, Messages from the House, please.

SECRETARY HAWKER:

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

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

Senate Bill 739, together with House Amendment No. 1.

Passed the House, as amended, May 31, 2004.

I have like Message with respect to Senate Bill 829, with House Amendment 1; Senate Bill 943, with House Amendments 1, 3 and 4; Senate Bill 1400, with House Amendments 1 and 2; Senate Bill 2247, with House Amendments 1 and 3; and Senate Bill 2404, with House Amendments 1 and 2; Senate Bill 451, with House Amendment 1; and Senate Bill 3186, with House Amendments 1 and 2.

All passed the House, as amended, May 31, 2004.

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

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

House Joint Resolution 54.

Adopted by the House, May 30, 2004. And it is substantive.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Geo-Karis, for what purpose do you rise, ma'am?

SENATOR GEO-KARIS:

Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Yes, ma'am.

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SENATOR GEO-KARIS:

As you know, this is Memorial Day, and we do have a little ceremony about it. We have four veterans who are Democrats and we have four veterans who are Republicans. And it won't take more than a half an hour for the whole thing. It would be appreciated if we would honor it when we have people in the audience so they can see that we do mean -- that we do love our veterans.

PRESIDING OFFICER: (SENATOR DeLEO)

Yes, ma'am, we will do that course of action before the evening's adjourned. Thank you so much for reminding me. The Journal -- State Journal-Register, Kevin German, asks leave to photograph the proceedings. Seeing no objection, leave is granted. Senator Burzynski, for what purpose do you rise, sir?

SENATOR BURZYNSKI:

Point of personal information, Mr. President. Just to follow up with -- Senator Geo-Karis' request: You know, we've been in Session for less than an hour today, in committees for less than three hours tonight, and she has been waiting diligently here on the Senate Floor for this opportunity to have this ceremony. So, I think it would behoove us to do that sooner rather than later, and -- and honor our veterans and those who have given their lives.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, sir. Madam Secretary, Introduction of Bills.

SECRETARY HAWKER:

Senate Bill 3385, offered by Senator Cullerton.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Viverito, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Be Approved for Consideration - Floor Amendment No. 1 to House Bill 864.

PRESIDING OFFICER: (SENATOR DeLEO)

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

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SENATOR D. SULLIVAN:

Inquiry of the Chair.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your inquiry, sir.

SENATOR D. SULLIVAN:

Thank you, Mr. President. I appreciate your polite response to Senator Geo-Karis and Senator Burzynski, so I'd ask a direct question: When will we be going to the order of business that Senator Geo-Karis requested?

PRESIDING OFFICER: (SENATOR DeLEO)

We certainly will be going to that order of business this evening, sir. Senator Sullivan, for what purpose do you rise, sir?

SENATOR D. SULLIVAN:

Do you know what time we'll be going to that business?

PRESIDING OFFICER: (SENATOR DeLEO)

This evening, sir. Okay. Ladies and Gentlemen, on House Bills 3rd Reading, on page 14 of your Calendar, we'll be -- going to the bottom of page 14. House Bill 7177. Senator Emil Jones, on 7177, sir. Senator Emil Jones seeks leave of the Body to return House Bill 7177 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection -- excuse me. One second, President Jones. Senator Burzynski, for what purpose do you rise, sir?

SENATOR BURZYNSKI:

Thank you, Mr. President. Since most of our Members have not had the opportunity to review this bill, we would request a Republican Caucus immediately.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. As you know, that order -- that request is always in order, sir. The Republicans will request a Republican Caucus in Senator Watson's Office immediately. The Senate will stand at ease until the hour of 10 o'clock. The hour of 10 o'clock. The Senate stands -- Senate stands in recess to the hour of 10 o'clock -- at the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DeLEO)

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Senate will come to order. Returning to House Bill 7177. On page 14 of the Calendar is House Bills 3rd Reading. Senator Welch, on House Bill 7177. Senator Welch seeks leave of the Body to return House Bill 7177 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. Okay. On the Order of 2nd Reading now is House Bill 7177. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch, before you explain the amendment, sir, for the purposes of people -- debating this evening, we will be using our debate timer. So, our timer will start effectively when you present the amendment, so that we will enforce the timer this evening. Senator Welch, on the amendment, sir.

SENATOR WELCH:

Thank you, Mr. President. Floor Amendment No. 1 deletes the -- underlying bill. It requires that all State agencies, including the General Assembly, Supreme Court and all constitutional officers set aside a contingency reserve of 2.25 percent, not to exceed a total of four hundred million dollars, with the exception of appropriation for grants by the State Board of Education and appropriation for the purpose of the Children's Health Insurance Program Act, KidCare and FamilyCare. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Is there any discussion? Is there any discussion on the amendment? Senator Rauschenberger, for what purpose do you rise, sir?

SENATOR RAUSCHENBERGER:

Like to request a roll call, recorded roll call on the amendment.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. The gentleman requests a recorded roll call on the amendment. Is there any further discussion? Any further discussion? Okay. Senator Welch moves the adoption of Floor Amendment No. 1 to House Bill 7177. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted

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who wish? Madam Secretary, please take the record. On that question, there is 37 Ayes, 18 Nays, 1 voting Present. House Bill -- Floor Amendment No. 1 to House Bill 7177 is -- is adopted. Madam Secretary, are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

3rd Reading. Now on the Order of 3rd Reading is House Bill 7177. Senator Welch, do you wish to proceed? He indicates he wishes to proceed. Madam Secretary, please read the bill.

SECRETARY HAWKER:

House Bill 7177.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. As I said, this sets aside a contingency reserve of 2.25 percent, reducing the Governor's budget proposal by four hundred million dollars. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion? Is there any discussion? Senator Radogno.

SENATOR RADOGNO:

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

PRESIDING OFFICER: (SENATOR DeLEO)

Sponsor indicates he'll yield for a question, ma'am.

SENATOR RADOGNO:

You mentioned in describing the amendment that KidCare and FamilyCare were excluded, and education.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

SENATOR WELCH:

Yes.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Radogno.

SENATOR RADOGNO:

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What about other areas in Human Services?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

SENATOR WELCH:

Those would be subject to the reserve clause.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Radogno.

SENATOR RADOGNO:

So it is possible that community mental health providers, community DD providers, nursing homes could all be cut at the discretion of the Executive Branch by two percent.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

SENATOR WELCH:

This would be up to the agency Director in unison with the Governor to decide.

PRESIDING OFFICER: (SENATOR DeLEO)

Excuse me one second. Senator Jacque Collins, what purpose do you rise, ma'am?

SENATOR COLLINS:

Move the previous question.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. The lady has moved the previous question. There are one, two, three, four, five, six people seeking recognition. I'd -- I'd ask the Parliamentarian to please take note of those six speakers. Sorry. Senator Radogno, please -- please continue.

SENATOR RADOGNO:

Last question. If, for example, the Executive Branch were to decide to cut community providers, would they be cut across the board or could the Department pick and choose certain community providers, certain nursing homes, or would it have to be across the program?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

SENATOR WELCH:

Senator, this amendment merely seeks to achieve a reduction in the Governor's budget of four hundred million dollars. Just as the Governor can propose which agencies and groups receive money, he can also decide which have the cut.

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PRESIDING OFFICER: (SENATOR DeLEO)

Is there any further discussion? Any further discussion?
Senator Roskam, what purpose do you rise, sir?

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR ROSKAM:

Senator Welch, you mentioned in your opening remarks that this was a reserve clause. What is the money going to be reserved for?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

SENATOR WELCH:

It would be reserved in case of emergencies, budget problems, something of that nature.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Roskam.

SENATOR ROSKAM:

As you sit here -- as you stand here today and present this, in your conversations with the administration, have they indicated to you a -- a purpose? I mean, does Director Filan have a purpose for this money that you want reserved and set aside?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

SENATOR WELCH:

Well, what happened was, they weren't particularly fond of this, frankly, and it was just within the last couple days that they agreed to this reserve.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Roskam.

SENATOR ROSKAM:

So, they weren't really fond of the ability to have complete discretion and czar-like authority over every element of the State budget, with the exception of a couple of carve outs? That was not attractive to them? Did they -- are they foolish, asleep, or did they just not understand what you were talking about?

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PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

SENATOR WELCH:

Well, I don't think it's any of those three, Senator. I think what happened is, they wanted to spend four hundred million dollars of more money, and we Senate Democrats said no.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Roskam.

SENATOR ROSKAM:

Well, I'm glad for the restraint. Let me ask you this though: What is it that animates your hope that they're going to take you up on your offer to save the four hundred million dollars if, by their own admission to you, they say they don't want to save the four hundred million dollars? What is it that makes you think that they're going to actually implement a reserve clause? Yeah, that's the question. Why do you think they're going to use this authority?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

SENATOR WELCH:

Well, I -- I hope they would obey the law. That would be why I would think they would implement the reserve.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Roskam.

SENATOR ROSKAM:

Is there a requirement that this money be set aside? And at what point does the -- the discretion enter in for the Executive Branch? Does this just set aside the -- the four hundred million or the two and either a quarter or a half percent, whichever it is, or does it require an affirmative action on the part of the Governor to set it aside?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

SENATOR WELCH:

Well, what this does is put it in a -- a separate fund, so it is possible to gauge what is in the fund, what percentages are in there, and at the end of the year, see if it equals four hundred million dollars.

PRESIDING OFFICER: (SENATOR DeLEO)

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Senator Roskam.

SENATOR ROSKAM:

Well, I can see my time is expiring, but the -- the -- the question is -- I mean, I understand your -- your technical answer of obeying the law, but what is it that makes you think that the Governor is going to use this ability and use it responsibly? And why not -- I mean, if -- if you don't trust him in some areas, 'cause you apparently don't 'cause there's a part of a carve out, what is it that gives you hope that the Governor's going to be responsible in the other areas?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

SENATOR WELCH:

Well, the Governor has used reserves over the last year. He asked higher education to -- to reserve some funds, so I think he would continue to reserve funds once told by the Legislature. He has to come back here in the next two years for budgets, so I think that there is an incentive for him to follow what we pass.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Burzynski, for what purpose you rise, sir?

SENATOR BURZYNSKI:

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

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR BURZYNSKI:

Thank you. Senator Welch, just a couple of very quick questions 'cause I know there are a lot of other people with questions as well. But just very quickly, I'm -- I'm a little bit unsure of exactly what we mean when we say that the agency itself has the ability to decide where it's going to make that two and a quarter holdback, if you will, from the Governor's announced budget. So, I guess my question is, is if the agency wanted to, they could look at one part of the State and say -- perhaps like IDOT, for instance, "We're going to hold back five percent in District 1. We're going to hold back zero in District 6. We're going to hold back one percent..." Is that the way that could conceivably work?

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PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

SENATOR WELCH:

Senator, on page three of the amendment, it says -- it gives the parameters for the appropriate certifying officer to designate the reserve, and that does include that it not -- need not be applied uniformly across all programs and items of appropriation but may be applied to the various programs and -- and items as the certifying officer deems appropriate.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Burzynski.

SENATOR BURZYNSKI:

So then, I am accurate in saying that it gives discretion to the agency heads if they choose, for some reason or the other, not to fund projects in one area of the State versus another area of the State. My second question then, very quickly. Just looking at -- at this, and I asked this in the Appropriations hearings, Senator, and I'm not sure I -- I got a clear answer, but I think I understand what it is. It's a two and a quarter percent holdback, if you will, and I'm trying to recall whether or not that would be -- that's on the current year's budget, isn't it, or on the budget as introduced by the Governor?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch. Senator Welch.

SENATOR WELCH:

I'm sorry. I didn't hear that.

PRESIDING OFFICER: (SENATOR DeLEO)

Could you -- Senator Burzynski, could you repeat that question, please?

SENATOR BURZYNSKI:

The holdback is on the budget as introduced by the Governor for this coming fiscal year.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

SENATOR WELCH:

Yes, that's how we equal the four hundred million dollars that we're reducing his budget by.

PRESIDING OFFICER: (SENATOR DeLEO)

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Senator Burzynski.

SENATOR BURZYNSKI:

Just -- just as a follow-up, then, a quick comment, perhaps. As we look at universities, in particular, that have received a tremendous hit over the last three years now, and I'm talking about this coming fiscal year as well, we see a two-percent rescission that as late as two weeks ago, the Governor indicated that he was going to take from the universities. We're seeing fifteen-, sixteen-, seventeen-, eighteen-percent decreases in funding for our institutions of higher education. I believe it's time that we stop that bleeding. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR RIGHTER:

Senator Welch, I'm not sure that I understand exactly how this is going to work. I mean, you're -- you clearly have had a number of years experience with budgets, and I have not. What -- have you had any conversations -- surely you or perhaps your Appropriations Chair or the Senate President have had some conversations with the Governor or some of his senior staff about where they might be looking to go through, some of the larger budgets, like Department of Human Services. I mean, before we hand over this kind of considerable cutting authority, surely we have some notion of where they're going to go on this, don't we?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

SENATOR WELCH:

Senator, as I said, the Governor's Office did not want this. They wanted an additional four hundred million to spend and we imposed this restriction upon them, reducing the entire budget by four hundred million dollars.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Righter.

SENATOR RIGHTER:

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Well, I heard that -- you say that earlier, but they know it's coming. I mean, they know that this is in the bill. I mean, they've got a representative or two here on the Floor. I'm assuming there were some conversations about this before, so they know it's going to happen. Have you had any conversation with them before -- so the question is, have you had any conversations with them at all, before you hand over this authority, to say, "Where do you think you guys will go with this?" I mean, are you going to go to mental health treatment centers? You going to go to -- drug rehab, Senator? I mean, where you going to go with this stuff? Can you give us an idea?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

SENATOR WELCH:

Senator, I wasn't in the room when the Governor was told that his budget was going to be cut, but the presumption is it will be uniform across the board.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Righter.

SENATOR RIGHTER:

The two-percent reserve that the Governor ordered a month or two months ago for the universities, what's being -- and the reason I'm asking about that is because that's a little bit like what you're asking them -- or, telling them they're going to do here. What's being done with that money? Assuming the universities set it aside, Senator Welch, what happens to that money?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

SENATOR WELCH:

It's -- it's in reserve to help balance the budget.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Righter. Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Is it your expectation then that that two percent would be rolled over into FY'05? And if it is then, does -- does that money get added to the budget and that -- does that become subject to this two-and-a-quarter-percent-cut authority?

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PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

SENATOR WELCH:

Assuming we raise enough revenue to equal the 1.7-billion-dollar increase, then the four-hundred-million-dollar reserve would take effect so that there would be four hundred million dollars rolled over to the next year. But the question becomes whether we raise enough revenue to equal that amount.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Righter, please bring your remarks to a close, sir.

SENATOR RIGHTER:

Last question. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you.

SENATOR RIGHTER:

Senator Welch, I -- I notice, from our analysis anyway, that the two-and-a-quarter-percent reserve or cut authority can only be utilized up to a maximum of four hundred million dollars. So, I guess two questions. First of all, if it doesn't take two and a quarter percent across the whole budget to get to four hundred million, is it totally up to the Governor and the Director of OMB who they leave alone and who they cut, and -- and -- and second, if that isn't enough, where do we go to the money to find it to support the spending plan...act on?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

SENATOR WELCH:

The way the bill was written is all State agencies have to kick in up to two and a half percent, depending on the Governor's discretion as to where within the agency that happens.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Rauschenberger, for what purpose you rise, sir?

SENATOR RAUSCHENBERGER:

Couple of questions of the sponsor if he'd be so kind as to yield.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR RAUSCHENBERGER:

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Well, first of all, I'd like to start out by complimenting the sponsor. People who carry bills on the last day of Session or the presumed last day of Session often get a grilling on a bill that they often haven't had a lot of time with. But I -- I guess I'd like to explore a little bit -- just a little bit of ABCs of budgeting. In the years that I was on Appropriation, and granted they were different years, essentially the -- the concept of a balanced budget requires that our appropriations and our revenues meet, that they're the same amount. So, if you appropriate twenty-three billion six hundred million dollars, you have to have a revenue plan that's -- that's believable and approved that's twenty-three billion six hundred million. Can you explain to me how a reserve would work in this particular case? Because essentially, I think what you're saying is you're going to appropriate four hundred million dollars more than you have in revenue, and you're going to -- you're going to order the Executive Branch to reserve four hundred million dollars. So, are you going to treat your reserve as a revenue? Are you going to try to declare a revenue from a lapsed appropriation as a revenue to meet your balanced budget requirement? You know, I -- I just -- this is new ground, and I -- you know, you're a lawyer so you may have had a chance to constitutionally review this, but seems to me that we've got a constitutionally unbalanced budget on its face because you can't treat a lapsed appropriation as a revenue.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

SENATOR WELCH:

Senator Rauschenberger, thank you for declaring that I've broken new ground, but actually I cannot take the credit. This is modeled upon your bill from a couple of years ago. Governor Ryan proposed, during the 92nd General Assembly, House Bill 3495, Rauschenberger-Madigan, that would have set aside a contingency reserve of five percent of the total appropriations made to each agency that is directly responsible to the Governor. The legislation passed the Senate 42 to 14. So, this isn't new ground. It's based upon your model.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Rauschenberger.

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SENATOR RAUSCHENBERGER:

Senator, I'm glad you brought that up, 'cause that kind of really brings me around to my question. That was done in the middle of a fiscal year after a revenue failure. When we were clearly out of balance, the General Assembly offered up extraordinary authority to the Executive Branch to cut its own budget. And as I recall, there was some little resistance on Members of the Democratic Caucus at that time. We won't ask you how you roll called on the three different times it was presented, so you may be breaking new ground. But this is the first time -- this is the first time, I think, in -- at least in the last fifteen years that anyone has proposed overappropriating four hundred million dollars more than the revenue plan and arguing that a reserve is a revenue. So, I mean, do -- do you have -- I mean, how -- how do we treat this reserve? Is this a revenue to the revenue plan or is it a negative appropriation? I mean, how do you make this balance constitutionally?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Rauschenberger's time has expired. Senator Welch, to answer the question, please.

SENATOR WELCH:

What we're trying to do is to make sure that should the budget reach the 1.7 billion dollars, since we're voting on this reserve now before we vote on the actual revenue, so that if the revenue exceeds the expectations, the projections of what we say they're going to reach, then the Governor would be reserving this four hundred million, so he would be under, not only his 1.7 billion, but be four hundred million dollars under that.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Senator Brady, for what purpose do you rise, sir?

SENATOR BRADY:

Sponsor yield?

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR BRADY:

Senator, it's a little hard because we haven't seen the budget, but I presume you're going to be -- or, Senator

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Trotter's going to be introducing the Governor's budget here shortly. Is that a presumption that I can base this on?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

SENATOR WELCH:

That's correct. Senator Trotter is the sponsor of the budget.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Brady.

SENATOR BRADY:

And that'll be based on the Governor's budget. Question dealing with retirement systems. When we passed the early retirement system {sic}, we budgeted to pay back the retirement systems over a ten-year period as part of our promise to the people of Illinois in that program. Will this allow the Governor to reduce his contribution to the pension systems to pay back the retirement system over that ten-year period?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

SENATOR WELCH:

No, there's nothing in this bill referring to retirement systems.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Brady.

SENATOR BRADY:

So, you're -- you're saying that the ERI, which we passed, which has an unfunded liability that we agreed to fund over ten years, not forty years, in the Governor's budget, he's funding that at the level we agreed - I haven't seen what you've put together - but you're not allowing him to reduce, in this legislation, that appropriation?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

SENATOR WELCH:

That's correct. This does not affect the pension contribution to the State.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Brady.

SENATOR BRADY:

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Can -- can you show me specifically where it doesn't affect the ERI? I know it doesn't affect the continuing resolution, Senator, but where does it specifically not affect the refunding of the unfunded liability in the ERI?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

SENATOR WELCH:

Senator, you're asking me to prove that it doesn't apply to pensions when there's nothing in here that mentions the word "pensions". So, I would -- that would, I guess, be my answer. There's nothing that says "pensions" in this.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Brady.

SENATOR BRADY:

Senator, with all due respect, that's one of the problems with what you're doing here today. It's a little hard for us to determine if we think we should give you the authority, or the Governor, rather, in this case, to cut something when we don't have the budget bill in front of us. Now, I will bet you that what you're sponsoring here will allow the Governor to cut two and a half percent or more of that contribution. That would be in the budget bill, which you would have to refer to. And if you were going to be responsible in introducing this, you would know the budget bill as well, because you're giving the Governor blanket authority to cut everything, regardless of the promises we all made to the people of Illinois. And I think, Senator, you ought to consider that. Maybe you ought to consider taking it out of the record so we can debate the budget bill first. That might be more appropriate.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Brady, thank you. Okay. Leader Watson, for what purpose do you rise, sir?

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR WATSON:

I -- I guess -- I'm not sure I understood what you said when you mentioned that this was not necessarily the Governor's

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proposal. Would you refresh my memory on what you just said a minute ago?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

SENATOR WELCH:

What I said was, this was not the Governor's initial proposal. It was brought to him by our caucus, and told him that's what we wanted to do.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Watson.

SENATOR WATSON:

I would assume, then, he supports this?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

SENATOR WELCH:

Yes, he does.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Watson.

SENATOR WATSON:

All right. 'Cause I -- I guess I misheard you a little while ago. I think you made mention that he doesn't necessarily support this. This is -- and we have a press release here from his office talking about the Governor supports the '05 budget proposed by Governor Blagojevich and President Jones. So, just to clarify that. When we met with the Governor and -- and we talked about this and -- and he -- he brought up the fact too that we sent a letter, I guess under my signature, about the ability to allow them to -- to have a discretionary ability to cut. And we -- we did that when things were really bad, and -- and of course, you guys -- you rejected that outright. Just -- just so you know. It is a different day, obviously, and we understand that. But that was at the -- that was in the -- in the -- in the middle of the year, and -- which obviously was a year in which we were having -- a very -- a very difficult time with our budget. But to -- to allow for discretionary cutting of two and a quarter percent, by an agency director or by the Governor or the Bureau of the Budget or whoever it may be, is giving the authority of the budgetary process over to the Executive Branch of government. That is a responsibility of the

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Legislative Branch. We're the ones who establish the budget. We're the ones that give the direction on how the money will be allocated. And now we're going to sit here and vote on a budget that's going to give that authority to the Executive Branch? I think we're derelict in our responsibility here. This is not something we should be doing as a legislative Body. This is not something that we should be giving that authority to the Governor and the Executive Branch. This is just not good public policy. Now, the higher education -- and those of you that represent universities such as Western Illinois or Southern Illinois or wherever it might be in this State, the Governor's already cut twenty-five million out of this, and now you're going to give the -- him the ability to cut another two and a quarter percent. Higher education is not part of the -- of the program here of exempting from the two and a quarter percent. I want you to understand that, those of you that are concerned about higher education in your districts. So, this is obviously not a good proposal. And I'm -- just curious, we talked down at the Leader's Office about Department of Corrections, and I'm just curious how this impacts the Department of Corrections, Senator, if you would.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch. Senator Welch, for a response.

SENATOR WELCH:

Well, Department of Corrections has the same 2.25-percent requirement.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Watson, the time has expired. One more question, sir? Leader -- Leader Watson.

SENATOR WATSON:

I appreciate that, Mr. President. Tell me which correctional centers are in the budget and which correctional centers are out?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch.

SENATOR WELCH:

That's not this bill, Senator. That's Senator Trotter's bill. I'd rather have him explain that.

PRESIDING OFFICER: (SENATOR DeLEO)

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President Jones, for what purpose do you rise, sir?

SENATOR E. JONES:

Thank you, Mr. President. Just to respond briefly to many of the questions as it relate to this two-and-a-quarter-percent cut. I recall when former Governor Jim Thompson came into office, we faced a fiscal crisis in the State of Illinois. We, at that time, recognized that and we passed legislation giving him the authority to cut and reserve. We did the same thing under Jim Edgar. You talk this is all something new. Then the -- the Minority Spokesperson on Appropriation got -- he sponsored the same identical thing. And you, Minority Leader, sent a letter to the Governor saying cut five percent. I guess that included the universities. So, what we proposed was this: We said the Governor's budget is too high. We decided to take two and a quarter percent off that budget and distribute it throughout all State agencies, including the General Assembly. Tough fiscal times. Everyone should pay. I care about the universities, but I believe your five percent would have taken it from them equally as well. But we're talking about FY'05. If we did it for Governor Thompson, if we did it for Governor Edgar, how come you can't do it for Governor Blagojevich? Same identical issue. And Senator Rauschenberger's bill did pass with -- I don't think you had forty-two Republicans here, but it did pass. But it did pass. We are giving the chief executive that authority. And you were not raising the question, well, these department heads going to cut -- are they're going to take money out of Democrat areas, and look out, Republicans. No, we ain't looking at it in that context 'cause we believe most of your department heads are professional. They're there to do a job. And I don't think Republicans appointed to department heads are any better than Democrats. In a bipartisan manner, we gave the authorization to do such. And you, Mr. Minority Leader, you asked another question about the prison. Well, let's go a little farther about that. I sat with you in my office and I asked you that question, should we put Vandalia in there. It make you no difference. It could have been in there. You didn't want it, 'cause you was going to vote against it. In my office. So, let's be truthful about the whole thing. St. Charles is in there. But I posed that question to you, to give you the choice

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as to whether or not it should be included. You said, "No, don't worry about it. You got control of the process." I offered it to you, but you wanted to grandstand before everyone. This is two percent -- two and a quarter percent across the board. Four hundred million dollars less than the Governor's introduced budget. So, let's put your vote where your mouth is.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Senator Collins moved the previous question. That is the last speaker. Seeing no further discussion, Senator Welch, to close, sir.

SENATOR WELCH:

Thank you, Mr. President. Let me just point out that the -- the discussions about higher education are very interesting, in part because the Rauschenberger amendment passed on January 10th. It's a five-percent cut of the appropriations for higher education, a cut in the middle of the year is like a double cut. It's ten percent because half the budget's been spent. So you're complaining about two and a quarter percent cut to higher education and your own leader of the -- of the Appropriations Committee had a ten-percent cut for higher education? Folks, let's vote Aye and cut the lather.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. The question is, shall House Bill 7177 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 39 Ayes, 17 Nays, 2 voting Present. House Bill 7177, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, continuing on House Bills 3rd Reading, on the top of page 15 of your Calendar is House Bill 7181. Senator Hendon. Senator Hendon seeks leave of the Body to return House Bill 7181 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading now is House Bill 7181. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Hendon.

PRESIDING OFFICER: (SENATOR DeLEO)

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Senator Hendon, to the amendment, sir.

SENATOR HENDON:

Thank you, Mr. President. We wanted to accommodate Treasurer Judy Baar Topinka, so Floor Amendment No. 1 does that.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR RIGHTER:

Thank you, Mr. President. I would request a record roll call on this -- adoption of this amendment, please.

PRESIDING OFFICER: (SENATOR DeLEO)

That request is in order, sir. Okay. Senator Hendon moves the adoption of Floor Amendment No. 1 to House Bill 7181. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 35 Ayes, 23 Nays, 0 voting Present. The -- the amendment is adopted. Now on the order -- Madam Secretary, are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

Yes. Floor Amendment No. 2, offered by Senator Hendon.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hendon, on Floor Amendment No. 2. To the amendment, sir.

SENATOR HENDON:

Thank you, Mr. President. Floor Amendment No. 2 is an additional cleanup on this legislation.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion? Is there any discussion? Senator Obama, for what purposes do you rise, sir?

SENATOR OBAMA:

Purposes of calling the previous question.

PRESIDING OFFICER: (SENATOR DeLEO)

Gentleman moves the previous question. There's one person seeking recognition. Senator Righter, for what purpose do you rise?

SENATOR RIGHTER:

Same request, Mr. President. I ask for a record roll call.

PRESIDING OFFICER: (SENATOR DeLEO)

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That request is in order, sir. There'll be a roll call. Senator Hendon moves the adoption of Amendment No. 2 to House Bill 7181. The -- the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 33 Ayes, 25 Nays, 0 voting Present. Excuse me. The amendment is adopted. Madam Secretary, are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

Floor Amendment No. 3, offered by Senator Hendon.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hendon, on Amendment No. 3, sir, to House Bill 7181.

SENATOR HENDON:

Amendment No. 3 was further cleanup for the Treasurer and a reduction in the number -- in the amount, the total amount.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR ROSKAM:

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

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR ROSKAM:

Senator Hendon, I thought Amendment No. 1 was for the Treasurer. Are there two Treasurer amendments or did I mishear or did you misspeak?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hendon.

SENATOR HENDON:

No. We end up going a little further for the Treasurer in Amendment No. 3, because we did not go far enough, I believe, in Amendment No. 1, where we also did the downstate transportation fund.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Roskam.

SENATOR ROSKAM:

Is this the amendment that just came out of Exec?

PRESIDING OFFICER: (SENATOR DeLEO)

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Senator Hendon.

SENATOR HENDON:

Yes. This is the amendment that came out of Exec a moment ago, which cleared up everything for the Treasurer. We -- we didn't make it as clean as we wanted to.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Roskam.

SENATOR ROSKAM:

Was it a mistake to put Amendment No. 1 on and does Amendment No. 3 clean up No. 1?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hendon.

SENATOR HENDON:

No, it was not a mistake.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Is there any further discussion? Any further discussion? Senator Hendon moves the adoption of Floor Amendment No. 3 to House Bill 7181. All those in favor will say Aye. All those opposed will say Nay. The Ayes have it, and the amendment is adopted. Madam Secretary, are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

3rd Reading. Now on the Order of 3rd Reading comes House Bill 7181. Senator Hendon, do you wish to proceed? Madam Secretary, he indicates he wishes to proceed. Please read the bill.

SECRETARY HAWKER:

House Bill 7181.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hendon, to the bill.

SENATOR HENDON:

Thank you, Mr. President. 7181 is our attempt to...

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hendon. Senator Hendon. Senator Hendon, excuse me one -- Senator Jacobs, for what purpose do you rise?

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SENATOR JACOBS:

Thank you, Mr. President. Move the previous question.

PRESIDING OFFICER: (SENATOR DeLEO)

The gentleman requests move the previous question. We have -- excuse me one second. We have nine people seeking -- recognition to speak on this issue. I'd ask the Parliamentarian to please take note of the nine speakers. Thank you, Senator. Senator Hendon, to proceed on the bill, sir.

SENATOR HENDON:

Thank you, Mr. President. 7181 is our attempt to put some revenues into the -- the mix here. We're looking at these funds, special funds. The State of Illinois has six hundred and forty-eight special funds, holding about 1.8 billion dollars, and under this bill, we would just take four hundred and seventy-five million of that amount, leaving 1.3 billion in surplus still in the special funds. Is we're only going for the surplus dollars and one of the criterias that -- was that the funds had to had a surplus of over a million dollars for three years in a row. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. Is there any discussion? Senator Winkel, for what purpose do you rise?

SENATOR WINKEL:

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

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR WINKEL:

As I understand it in this -- this proposal, there's a sweep of the -- the Fire Service Fund. Is that correct?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hendon.

SENATOR HENDON:

Yes.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Winkel.

SENATOR WINKEL:

And how -- just how much is that sweep? How much would be taken out of the fund and how much will that affect or impact --

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what will the actual impacts be on fire protection service, the various services in Illinois?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hendon.

SENATOR HENDON:

Oh, it's around nineteen million five hundred thousand. It will not negatively impact any fire services in Illinois. This is all from the surplus. It still leaves a surplus in there.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Winkel.

SENATOR WINKEL:

Well, that's -- my understanding though is that could actually impact -- negatively impact the Fire Institute, for instance, that's located at the University of Illinois. That's the information I have. Do you have different information? Because I believe that does impact it directly.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hendon.

SENATOR HENDON:

Well, Senator Winkel, let me indicate from the very beginning that all of these funds are very near and dear to the hearts of someone somewhere in Illinois. Each of 'em has a good purpose. I personally feel like all of them should continue. That's why we didn't zero out any particular fund. You're not going to meet anyone with any of these funds that say it doesn't have any impact at all. But the testimony that we received was that it would not have any negative impact on the providing of fire prevention services in Illinois.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Winkel.

SENATOR WINKEL:

Well, I -- I realize you're the sponsor of the legislation, and of course, you're not responsible for campaign promises that this Governor made. But he claimed during the course of the campaign that it would be unconscionable - and that was his word - to -- to actually raid these fire service funds, and now we're turning around and proposing in this budget a raid of this fund. When we're talking about maybe this summer having terrorist attacks in this -- in this country, we should be beefing up the

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fire services, not raiding their funds. I can't understand how in the world we can justify this. This administration made it a very special point to make sure during the last campaign that we would not be raiding these funds, and yet, here we are raiding the funds. And that is unconscionable.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Brady, for what purposes do you rise?

SENATOR BRADY:

Sponsor yield?

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR BRADY:

Senator, you said that there was a billion four in these funds and you're stealing five hundred million?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hendon.

SENATOR HENDON:

Senator, I don't look like a thief, act like a thief, walk like a thief or talk like a thief, and I resent, very sincerely, you putting that kind of spin on what we're doing here. And to Senator Winkel, I want you to be very clear on -- on -- on -- on this issue: There are funds to protect us from terrorism, but part of the reason that we're in this mess we're in is the war that your President has us involved in on the national level.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Brady.

SENATOR BRADY:

Senator -- Senator Hendon, I didn't mean to insult you, but, first, if you're going to chew out Senator Winkel, do it on his time, not mine. Secondly, Senator, I'm only echoing to you the sentiments of my constituents, the constituents who heard about this happening, the constituents who've paid into these funds, the constituents who thought they were investing to run these departments in an efficient and effective way. They're the ones who called it stealing, Senator, not me. I'm simply conveying the two hundred and ten thousand people I represent and their sentiments about this kind of action. Now, to your funds, can you tell me why you chose certain funds over others?

PRESIDING OFFICER: (SENATOR DeLEO)

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Senator -- Senator Hendon.

SENATOR HENDON:

Well, in the 92nd General Assembly, the Republican Party, your side of the aisle, did the same thing. I don't think you called it or considered it stealing then, when you all took a hundred and sixty-eight million from these special funds. Wasn't stealing then; it's not stealing now.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Brady.

SENATOR BRADY:

Senator, I asked a specific question. I'd like a specific answer. Why did you choose -- tell me the funds you chose to steal from and why you chose 'em.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hendon.

SENATOR HENDON:

I would like for you to repeat that 'cause I want to make sure I heard exactly what you said, Senator.

PRESIDING OFFICER: (SENATOR DeLEO)

Excuse me. Ladies and Gentlemen, let's remember where we're at. We're on the Floor of the Senate. Let's keep your remarks to the amendments or to the bills. Senator Brady.

SENATOR BRADY:

Senator Hendon, which funds are we stealing from and why are we stealing from them?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hendon, sir.

SENATOR HENDON:

Senator, this is the Illinois Senate, and once again, I resent -- and if you want to spend up your time with my answers about the way you're couching your question, then that's what's going to happen. When that red light comes up there, your time is going to be up. I resent you calling and referring to -- to me personally as if I'm stealing any doggone thing. You should remember where you are, Senator, and read the bill. In addition, there is a clause in here to make sure that any fund that comes in -- under any jeopardy would be replenished immediately.

PRESIDING OFFICER: (SENATOR DeLEO)

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Senator -- Senator Lauzen, for what purpose do you rise, sir?

SENATOR LAUZEN:

Thank you. A couple of questions for the sponsor.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR LAUZEN:

Senator, two specific funds, if you could help me, are they in the transfer, in the sweep: Mental Health Medicaid Trust Fund and the Violent Crime Victims Assistance Fund?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hendon.

SENATOR HENDON:

The Violent Crimes Fund is not in here. Neither one, Senator.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Lauzen.

SENATOR LAUZEN:

Thank you. Could you tell me why those two funds would not be in the sweep? Why -- why are those excluded while you've included, like, ninety-five or ninety-six other funds?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hendon.

SENATOR HENDON:

Senator, there are six hundred and forty-eight special funds, so we're taking money out of ninety-eight or so funds. There are a number of funds that we did not touch for a number of different reasons.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator -- Senator Lauzen.

SENATOR LAUZEN:

Well -- and that's -- that's exactly what I'm asking, is why not these two funds? Why -- why other funds, but why not these two funds? I'm glad that you did not sweep from these funds, but why did you prioritize these funds being more important than the other funds not to have their money taken away?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hendon.

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SENATOR HENDON:

Well, we didn't particularly say that any fund was important. As I said in the beginning, I think all of these funds are important. All of 'em have some good meaning to them. Some funds had a -- a higher surplus. Remember, we are only dealing with the surplus, that extra money. It's just like you have money around your house that your wife has hid from you and you didn't know she had, but she still wants you to give her money for clothing. And you find out she's got all this extra money, so instead of giving her money out of your paycheck for clothing, you say, "Let's use that surplus." So, there was just more surplus funds stashed under this pillow rather than under the other pillow. Now, there are some reasons, though, Senator, because it is a legitimate question. Some funds were not -- not touched because of legal reasons, encumbrances, debt -- debt retirement obligations and other reasons like that.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Lauzen.

SENATOR LAUZEN:

Thank you. I -- I realize that my time is short, but first of all, my wife and I don't have any funds that we hide from each other, so a bad analogy. The second is, if we have -- if we have so much money...

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Lauzen, please bring your remarks to a close. Your time's about to expire.

SENATOR LAUZEN:

I will. Well, that was such an entertaining response.

PRESIDING OFFICER: (SENATOR DeLEO)

Please -- please bring your remarks to a close, sir. Thank you.

SENATOR LAUZEN:

If we have so much money in these funds that they're unnecessary and can be used for general purposes, I hope that that doesn't mean that the fees have been raised to such a high level that it's now become excessive. And a final comment: To collect a tax or fee for one purpose then spend it for another purpose is unconscionable, as it's been labeled in the past.

PRESIDING OFFICER: (SENATOR DeLEO)

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Thank you, Senator. Senator Wendell Jones, for what purpose do you rise, sir?

SENATOR W. JONES:

Thank you, Mr. President. Will the sponsor yield for a couple of questions?

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR W. JONES:

Thank you. Senator Hendon, the Open Space Land Acquisition money is generated in Illinois by a real estate transfer tax. It's my understanding that you want to have that money be on a - - a "holiday", I think it's been called. Is that correct?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hendon.

SENATOR HENDON:

All of the Open Space active projects were pulled back out of this, so we made sure that they were still funded at the level that they were already approved at. Now, the -- you asked about -- I -- I missed the second part of your question because of...

PRESIDING OFFICER: (SENATOR DeLEO)

Senator -- Senator Wendell Jones.

SENATOR W. JONES:

My question was, are you pirating money from the Open Space funds?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hendon.

SENATOR HENDON:

I haven't seen pirates around here in quite some time. But -- but, no, we're not.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Wendell Jones.

SENATOR W. JONES:

Well, Senator, I don't think you look like a pirate, but the people around you are pirates. You've pirated last year and you're pirating again this year. My question is, are you pirating from the Open Space Land Acquisition Fund, and is the tax that is being utilized to collect funds in the transfer tax also going on holiday?

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PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hendon.

SENATOR HENDON:

Well, Senator Jones, May 31st, 2002, I guess you were wearing the pirate's uniform that day -- pirate's costume because you raided the same funds of which you're concerned about right now, to the tune of a hundred and sixty-eight million dollars. That's how you voted. I have the roll call right here.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Jones.

SENATOR W. JONES:

I didn't say I wasn't a pirate; I just said you were. Mr. President, my question is...

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Jones.

SENATOR W. JONES:

My question is, is OSLAD still in the budget or has it been pirated?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hendon.

SENATOR HENDON:

Senator, that was brought up and -- and we did put the seventeen million in the budget because it is a -- a legitimate concern, and there were Members on this side of the aisle who had the same concerns. So, President Jones, in his wisdom, did put that seventeen million back into the budget.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator -- Senator Jones, you have just a few seconds left. Could you please...

SENATOR W. JONES:

Yeah. I bring my remarks to a close by saying..

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you.

SENATOR W. JONES:

I guess we can take our eye patches off and move ahead. Thank you very much.

PRESIDING OFFICER: (SENATOR DeLEO)

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

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SENATOR RAUSCHENBERGER:

Couple of questions of the sponsor.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR RAUSCHENBERGER:

Well, again, I -- again, I -- you know, my admiration. Senator Hendon, you get better and better at this business, and you're certainly doing a great job with a difficult bill. We have swept funds in the past, but there were some differences and I just want to make sure we explore 'em real quickly. First of all, you will admit that this -- that in the past when we slept -- swept funds, it was in an agreement with the Majority in the House, so both Republicans and Democrats had looked at the list and agreed with it. And -- in this case, this has not been either agreed to by the House or by the Republican Minority here.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hendon.

SENATOR HENDON:

Senator Rauschenberger, I am a Senator. I could care less what happens in the House ninety-five percent of the time.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

And, Senator Hendon, I agree with you, except around adjournment date, I -- I get very interested sometimes in House action 'cause I'd like to go home and see my wife. I haven't been home in a couple of weekends. But be that as it may, this is not an "agreed to". And just -- just for the information of the listening public, appropriation negotiators and -- and approp directors were working on a compromise that we thought we could actually agree to between two hundred and two hundred and twenty-five million dollars' worth of excess funds, but this is not that agreed list. Am I correct?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hendon.

SENATOR HENDON:

Well, we did bring it down to four hundred and seventy-five million, and of course, you can always talk to Senator Trotter,

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your counterpart, about any other concerns you might have as far as the budget. And I can tell that you haven't been home for a couple of weekends. Perhaps that's why you're so feisty.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator DeLeo, you've got to be quicker. You got me on the clock! Well, I -- I didn't mean to be feisty, Senator Hendon. You know I'm a big admirer of you. I don't know if you're aware, but I want you and the Majority to be aware that I sit on JCAR, and over the last year, there have been more than seventeen fee increases passed through JCAR. In all cases, the Executive Branch testified these fee increases were not designed to generate revenue to be swept. So, I just want people to understand that there's a real trust question in raising fees all year long from people like the credit unions, who we're sweeping again, and then, you know, telling them it has nothing to do with revenue and then coming at the end of the fiscal year and sweeping the funds. And the last thing I want you to talk to - and I'll shut up and let you finish up - one of the things we've always been real cautious here about is using onetime revenue to fund continuing operations. Is this fund sweep a continuing revenue source or is this a onetime revenue source that, again, kind of puts a -- a Band-Aid on a gash wound?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hendon.

SENATOR HENDON:

Senator, I can -- one thing I know for sure, I will probably not be carrying this bill again. So, for me, it's a onetime sweep. And we want to remember that we are in a war economy, that we are still in tough times. When you did it in -- in -- in 2002, we were in tough times. We're in tough times now. We're operating in a war economy. We have to find some money. We don't want to raise taxes. Clearly, you're not going to vote for that. So, why not vote for this, where we're just taking some surplus funds? And we're not hurting any fund or wiping out any fund. We're just taking part of the surplus and still leaving 1.4 billion dollars in that surplus fund.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR RIGHTER:

Will the sponsor yield, please...

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR RIGHTER:

Thank you. Senator Hendon, I think -- and I was in Executive Committee when you presented this bill, and here on the Floor I've been listening to the debate. And I think there's a little bit of a misperception that you've not come right out and said. But in your -- your "oh, so talented" way, you've kind of led Members down the path of believing that this really isn't so much a taking of money as it is just kind of a short-term loan, because you've pointed out in committee and here on the Floor that we're going to take this money at the start of the fiscal year from these funds, but if they really need it back, some portion of it, we're going to give it back to 'em. Right?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hendon.

SENATOR HENDON:

Correct.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Righter.

SENATOR RIGHTER:

But, Senator, what you've always left off there was the last part of that which says that absolutely no later than June 30th of 2005 or the end of this coming budget year, that money's got to be paid back to GRF. That's in this bill. So, let me walk through a hypothetical. Your bill says we're going to take six million dollars out of the Low Level Radioactive Waste Facility Closure Fund. So, let's say that at the beginning of the fiscal, you guys take six million dollars, and then a few months in, there's a couple low-level radioactive waste facilities that need money for closure. And we need four million, but maybe they can only justify to you guys three million. So, you give three million dollars back to this fund. Your bill requires that this fund cough up three million dollars by the end of the fiscal year regardless - regardless - of what other needs are out there. Isn't that right?

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PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hendon.

SENATOR HENDON:

No, I -- I -- I disagree with that interpretation. You have to remember that these funds are -- they come from fines, fees, taxes. They're -- generate their own revenues. So they have revenue coming in and they can replace any revenue. Every -- every fiscal year they get replenished.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Righter.

SENATOR RIGHTER:

That's true, Senator, but you don't know now how many facilities may need to be closed or how many more personnel with DCFS may -- may need to be trained in dealing with abused children or how many other people may need drug treatment, because those are the kinds of funds that you're taking money out of also. Let me quote from the bill. Senator? Let me quote from the bill: In all events, the full amounts of all transfers from the General Revenue Fund to the receiving funds shall be re-transferred to the General Revenue Fund no later than the end of the fiscal year. It's not a "unless you guys really need it" or "in case the General Revenue Fund really needs it". That money's going back irrespective - irrespective - of what kind of needs may be out there for those funds. Now, that's correct, isn't it, Senator?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hendon.

SENATOR HENDON:

Yes, that's correct. But we believe, because it is a -- surplus monies that we're dealing with, that we will not see the kind of scenario that you painted. But you are correct, Senator. You always read legislation thoroughly and -- and you are correct.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Roskam, for what purpose do you rise?

SENATOR ROSKAM:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

To the bill, sir.

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SENATOR ROSKAM:

You know, when I was a boy, about seven or eight years old, I remember being prepared to get shuttled off after a busy summer to sort of another summer camp. And now, in retrospect, I realize that my parents were sending me off to summer camp probably to get rid of me. But after I'd been to two summer camps, I was -- my heart was so heavy, as like an eight- or nine- or ten- or eleven-year-old boy, and my heart just ached. And finally, my mother that night said to me, she said, "Peter, if you don't want to go to camp, you don't have to go to camp." And I felt like the weight of the world was off my shoulders, and it was one of those hallelujah moments that you remember as an eleven-year-old. And I feel tonight like "God bless you, Senator Hendon, have to carry this load." What Senator Trotter is about to do in a couple of minutes, the load that he is going to carry and the load that Senator Welch carried, you don't have to do this. None of this is real. This is all magic, because the five percent of that part of the House of Representatives that Senator Hendon does care about is the five percent that counts, because this isn't real in the House of Representatives. The last thing wasn't real, and heaven only knows that Senator Trotter's bill is not real in the House of Representatives. So, you don't have to do this. This is not worth the hassle of doing this tonight. We are not shooting with real bullets. This is all showbiz, but as long as you insist, Senator Hendon, I know you'll yield for a question and it's just a quick question. Will you yield? Mr. President, will he yield for a question?

PRESIDING OFFICER: (SENATOR DeLEO)

The gentleman will always yield to you, sir.

SENATOR ROSKAM:

Senator Hendon, you've pointed out that we've been complicit in -- some of these fiscal adventures in the past, and that's a fair criticism and a fair observation on your part. But one of the parts that's new, I think you'll admit, is the notion - and if you're going with the Governor's underlying budget - that is, raising some of these fees, raising some of these funds with the actual knowledge that the money is going to be used for general revenues. That's new ground, isn't it?

PRESIDING OFFICER: (SENATOR DeLEO)

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Senator Hendon.

SENATOR HENDON:

Senator, there is nothing in this bill that raises any fees and any amounts of fees at all. And let me say, I'm -- I'm glad to know that you were privileged enough to go to summer camp every summer. I -- my mom just kicked me outside and said "Go in the backyard and play." So -- and I didn't have no choice. It was a "Get out!"

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Roskam. Senator Roskam, your...

SENATOR ROSKAM:

I think my folks were saying the same thing.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Roskam.

SENATOR ROSKAM:

I'll bring my remarks to a close. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Your time has expired. Please bring your remarks to a close.

SENATOR ROSKAM:

Thank you. Here's the risk of this bill, and while Senator Hendon is technically correct, clearly the -- the plan is to raise money for the general revenue funds and to use the Governor's budget or some other plan to raise these funds and to raise new fees, which I think is really troublesome. The difficulty is, is that this is legally suspect, and by that I mean this is clearly subject to the challenge of litigation, which I think is going to be meritorious. We simply cannot go to funds, raise them for one purpose and redeploy them for another one, sort of all in the same night. If you're going to hustle the taxpayers, you got to do it a lot smoother than this.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Leader Watson, for what purpose do you rise, sir?

SENATOR WATSON:

Yes. Just to follow in regard to that, the -- the Governor's, and I guess it's your proposal also, you on that aside of the aisle, is to raise fees fifty-four million dollars.

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And -- and here these fees come from the good, hardworking people of this State, and you're asking 'em to pay more so that you can, in turn, go to funds such as this, many of them, and take it out on the other side. Now, these -- all of these funds were established for a particular purpose, and they were established by the Legislature. We did this. It wasn't done by Executive Order. We established these funds for a particular purpose, and I think -- and we've talked about this, and Senator Jones has been in the conversation. And, in fact, we had -- over the weekend, we had the budgeteers meeting together and talked about ways in which we could get a balanced budget and get a reasonable budget before this General Assembly, and part of that was these very fees you're talking about, Senator, about two hundred and fifty million. Two hundred and fifty million dollars' worth of -- of -- of fees and -- and raiding these various funds. And you're asking for five hundred and six, I believe it is, in ninety-eight different funds. So, my point would be, why are you doing this? I mean, we're going to work together at some point in time. Whether it's tonight or tomorrow or the next day or sometime, we're going to have a budget, and it's going to include, possibly, diverting some of these funds. But not the level you're talking about here. This is ridiculous. I don't know why you're being put through this. Why those -- why you on this side of the aisle, you're going to sit there and vote for this. It's dead on arrival over there. It's never going to be heard. And then, when someone asks you about the Ag Premium Fund or the Bank and Trust Compensation Fund, which are -- which funds bank examiners, or the Illinois State Medical Disciplinary Fund -- we've been talking about medical malpractice, at least on this side of the aisle, for a long time. We got an hour left to go. Have we had a bill on medical malpractice before the Senate? No. Medical malpractice is a crisis in this State, and it would be funded and the people who will...

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Watson -- Senator Watson, could you please keep your remarks germane to the bill that's pending on the board right now?

SENATOR WATSON:

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It was germane, Mr. President, because you're taking 7.3 million dollars out of the Illinois State Medical Disciplinary Fund that will hire inspectors that will go out and try to get bad doctors and get 'em out of here. And that's what we ought to be doing. And you're going to take 7.3 million out of here. And we've got a bill -- you've got a bill - I hope we finally hear a bill on the Floor - that will actually increase the number of inspectors. And here you're going to go in and take 'em out? This doesn't make any sense. This will not be part of the final bill that we'll debate here. I just -- it doesn't make any sense, Mr. President, at all. And if I was sitting over there on your side of the aisle, I would not be...

PRESIDING OFFICER: (SENATOR DeLEO)

Please -- please...

SENATOR WATSON:

...very happy about what you've done tonight...

PRESIDING OFFICER: (SENATOR DeLEO)

Please bring your remarks to a close.

SENATOR WATSON:

...what you did last week when you voted for all the taxes and the fees and what you're going to do...

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you.

SENATOR WATSON:

...in the next vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you very much. Senator Jacobs has moved the previous question. Leader Watson was the last speaker. Senator Hendon, to close, sir.

SENATOR HENDON:

Thank you, Mr. President. We ask for an Aye vote, but I do want -- for the record, we have to be clear: This is not a fee bill. We haven't called a fee bill raising any taxes. We haven't done any of that. And when you -- when you voted to raid these funds in -- in 2002, a hundred and sixty-eight million, you raided the Fire Prevention Fund, the -- the Agriculture Fund and everything else. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

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Thank you, Senator Hendon. The question is, shall House Bill 7181 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 33 Ayes, 25 Nays, 0 voting Present. House Bill 7181, having received the required constitutional majority, is declared passed. Okay. Ladies and Gentlemen, we're going to Supplemental Calendar No. 1. Supplemental Calendar No. 1. On the top of page -- of Supplemental Calendar No. 1 is House Bill 805. We're going to -- we're going to ask leave of the Body -- Senator Link will seek leave of the Body to return House Bill 805 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading -- excuse me. I'm sorry. We're going to ask leave to go -- where we -- ask leave of the Body to return to House Bill 805. At this time, we'll be moving to House Bill 2721. Senator Emil Jones. Senator Trotter will be handling 2721. Senator Trotter seeks leave of the Body to return House Bill 2721 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. Now on the Order of 2nd Reading is 2721 -- is House Bill 2721. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Trotter, to explain Amendment No. 1, sir.

SENATOR TROTTER:

Sir, if I could, can we adopt the amendment and just debate the bill on 3rd?

PRESIDING OFFICER: (SENATOR DeLEO)

Okay. The gentleman moves -- Senator Trotter moves the adoption of Amendment No. 1 to House Bill 2721. All those in favor will say Aye. All those opposed will say Nay. The Ayes have it, and the amendment is adopted. Excuse me. Senator Righter, for what purposes do you -- what purpose do you rise, sir?

SENATOR RIGHTER:

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Mr. President, my -- my speak light was on before Senator Trotter moved for the adoption of the amendment. I would ask for a record roll call...

PRESIDING OFFICER: (SENATOR DeLEO)

The gentleman asks for a roll call. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 32 Ayes, 24 Nays, 0 voting Present. The amendment is adopted. Madam Secretary, are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Now on the Order of 3rd Reading comes Senate Bill 2721. Senator Trotter, do you wish to proceed? He indicates he wishes to proceed. Madam Secretary, please read the bill.

SECRETARY HAWKER:

House Bill 2721.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Trotter. Senator Harmon, for what purpose do you rise, sir?

SENATOR HARMON:

Thank you, Mr. President. I move the previous question.

PRESIDING OFFICER: (SENATOR DeLEO)

The gentleman moves the previous question. At this time -- please excuse me for one second, Ladies and Gentlemen. There was eleven with my shoes on. Twelve with Senator Burzynski. So, there's twelve -- people seeking recognition. Senator Trotter, on the bill, sir.

SENATOR TROTTER:

Thank you very much, Mr. President and Members of the Senate. Senate Amendment No. 1 to House Bill 2721 is our budget bill. Before I explain some of the great things that are in this bill, let me first say this is not the Governor's bill. It is not the Governor's bill. This is a responsible response to the actions that we, as legislators, are taking to address the needs -- the health care needs, the education needs and economic

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development needs of the citizens of the State of Illinois. What this bill does is it increases, over the Governor's level, four hundred and five million -- new dollars for education. It increases the foundation level of two hundred and fifty dollars per child from forty-eight hundred to fifty -- sixty hundred dollars in the foundation level. It provides for a hundred percent hold harmless increase for poverty grants. It increases by twenty million dollars, serving another sixty-five hundred children, under the Early Childhood -- Block Grant program. It provides over 1.3 billion dollars, an addition 9.5 million dollars above FY'04, for grants to support the reimbursement of State-mandated programs. It provides no decrease in grant funding for bilingual education, reading improvement block grants, the ADA block grant and Summer Bridges. It restores nearly thirty-two million dollars in grants for higher education above the Governor's introduced level of funding. In this -- and it increases Medicaid by five hundred and sixty-six million dollars. This level of funding will support the program growth, increased costs of prescription drugs - an additional enrollment of fifty-nine thousand people. This has a home services rate increase. It -- it has a rate increase of fifty cents per hour for home service and personal care workers that provides care for approximately twenty-thousand-dollar {sic} clients. Four hundred seven -- 47.5 million dollars increase will be included in this budget. This will also provide an increase of 9.3 million dollars to aid the Department of Adoption and Guardian Services for finding permanent placement for hard-to-place children. This is included in here for -- for DD grants - it's included 1.1 billion dollars for the program, an increase of over seventy-five million dollars for grants to providers of DD services. This provides a twenty-eight-million-dollar increase, appropriating six hundred and ninety-three million dollars for DHS child care. This provides a 4.1-million-dollar increase to make available additional drugs for HIV-infected clients and provide funding for current drug costs. This also provides for additional dollars for our veterans' homes. It fully funds the initiative -- the Governor's initiative for Opportunity Returns. It provides dollars by restoring dollars to our tourism industry that was not in the original Governor's budget. This provides

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and restores fifteen million dollars, fifty percent -- restoration for the Open Space Land Acquisition and Development Program administered by DNR. This is not your Governor's budget. This is the responsible thing that we must do in hard and difficult times. We have a responsibility to pass a budget, notwithstanding what happens in the House, but as elected officials from each and every one of our districts. This is the right budget for this time.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator.

SENATOR TROTTER:

And I ask for positive votes.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR RISINGER:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR RISINGER:

Senator Trotter, this -- this bill is a -- a very huge bill. I have more time to spend on my budget at home than I have had a chance to look at this bill, and it certainly has more spending and - and more dollars in it. Does this bill have in it the Department of Transportation's funding?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Trotter.

SENATOR TROTTER:

Yes, it does.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Risinger.

SENATOR RISINGER:

Senator, we just voted on a bill to hold back two and a quarter percent of the -- of the funding from each department. Will there be enough money in this budget to cover the -- the road projects, inspections, the design and the planning work the Department of Transportation has asked for?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Trotter.

SENATOR TROTTER:

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There are dollars in this budget for operations, yes. What this bill does, we are four hundred million dollars under the Governor's proposed budget. And, yes, there will be dollars...

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Risinger.

SENATOR RISINGER:

How much does this cut from what the -- the Secretary of Transportation has asked for?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Trotter.

SENATOR TROTTER:

Two and a quarter percent...

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Risinger.

SENATOR RISINGER:

Senator, have we looked at the money that -- that is required to do the snow and ice control for -- to keep our highways safe and the operation monies that are needed? Will the two-and-a-quarter cut from that budget be enough money to handle that? Has that been looked at?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator...

SENATOR RISINGER:

Have you had that discussion with the Department of Transportation?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Trotter.

SENATOR TROTTER:

No. Which is why that we are leaving this up to the discretion of the Department so that they would ensure that nothing would be negatively -- impacted by that reduction. They will make those decisions.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Risinger.

SENATOR RISINGER:

Well, Senator, I have some concerns along those lines. But let me jump to another issue. Do we have in this budget the closing of the prison at Pontiac?

PRESIDING OFFICER: (SENATOR DeLEO)

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Senator Trotter.

SENATOR TROTTER:

There is half-year funding in this budget for Pontiac, correct.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Risinger.

SENATOR RISINGER:

How do we decide to close the prison at Pontiac without having any public hearings or any meetings or -- or -- or any discussions with the public and with the -- the people prior to such a major move?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Trotter.

SENATOR TROTTER:

As we've been looking at this budget, because these are hard times, some hard decisions have to be made. We have looked at -- that this -- older prisons are more cost-prohibitive than they are effective. So, that decision was made in looking at the age of the prison and how much money would keep -- keep it running.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Risinger, please bring your remarks to a close, sir. Your time's almost expired.

SENATOR RISINGER:

So, there were some public hearings and there were some public meetings and there was some public discussion about the prison being old and how expensive it was, and -- and that was done? Is that what you're saying?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Trotter.

SENATOR TROTTER:

No.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Risinger.

SENATOR RISINGER:

Well, Senator, I have some real concerns with this budget, but -- and I -- I think if we're going to do a major thing like close -- closing prisons...

PRESIDING OFFICER: (SENATOR DeLEO)

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Bring your remarks to a close, sir.

SENATOR RISINGER:

...and we're going to do major things like cut the Department's budget where snow and ice control is involved, we need the -- we need to have input from the professionals before we do that.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Senator Rutherford, for what purpose do you rise, sir?

SENATOR RUTHERFORD:

I rise to address a very terrible piece of legislation that is being presented here. Senator Trotter, I heard you say that there...

PRESIDING OFFICER: (SENATOR DeLEO)

To the bill.

SENATOR RUTHERFORD:

...was no study done with regards to the funding for Pontiac. I heard you say that within just hours the community of Pontiac was made aware that there may only be six months of funding. You know, I think this is pretty disgusting when a community does not have the dignity or respect to be notified of a posting because this Body may decide to fund it for six months. I'm going to tell you something here, Ladies and Gentlemen: This community did not get Pontiac prison for economic development. This community has had Pontiac prison for one hundred years. They didn't go out there and ask to be a prison town. Could I have some attention, Mr. President?

PRESIDING OFFICER: (SENATOR DeLEO)

Ladies and Gentlemen, please give the speaker your attention, please.

SENATOR RUTHERFORD:

Let me tell you -- let me give you a personal perspective. I have buried high schoolmates of mine that have been killed in the riots in Pontiac. I have had family and friends wounded and scarred in Pontiac penitentiary while working there. This is not a come-lately, let's just be arbitrary, let's be really cool, let's look at districts because of whatever political -- Senator Trotter, you're right. There was no study done. There has not been an economic analysis of what it takes to open, to

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close, to transfer, to maintain the penitentiary of Pontiac. I think it is insulting, not just for the men and women of Pontiac and the community that has supported it for one hundred years -- and as a side note, Senator Welch, a number of these people that will potentially be laid off live and work in your district as well. I'll hope you'll stand with me to help maintain the Pontiac penitentiary to remain open. As far as -- as far as my friends from -- Vandalia that are up there, I respect and empathize what you're going for and going through, but let me just tell you, the dark, secret, clandestine evening hours is when Pontiac became aware of their fate from this Chamber. I think it is a sad day for the hardworking and dedicated men and women in the Department of Corrections.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Senator Syverson, for what purpose do you rise, sir?

SENATOR SYVERSON:

Thank you, Mr. President. Just a few questions.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR SYVERSON:

We're talking about this being a responsible budget, and I guess I want to ask a little bit about the revenues that's going to help balance this budget. We know that earlier -- times running out. Earlier this week or last week, we passed the massive tax increase over to the House, which was soundly rejected. In fact, I think it got less votes than it got over here. Are we planning other revenue and tax increases to help make this budget work?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Trotter.

SENATOR TROTTER:

Yes.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Syverson.

SENATOR SYVERSON:

And do we know which -- do we know which ones -- I know there's been talk about repealing some of the onerous business taxes that were put on last year. Is there the intent -- is

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there a revenue bill that's going to be repealing those tax -- those tax increases from last year?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Trotter.

SENATOR TROTTER:

What we have is, one, we just passed a fund sweep for four hundred and seventy-five million dollars. We have also Senate Bill 805, which will revisit some of those closings -- of those loophole closings that we had that didn't pass over in the House. And there are -- also we will have some other sweeps as well.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Syverson.

SENATOR SYVERSON:

Well, let me just -- you know, I have a concern. Tonight we've been talking a little bit about we're in this tough economic times and it was stated that this was because of George Bush's actions defending America is why we're having this problem. But, you know, when I look at these studies -- I look at a Forbes study that was just done, and since January 1st of last year, Illinois has lost thirty-nine thousand jobs while the State of Wisconsin, almost half our size, has added almost thirty-six thousand jobs. Iowa, Missouri, all have added jobs. We were -- maybe mistakenly, but we thought when the Governor got elected and he said that he wanted to create fifty thousand new jobs, we thought he meant here in Illinois. And obviously with the anti-tax bills that we passed last year, clearly it's having an impact. We would not be facing this financial problem today if we hadn't driven so many businesses out of this State in the last eighteen months, and yet, I see nothing in this package that's talking about improving the business climate. You know, we lost a couple big companies in our area to other states because of competition, but one of the maybe -- one of the most embarrassing things is -- you know, there's an article here in the Galesburg paper about Butler closing. What's -- what's most sadly, they talk about the hourly costs were so high in Galesburg that they're having to move some of their plant to California. I never thought we would get to the point where we would be losing business because of high cost of doing business

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to California. If we want to fix this budget, we need to be hitting it at the revenue source. Let's get back to creating the jobs and let's look at repealing...

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Syverson, please...

SENATOR SYVERSON:

...the business taxes that were put into place.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR LAUZEN:

Thank you. Several questions, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

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

SENATOR LAUZEN:

First of all, a fifty-three-billion-dollar overall budget is a huge enterprise to go through. The amount of attention that's gone into this is remarkable, but I -- I -- I take comfort in advice from Senator Roskam that, you know, we are going through some theater here tonight because it's not going to be attended to over in the House. But a fifty-three-billion-dollar budget divided by three hundred and sixty-five days in a year means that the Illinois State government spends a hundred and forty-five million dollars a day. You go through, dividing that by twenty-four hours in a day, and it's six million dollars an hour. It means that we spend a hundred thousand dollars a minute. And I know that I have as much time on that egg timer, about a half a million or five hundred thousand dollars, so I'm going to make this quick. The first question that I'd like to ask is the same as I did in Appropriations Committee. Our constitutional obligation here is to pass a -- a balanced budget. Can you tell us -- because I got a feeling that we're going to revisit this for maybe days, maybe weeks beyond tonight, but what's the annual revenue assumption that you're using?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Trotter.

SENATOR TROTTER:

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Approximately eighteen -- the base would be approximately eighteen and a half million.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Lauzen.

SENATOR LAUZEN:

I'm sorry. This is General Revenue funds. In the previous years, it's been like twenty-six, twenty-seven. I realize that in, I think it was Senator Welch's bill, there was a lot of cutting, but, I mean, the number's in the range of twenty-six to twenty-eight billion. Can you revise that?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Trotter.

SENATOR TROTTER:

You're absolutely correct when you put all sources. We're talking about General Revenue Fund was eighteen. There are other State funds and federal dollars as well.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Lauzen.

SENATOR LAUZEN:

Okay. Well, we'll come back to that. I guess the second question that I'd like to ask you is, regarding the pensions back in 1996, many of the people who sit here tonight worked on pension funding reform. We made sure we got back on track with full funding of the pensions at least to the ninety degree -- or, ninety-percent level. This underfunds the pension. It raids the pension funding. Can you tell me why it is that -- or, how it is that we can ignore the law that was passed in 1996 tonight with this action?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Trotter.

SENATOR TROTTER:

Thank you very much for asking that question. There is a task force looking into that, and if I could, I'm going to defer to Senator Schoenberg, who is working on that issue.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Roskam, for what purpose do you rise? Gentleman answered his question. His time has expired. You're up, sir.

SENATOR ROSKAM:

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Well, I think Senator Schoenberg was getting up to answer the question. I don't want to...

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Roskam.

SENATOR ROSKAM:

Oh, it's -- okay.

PRESIDING OFFICER: (SENATOR DeLEO)

It's your turn.

SENATOR ROSKAM:

You're -- you're winding up. Okay. Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DeLEO)

Sponsor indicates he'll yield.

SENATOR ROSKAM:

Senator Trotter, the budget that you're proposing has an increase for the Manteno Veterans' Home of 1.4 million dollars but a cut of 1.2 million dollars for the Quincy Veterans' Home. Why is that?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Trotter.

SENATOR TROTTER:

Let me find it in my notes, please.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Welch in the Chair.

SENATOR TROTTER:

You want to go ahead and ask another question while I'm looking?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

No, that's really my only question, and we can wait.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

That's the retirement pickup. I understand that's the dollars are in there for in Manteno.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

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Why the cut for Quincy?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

They -- we're taking 'em all back to the '04 levels.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

But why cut Quincy and give more money to Manteno at the same time? And why not cut Manteno too?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

It is not a cut, Senator. Everything has been taken back to the '04 level.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

Why is Manteno getting a disproportionate advantage over Quincy?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

'Cause I guess, one, it had a bigger level in '04.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

I have no idea what you just said.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

And neither did I know what you were saying.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Roskam.

SENATOR ROSKAM:

Okay, Senator, this isn't that complicated. What you're doing tonight is proposing that the Illinois Senate cut the Quincy Veterans' Home by 1.2 million dollars. What you're also doing is proposing that the Manteno Veterans' Home get a 1.4-

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million-dollar increase. And what I'm asking is, why? Why -- why -- why give Quincy a disadvantage and give Manteno an advantage? Is there an underlying problem that we don't know about? Is there a -- some other agenda that we don't know about? Is this an oversight? Is it -- is it a mistake? Were there hearings? Did the veterans' folks come in and say that this was a big issue? Is there something that you can reveal to us to animate this answer?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

I told you it was a retirement pickup. You didn't accept the answer. I told you it went back to the '04 level. You didn't accept the answer. What answer do you want to give me, Senator?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Wendell Jones. Wendell Jones.

SENATOR W. JONES:

I'm sorry, Mr. President. Would the sponsor yield for a couple questions?

PRESIDING OFFICER: (SENATOR WELCH)

Yes. He indicates he'll yield, Senator.

SENATOR W. JONES:

Senator Trotter, is this the same bill that bonds police cars and computers?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

That has been taken out of this bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Wendell Jones.

SENATOR W. JONES:

We agree on something. I'm glad you took it out. I think we ought to pay for police cars and computers. Oh! You said it was taken out? I'm sorry.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

Yes. That's what I said.

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PRESIDING OFFICER: (SENATOR WELCH)

Senator -- okay. Senator Radogno. I'm sorry. Your light -
- his light was off. Senator, the light was off. Go ahead,
Senator Jones.

SENATOR W. JONES:

Thank you, Mr. President. I'll be quick. Senator Trotter,
do you think we should fund new programs when we haven't funded
old programs?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

Sir, we have all, since -- well, the Senate Democrats, at
least, have said that there are a few things that we want to do
for the people of Illinois, and one is ensure that the most
vulnerable will have health care, and that deals with our
seniors so they can get prescription drugs at -- at a sensible
price, also so we can get more dollars to families and have
FamilyCare and KidCare. We also said we want to fund education.
So, yes, those increases are the things that we, as Democrats,
do for our citizens. And I would hope you would join me in --
in voting for that as well.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Wendell Jones.

SENATOR W. JONES:

The reason for my question was the vulnerable special
education students who are being prorated at ninety-one percent
in this budget. We do not have full funding for special
education, and we're opening new programs. How many of you want
a hundred percent funding in categorical programs for the
handicapped? It's not in this budget. It's at ninety-one
percent. Again, we should fully fund special ed before we open
new programs. We don't have a Pontiac prison. We don't have a
Vandalia prison. We have the mayor of Vandalia who's taken four
weeks of his vacation trying to keep five hundred jobs in that
wonderful community, and we're not keeping it open. But we're
opening the Thomson prison for a half a year. Now, let me get
this right: We're closing Pontiac, we're closing Vandalia and
we got Thomson for a half a year. We're going to have a lot of
prisoners on the streets. We're going to have two prisons' worth

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of prisoners on the streets and no place to put 'em, except we're going to open Thomson for a half a year. What do we do with the other half a year? Are we going to let these people out of prison? I didn't come down here to close prisons; I came down here to open prisons.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Burzynski.

SENATOR BURZYNSKI:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR BURZYNSKI:

Thank you. Senator Trotter, we had a little bit of this discussion in the Senate Appropriations Committee hearing, but on the Floor, when you made your opening comments, you indicated that there was thirty-two million dollars either restored or added in the budget for higher education. Can you tell me where those add-ons are?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

They're BHE grants -- Board of Higher Ed, the HECA accessibility grants and diversity grants we've added back to the budget totaling -- we -- we added thirteen million dollars. I mean, that's for the health services education grants, the BHE federal grant fund and the State matching grants.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Were there any other additional funds added in to higher education that were not appropriated in 2004?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

None that's on this list.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Burzynski.

SENATOR BURZYNSKI:

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Thank you. Senator Trotter, what about the funds -- the additional funds for City Colleges, the seventeen million dollars?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

Yes. We added 16.7 million dollars to the Chicago City Colleges as a consequence of the formula being flawed, which erroneously gives money to community colleges downstate. By giving them the 16.7, we did not have to give them the twenty-six million dollars that's been siphoned off from downstate. So, to keep that -- Chicago whole and not to put the downstate schools at risk, we -- did put in our budget 16.7 million dollars.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you for that explanation, and I -- I appreciate that because I've had several discussions with the City Colleges relative to this. But normally when we have a problem like that, we do address it through trying to change the rate, trying to change the formula; however, we didn't do that in this situation, so we are adding some new money. And primarily why we didn't do that in this situation, my personal opinion, is because the votes weren't there to do it. But -- but going on just -- just very, very quickly. Senator, we talk about the two-and-a-quarter-percent reduction, and I -- I talked on this just very briefly in committee as well, the two-and-a-quarter-percent reduction that is across the line for universities. My question was, does that include a reduction on the funds the universities didn't even receive in 2004?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

Yes. Yes.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Burzynski, your time is up. Senator -- do you -- do you want an answer?

SENATOR TROTTER:

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I understand, and the answer is yes.

PRESIDING OFFICER: (SENATOR WELCH)

Two, one, red. Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President. I just want to go over a couple of things we went over in the Appropriations Committee. You know, one of the things that -- that I asked you in the committee was whether or not there was any support for this in the House, whether this was going to be going anywhere, and I think some other Members have alluded to the fact that this whole exercise is kind of silly. And so one of the questions I want to ask you now: Are you aware that the House has adjourned?

PRESIDING OFFICER: (SENATOR WELCH)

Senator, that's not relevant to this debate. Please ask a question on the bill.

SENATOR RADOGNO:

All right. Well, let me just make it as a statement. The House has adjourned, which gives further credence to the fact this is -- you know, you're going to be on a roll call that's got some real problems. But some other things, before we take the roll call, that I want to be sure Members understand that were raised in the Appropriations Committee is the fact that this bill underfunds the pension system. That is part of the Governor's budget. That's part of this budget by about five hundred million dollars. The question I have relative to that is, where is the language that releases us from the continuing appropriation that requires us to fund that?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

I missed the question.

PRESIDING OFFICER: (SENATOR WELCH)

He was talking.

SENATOR TROTTER:

And I apologize. I legitimately didn't hear that.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Radogno.

SENATOR RADOGNO:

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As you know, the pension system has a continuing appropriation requiring us to fund it at a certain level. This bill underfunds that by about five hundred million dollars. The question is, where is the language that releases us from that continuing appropriation?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

We're trying to find a solution. There is a task force that is now looking at that. We're either going to do it through -- as pointed out, there's a continuing approp or, again, find some other way to do that. But that is being studied.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rauschenberger. Senator Radogno?

SENATOR RADOGNO:

Yeah. I have a -- just a couple more quick questions. On another issue that we raised in Appropriation and I asked you about was something that I know a lot of us have gotten a lot of correspondence on, and that is the issue of the fee for service for our human service providers. There's a lot of concern in the community about that program going forward, and you did indicate in committee that by voting for this bill, we are, in fact, going forward with fee for service. So, those of you that have told your community providers that you're going to oppose it, when you vote for this, you will be on record as supporting it. Another issue that I've gotten a lot of correspondence on is the Golden Apple program, which is not included again in this budget. And my final point is, over the weekend, there was considerable amount of work done by representatives of all four caucuses on trying to come together on a budget that would do a number of things such as fully fund pensions, restore OSLAD, take care of Golden Apple, and that's the bill we really ought to be looking at and it's the one that we will be working on in -- in the next week or several weeks. So, once again, you all are going to be taking a very difficult roll call and for absolutely no reason at all.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

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Thank you, Mr. President, Ladies and Gentlemen of the Senate. Let me speak to the bill for just a -- a couple of moments. First of all, I want to pay compliments to the sponsor. I have worked for more than a decade with Senator Trotter. Nobody works harder, and this time of Session's a difficult time for everybody. My appreciation to him for carrying the bill. I know it's difficult. But Members on both sides of the aisle should understand what we're voting on, and if people want to grab a pencil real quick, I'm going to give you three numbers which you may want to reflect on. The Fiscal Year '04 General Revenue appropriation budget for the State of Illinois was twenty-three billion two hundred and fifty-six million dollars. The Governor's proposed FY'05 budget was twenty-three billion nine hundred and fifty-six million, or seven hundred million dollars more than the previous fiscal year. The budget before you is -- adds up to twenty-four billion one hundred and nine million, or a hundred and fifty million dollars more than the Governor's introduced budget. The -- the fiction or the idea that you can pass a substantive bill and create a reserve and somehow reduce a budget with a substantive action still eludes me, and I know Senator Welch, when he gets out of the Chair, will be doing constitutional research for me and will be glad to share that with me. But I want you to know you're -- you're voting, first, on an unbalanced budget. Second, you're voting on a budget that's larder -- larger than the Governor's introduced. You are inspiring all those people who call us drunken sailors as we vote, not to mention that the budget closes correctional facilities that have been never discussed, that makes a lot of other changes. If you're a downstater, beware, or be -- at least understand that there is a seventeen-million-dollar new grant to the City Colleges of the City of Chicago. They're great organizations, but it was not done in a set of negotiated changes to the formula; it's a new grant. So, if you're a downstater, beware of that. There's also money, I think six or seven million dollars, for the Cook County juvenile detention facility, Audy Home, which is a great facility. And it's good, but, I mean, these are adds to this budget, and I think another million dollars for the boot camp. So, those are all things

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that you may have to account for or explain why because we have a Presiding Officer from Chicago, a -- Speaker from Chicago, a Governor from Chicago, a Secretary of State from Chicago, a -- a Comptroller from Chicago, and a Attorney General from the City of Chicago, why all the sudden Cook County issues that -- you know, in ten years that I was Appropriation Chairman, I twice visited the City College system, met with the chancellors on various occasions over a decade. Not once did they ever bring the funding formula to me. Didn't become an issue until the City of Chicago controlled both legislative Chambers. So, just beware, there's a lot in this budget. Senator Trotter's worked hard on it. It does not present the work of the four caucuses, which was a budget which is more than four hundred million dollars smaller than this that does responsibly deal with the pensions, that simply eliminated the Governor's new programs. It did take into consideration over eight hundred million dollars of requests from the Senate President, but it was not agreed to. So, best wishes. Please be thoughtful on this vote. I would urge a No.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Brady.

SENATOR BRADY:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield, Senator.

SENATOR BRADY:

Senator, earlier today I -- or, earlier this evening I was informed by several Members of the media and others that President Jones and the Governor stood arm in arm in front of the Governor's Office proclaiming that this was his budget. I know you said earlier it wasn't, but -- hasn't he grasped this budget, in accordance to the press conference earlier today with Senator Jones, this is the greater Chamber and his budget?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

You know, Senator Brady, I know you haven't been here that long, but the thing is, when you do a budget, you work one. As you know, the -- the Governor proposes a budget in -- in

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February and then it's our job to either change that budget, and certainly, hopefully, we all work together. The Governor did work with our Leader. And just to address what my -- my good friend, Senator Rauschenberger, said about did we work on a budget this weekend, yes. The -- the Leader on the other side of the Rotunda decided not to go with that budget and dropped the ball. This is plan B. This is the hard budget that we had to put together for the citizens of the State of Illinois.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Brady.

SENATOR BRADY:

Thank you. The answer's yes. He and Senator Jones downstairs said, "By God, we've done it." The same Governor who told us no backroom deals, and yet, in the whispers of the evening, what do we do to Pontiac? - the families that Senator Welch represents, that Senator Rutherford represents and that I represent. If there is one thing that you should be desperately ashamed of, it's that. I haven't seen anything that despicable, to do that to these families, who won't be able to sleep tonight. For that reason alone, this should be called out of the record. Now let's go to the pensions. You've completely avoided the question. The fact of the matter is, you said we'll try to deal with the problem later. The problem is five hundred million dollars in pension funding that you're leaving out of here while we're funding a Chicago school pension sixty-two million. We aren't even required to and it's ninety-two-percent funded. This budget is unbalanced and you know it. It's irresponsible and it's unconstitutional. Now to a question, and a short answer, please. You talked earlier about the elderly, and I know you care about them, Senator, I do. But for years we've been struggling for nursing home funding. This Governor has proposed two budgets that increase nursing home funding by over 2.9 billion dollars. Are we doing anything in this budget to help the nursing homes?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

Yes. In skilled, intermediate and long-term care, we have nine hundred and forty-four million dollars in that line.

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PRESIDING OFFICER: (SENATOR WELCH)

Senator Brady.

SENATOR BRADY:

What about the increase? Is there any increase? Are we cutting, Senator? Let's be honest. Sure, there's money in here for nursing homes. You know this as well as I do. But the fact of the matter is this budget turns its back on our frail and elderly who are in our nursing homes. It turns its back on the hardworking people who work in those nursing homes. It turns in -- back on the people who invest and try to care for those folks. In fact, it desperately turns its back on our elderlies, and that's just another reason we should all vote No.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

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

PRESIDING OFFICER: (SENATOR WELCH)

Indicates he'll yield.

SENATOR RIGHTER:

Senator Trotter, I notice that in this budget that the increase for schools is about four hundred million dollars, whereas the increase for Medicaid -- public aid, is about six -- almost six hundred million dollars. Is -- so is someone who votes for this budget saying that they care two hundred million dollars more for public aid than they do public education?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

No, they wouldn't say that. One, they'll say that we raised the foundation level by two hundred and fifty dollars per child so we can ensure that those children who do not live in -- in some of the richer areas can at least get a quality education. Yes, we put more money in Medicaid. We're dealing with that responsibility as well. These are hard times. We would like to do more. This is what can be done at this point.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

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Well, let me ask you, Senator Trotter, is it the responsible thing to do to reduce the level of reimbursement to local school districts for special education, for special needs children, while creating new programs in Medicaid and spending the dollars there? Is that a good choice in your mind?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR TROTTER:

No, I'm -- the answer is no. He just turned me on.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Well, that's what this budget does. This budget reduces the percentage of reimbursement that we're going to give school districts for special needs children while it creates new -- programs in Medicaid. Is it a good vote, do you think, Senator Trotter, to give over sixty million dollars to a fully-funded teachers' pension program while cutting benefits, which is what we're going to wind up doing before we leave here tonight, for downstate retired teachers? Do you think that that's a good move for us or a good vote to make?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter.

SENATOR TROTTER:

This is a good budget to put twenty-three million dollars into the State fund so we can increase KidCare and FamilyCare. This is a good budget because we're increasing dollars that is going into the home service rate increases so we can ensure that we can serve another twenty-seven thousand clients. Yeah, there's -- this is a good budget. Is it the best?

PRESIDING OFFICER: (SENATOR WELCH)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Briefly to the bill. Senator Trotter, I appreciate your good words on that, but the bottom line is being in control means leadership and it means making some decisions. And you're making all the decisions. And one of the decisions you've made here is to reject any kind of cost controls on Medicaid, such as managed care, which Illinois ranks

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forty-seventh out of the fifty states in the percentage of population we have in managed care for Medicaid, which is ironic because for State employees, managed care is okay and for the private sector, certainly good enough. But it's not good enough for those of us -- those who are on public aid. But, Ladies and Gentlemen, this requires some leadership. And the people who vote for this budget are voting to reduce special ed reimbursements while they're voting to create new social programs. They are voting to put more money in the Chicago Teachers Pension Fund, which is already fully funded..

PRESIDING OFFICER: (SENATOR WELCH)

Senator, your time is up.

SENATOR RIGHTER:

...and it's going to wind up carving away at downstate..

PRESIDING OFFICER: (SENATOR WELCH)

Senator Watson. Senator Watson.

SENATOR WATSON:

Yes. Thank you very much, Mr. President. I just want to congratulate all of you for wasting the time of a lot of people in this State who come here to talk about medical malpractice. We've been -- this is an issue that's been before us for months, and now the..

PRESIDING OFFICER: (SENATOR WELCH)

Senator, medical...

SENATOR WATSON:

...the House has adjourned. The House has adjourned, and therefore, it'll take an extra majority vote to pass anything meaningful on medical malpractice. So, congratulations for probably doing what you wanted to do anyway, and that's do nothing in -- medical malpractice. This is a sham, Mr. President. I'm sorry to have to say that. This is a sham, what you're doing here tonight. Just as you did the previous vote and the previous one before that, this is actually reckless. And we had -- this is very, very reckless. You're messing with the lives and the safety of the employees of the Department of Corrections and the inmates in the correctional facilities throughout this State. We've been working together, all four caucuses, to try to come up with a meaningful budget for this coming year, and we've been working hard at this. The budgeteers

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- Senator Trotter, Senator Rauschenberger, the House Members - sitting down, working together, and we had -- we are close to a -- an agreement. But, no, you've got to show your own -- pound your chest and do what you got to do here tonight to -- to show someone, I guess, that -- that you mean something here. You're -- it's irrelevant, what we're doing here. The problem is, we had a -- we had a hearing -- the House gave us the opportunity to have a hearing on the closing of the correctional centers in this State, and I wish you would have been there. That -- that's probably a little bit of why we're going through this exercise tonight, and what's happening in Pontiac and what's happening in Vandalia, is because you weren't there. And, Senator Trotter, I have to thank you. You were the only Member of your caucus who came to Vandalia and toured the facility and saw the facility and the employees for what they are. The people of Vandalia are hardworking -- dedicated employees of the Department of Corrections, and you saw firsthand the benefit of the employees and what they do for the inmates with -- that are incarcerated within this State. What we try to do in the Department of Corrections is rehabilitate - rehabilitate - and that's a huge issue that's going on right now, still, as we speak. As we talk about closing the Vandalia Correctional Center, the hardworking people down there are trying to create a future, a future for the inmates that unfortunately are incarcerated there. And if you walk through that correctional center, you walk through there and look at the eyes of the people who are incarcerated in there. They have an opportunity. They have an opportunity. And, Senator Trotter, you were there and you saw it firsthand. And that's what it's all about, is creating opportunities for people -- they want -- they want me to throw this like I did last year. We're not going to do that this time. But I -- but -- but they have a welding program, they have an auto body program, they have a farm, they have a juice, they have meat slaughtering plant.

PRESIDING OFFICER: (SENATOR WELCH)

Senator.

SENATOR WATSON:

All of this creates about...

PRESIDING OFFICER: (SENATOR WELCH)

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Senator.

SENATOR WATSON:

...3.7 million dollars...

PRESIDING OFFICER: (SENATOR WELCH)

Senator, your time is up. Senator Emil Jones.

SENATOR E. JONES:

Yeah. Thank you, Mr. President. Just briefly. You know, I listened to -- I listened to all the comments as relate to the budgeteers meeting, and the budgeteers did come together. Many things are incorporated in this budget that the budgeteers agreed to. But what is not said is simply this: This budget with the -- with the two-and-a-quarter-percent cut is two hundred million dollars less than what the budgeteers agreed to. And I repeat to the Minority Leader: You indicated in my office, and I asked you about both of those facilities. I said we will -- I have no problem putting them in the budget. You said, "No, don't put..." I didn't call your name. I never -- and -- and I -- I resent you from jumping on this Floor -- I didn't say a word while you were standing up there spewing all those mistruths. We come here to build schools. My counterpart who borrows my name said, "We're building prisons." We want to build schools. And you voted against that. You built all these prisons under the Republican administration. Many are unfilled, so they have a option to go to a nicer facility. The -- the worst prison in this State is Pontiac for safety for the guards. Those persons at Vandalia will not lose their jobs. They have a opportunity to go to the other prison. They ain't going to lose their jobs. But you had that choice and you reneged on it, because we did have the conversation. This hundred-year-old prison in Pontiac, where it's dangerous for the correctional officers, so you phase it out, putting it in that brand-new facility that we built. But we want to build schools. Now as to the gentleman on your side said, "We're here to build prisons." Misplaced priorities. We are going to act responsible in this Chamber. If the House wants to act irresponsible and not do a budget, our job here is to do a budget. It may not be to your likings. Be it today or be it tomorrow, I'll still have the gavel. I still have the gavel. But we want to be fair to the schoolchildren. We want to be

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fair to those persons who need help from the State of Illinois. So, dialogue has taken place. And I do respect the time, Mr. President. I'm through.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Trotter, to close.

SENATOR TROTTER:

Thank you very much. Let's do the right thing. Let's vote Aye.

PRESIDING OFFICER: (SENATOR WELCH)

The question is, shall House Bill 2721 pass. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, 32 Members voted Yes, 26 Members voted No, no Members voted Present. House Bill 2721, having received the required constitutional majority, is declared passed. With leave of the Body, we will go to House Bills 3rd Reading on page 10 of the Calendar. House Bill 864. Senator Terry Link. Read the bill, Madam Secretary. Senator Link seeks leave of the Body to recall House Bill 864 to the Order of 2nd Reading for the purposes of a... Senator Link seeks leave of the Body to return House Bill 864 to the Order of 2nd Reading for purposes of amendment. With leave of the Body, leave is granted. Madam Secretary, are there any amendments filed -- consideration?

SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Link.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link, to explain Floor Amendment No. 1.

SENATOR LINK:

I'll -- I'll explain the amendment when -- I'll explain it on the final passage of the bill. It has many closures of the loopholes on tax bills. Thank you.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link moves the adoption of Amendment No. 1 to House Bill 864. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

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PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. On the Order of 3rd Reading is House Bill 864. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 864.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. This closes a number of loopholes. It's agreed-upon bill with the manufacturers and Governor's Office. This closes it. Be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR WELCH)

Is there any discussion? If not, the question is, shall House Bill 864 pass. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, 33 Members voted Yes, 20 Members voted No, 3 Members voted Present. House Bill 864, having received the required constitutional majority, is declared passed. We -- we'd like to go to the medical malpractice bill, if you don't mind. We'd like to go to the medical malpractice bill. You are -- preventing us from going to medical malpractice, so.. On the bottom of page 13, House Bill 4847. Madam Secretary. Senator Jacobs seeks leave of the Body to return House Bill 4847 to the Order of 2nd Reading for purposes of an amendment. Without objection, leave is granted. On the Order of 2nd Reading is House Bill 4847. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

Floor Amendment No. 5, offered by Senator Haine.

PRESIDING OFFICER: (SENATOR WELCH)

Senator -- Senator Haine, to explain Floor Amendment No. 5. Senator Haine.

SENATOR HAINE:

Mr. -- Mr. President. Mr. President. Mr. President, this is a bill which I know has wide support and I would ask -- I

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would -- I would ask the indulgence of the Body to pass this bill from this Chamber. We need this bill in my area. We have -- as the Minority Leader referred to earlier -- I ask his indulgence and his Members' indulgence to me personally, to be able to move this to the other Chamber. This is a bill -- and I appreciate the indulgence of the Members. This is very important to my area and to many areas of the State. These procedures are procedures which will begin a process of turning a corner on the medical malpractice broken system. There are many procedures in here that are good. It protects physicians' assets. It requires a higher threshold to file a lawsuit. And I would ask the favorable vote of this Body to move this to the other Chamber so that we can get this process over there, which seems to have promise.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Haine seeks...

SENATOR HAINE:

I ask for an Aye vote. I ask the indulgence of -- this process started with Senator Luechtefeld, a passionate Senator committed to this process, and I ask the indulgence of this Body on this matter.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Haine seeks the adoption of the amendment to House Bill 4847. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WELCH)

3rd Reading. On the Order of 3rd Reading is House Bill 4847. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 4847.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Haine, to explain the bill.

SENATOR HAINE:

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Roll call. Was there -- we would like to have a roll call, Mr. President. It's fine.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Haine.

SENATOR HAINE:

Just a call for a roll call -- have a roll call.

PRESIDING OFFICER: (SENATOR WELCH)

Okay. The question is, shall House Bill 4847 pass. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On the question, 47 Members voted Yes, 9 Members voted No, no Members voted Present. House Bill 4847, having received the required constitutional majority, is declared passed. Senator Geo-Karis, what purpose do you seek recognition?

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I was promised that we will have the veterans' memorial service now. All right. Quiet! I think this is very important.

PRESIDING OFFICER: (SENATOR WELCH)

Senator, we agree, and that's the order of business we're going to right now. How would you like to proceed?

SENATOR GEO-KARIS:

I would like to ask the -- the following Senators who are veterans: Senator Viverito, Senator Cullerton, Senator Haine and -- let's see -- Viverito, Haine, Cullerton -- wait a minute. No, no. Munoz. And what I'd like -- I'd like to have the four veterans come right in the second podium.

PRESIDING OFFICER: (SENATOR WELCH)

Would the veterans come forward and stand in the well of the Senate?

SENATOR GEO-KARIS:

And the Republican veterans -- the Republican veterans: Senator Peterson, Senator Sieben, Senator John Jones and yours truly.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Geo-Karis, do you want to have your microphone on so you can conduct the ceremony from -- from your chair, or what do you want to do? I -- I don't think a military service is

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embarrassing at all, Senator. A military service is not embarrassing.

SENATOR GEO-KARIS:

First of all, today is still veteran's day by a minute. I would like to ask the President of the Senate for a few remarks and I would like to have the Republican Leader of the Senate for a few remarks, Senator Jones and Senator -- Senator Watson. With all this consternation and all of these -- you know, we all make mistakes, and we might as well admit it. But now is a time to remember that we've had veterans and veterans, and veterans overseas, who've given their lives and their limbs and their minds so that you and I could be here in the free America. And I'm going to call on each Party. We'll start with Senator Viverito for a few remarks.

SENATOR VIVERITO:

I'm very proud to been able to serve our Country in Korea. In 1952, I was drafted. Eleven days before I got married -- I mean, eleven days before I was married, my father died. That same week I received my draft notice, and my mother thought it'd be best if I went rather than my brother. Four months later, I trained in Camp Chaffee, Arkansas, basic training, and then I had the training on 105 howitzer. I landed and -- went into Seattle, Washington, took a troop ship to Japan and then Korea, Incheon, Chuncheon, Kwangju, Seoul and then I got up above the 38th parallel. It was the greatest opportunity I had in my life to become a man. But the real heroes are still there. But I can say there was no better-trained soldiers than us in Korea. I remember very vividly, coming through the villages. We had all ROC soldiers around us and they would come in with trucks and grab the young people and throw 'em up in the truck. And believe me, the following week they had a stick on their -- on their shoulder, and that's how they trained the ROC shoulders that were all around us. We were the best trained, and the real heroes are still there in Korea. Thank you.

SENATOR GEO-KARIS:

Thank you, Senator Viverito. Senator John Jones.

SENATOR J. JONES:

Thank you, Geo. I was a volunteer. I volunteered to go to the United States Air Force and spend four years. Some people

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asked me whenever I volunteered to go, why would you volunteer to go to the service? But I thought it was the right thing to do, but I was very fortunate whenever I was in the Air Force. I was in during peacetime, not -- not like we are in right now with the terrorists' attacks, possibly throughout this country at any moment, and with our young men and women fighting over in Iraq and Afghanistan and defending many other parts of this world. And I think sometimes we take it for granted what the men and women have done for us in the past. I was a very fortunate young man that I had a father and a stepfather both, and both of 'em I called dad. They were truly great to me. My stepfather served in the United States Navy in World War II and my father served in the United States Army in World War I. And as I said last year, he could have told me many, many stories that he never got around to before his death ten years ago. But it really makes me proud that he was the cook and the driver for General Patton. And when he talked to me about those times, I was a foolish young man and didn't write 'em down, nor did he, because I think they would be great stories to pass on to my children and my grandchildren. But I think, in this Body tonight, we may have forgotten, momentarily, what the men and women have fought for for this country. And I hope we don't do that again. Thank you.

SENATOR GEO-KARIS:

Thank you, Senator Jones. Senator Cullerton.

SENATOR CULLERTON:

Thank you. I believe I'm the only Member of the General Assembly that served in the Illinois National Guard. And at that time, in 1970s or early seventies, your main concern would be to be called up to respond to a flood or a tornado or maybe civil disobedience, not to be sent overseas. We have over thirteen thousand citizen soldiers and airmen in our current National Guard, led by a very able Adjutant General, Randy Thomas, who's a former Green Beret. The Illinois National Guard today has two thousand three hundred and eleven soldiers and airmen deployed in support of the wars in Iraq and Afghanistan, and since the terrorist attacks, we've mobilized four thousand nine hundred and sixteen soldiers and we have lost five soldiers on the battleground. It is truly an organization that's

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responded as volunteers, in a whole different way than when I served.

SENATOR GEO-KARIS:

Are you finished? Thank you, Senator Cullerton. Senator Sieben.

SENATOR SIEBEN:

Thank you, Senator Geo-Karis. Served here long enough to recognize that certain times in the process of the Illinois General Assembly, the clock can stop at 11:59. Experienced that previously in the House. So, as I look at our clock tonight, it appears to me that it stopped at 11:59 so that these remarks can be made on Memorial Day out of respect to the men and women who have lost their life in service to this country. Served in the Navy from 1968 to 1972 with one tour of duty aboard the USS Paul Revere off the coast of Vietnam. I remember the greatest day of my service in the Navy was the day we -- our ship returned to San Diego and we sailed back into the harbor at San Diego. I noticed in last week's newspaper on Thursday, that the USS Cole returns from its first deployment since the bombing that happened October 12th of 2000, in which seventeen sailors were killed by the terrorist attack on the USS Cole. That ship was repaired and went back to sea and just returned last Thursday, and it talks about the -- the feeling of the men and women, the sailors aboard that ship, as they sailed back into Norfolk Harbor. And I would ask that as we remember the men and women of the United States Navy, that we remember certainly those seventeen sailors that gave their lives aboard the USS Cole not too long ago. We've experienced some rough seas tonight. To those of us that have served in the United States Navy, we're very familiar with the Navy Hymn. The Navy Hymn was actually written as a poem in 1860 in England. It was the favorite hymn of President Franklin Roosevelt. It was sung at his funeral in 1945. It was played by the Navy Band in 1963 at President John Kennedy as his body was carried up the steps of the U.S. Capitol. Roosevelt served as Secretary of the Navy. Kennedy, as most of you know, was a PT Boat Commander in World War II. Just share with you now the words of the Navy Hymn:

Eternal Father, Strong to save,
Whose arm hath bound the restless wave,

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Who bid'st the mighty Ocean deep,
Its own appointed limits keep;
O hear us when we cry to -- to Thee,
for those in peril on the sea.
O Christ! Whose voice the waters heard
And hushed the raging at Thy word,
Who -- Who walked'st on the foaming deep,
and calm amidst its rage didst keep {sic}(sleep);
Oh hear us when we cry to Thee
For those in peril on the sea!

SENATOR GEO-KARIS:

Thank you. Senator Haine.

SENATOR HAINE:

Thank you, Madam President. It's good to remember. It's good to remember the dead. When we remember the dead, we reach through the veil that separates the living and the dead. We reach through the veil to tell the dead that we remember and we are grateful for the good that they have done for us. It has been said in Proverbs the Lord remembers the just forever, but the memory of the wicked is blotted out. When we remember our heroic dead, we not only reach through the veil, but somehow, in a mysterious and sacred way, they reach back. I'm reminded of the story of the Greek company, the Spartan company, at the pass on the road to Thermopylae whose duty it was to face the Persian armies masked to invade Greece from the east and wipe out the democratic city-states of Greece. The soldiers of Sparta had the duty to fight to the last man so the alarm could be raised throughout the Greek city-states and thereby form their armies to meet Persia. That was done. They fought to the last man and delayed the march of the Persian armies so as to enable the city-states to assemble their forces and defeat this great tyranny. After the battle, for centuries there lay a marker on the road to Thermopylae which said simply: Passerby, Tell Sparta we were faithful to her service. We did our duty, in other words, to the last man for the freedom of our countrymen. When we go to the cemeteries over this great holiday in America, when we go to the tombs, to the Vietnam Memorial, to the Korean War Memorial, to the World War II Memorial, we reach through that veil to say thank you, but, in some way, they reach back and say

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to us: Passerby, tell America that we were faithful to her service. Thank you.

SENATOR GEO-KARIS:

Thank you. Senator William Peterson.

SENATOR PETERSON:

Thank you, Senator Geo-Karis. I went in the U.S. Army shortly after the Korean -- truce. When I left to go overseas, some of my fellow soldiers were going to Korea and the group I was with ended up on Okinawa. I think I mentioned to you last year, although the truce had been forged at the 38th parallel, we still had a large fighting group. We had the 3rd Marine Division on Okinawa and I was -- in the Quartermaster. And one of the things that we did as Quartermaster, we had the mortuary. So, unfortunately, I saw many of our boys, who died of wounds or who died, unfortunately, in peacetime accidents, having to be prepared and shipped back home. It certainly made an impression on me. And one of the other areas that impressed me was how fast you can go from being in the United States to a completely foreign land. And I know many of our boys who get on a plane here in the United States, and in no time they're in Iraq or -- in Afghanistan or some other place. Until you've done it, which I have gone on a plane at that time overseas, you don't realize how small a world we have and how fast you can go from one place to another. So our country certainly is appreciative of all our fighting men and women and all the work they do in war and in peacetime. And I -- congratulate them from all -- for all their service that they give to the United States of America. Thank you.

SENATOR GEO-KARIS:

Thank you, Senator Peterson. Senator Munoz.

SENATOR MUNOZ:

Thank you, Madam President. I served with the U.S. Army 82nd Airborne Division as well as the 18th Airborne Corps. But this day I stand before you to honor the men and women who have gave the ultimate sacrifice: Their life for this country. Most of you know, either you get drafted or you volunteer to join the armed forces. Whatever the case may be, they lost their lives to take care of their country and protect their country, and they truly believed in what they did or else they wouldn't have

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been there. What -- what we have going on today in Iraq, I don't think we should question whether it's right or wrong. We still have men and women out there that are in combat, in harm's way. The only thing I ask this Body and everyone in the gallery, to always support your veterans, for they take care of us in the best way that they know how. They don't get involved in the political aspect of it. They are just there serving their country. So anytime you see the can for somebody asking for veterans, hospitals or anything for the veterans that we need to take care of 'em, please donate to them and help them out. And, again, let's not forget the men and women who have gave the ultimate sacrifice, and that was giving their lives for this country. God bless America.

SENATOR GEO-KARIS:

Thank you, Senator Munoz. My experience goes back to the early part of the war in Europe, World War II, when the Italians were supposed to help the Greeks against the Germans, and they changed their minds. I guess Benito felt it was better to stick with Hitler 'cause he was stronger. Well, I'll tell you, I was -- there was a mountain in Greece and on it was written oxi, in Greek means oxi, means never. And the Greeks didn't have -- munitions hardly at all, but they had stones and boulders, and they repressed the Italian Army so that Hitler - believe it or not - Hitler deployed his fancy units from Dunkirk and sent them on to fight the Greeks. Now, this was told to me by a British captain who was -- was out of the service and he was on the Queen Elizabeth ship with me coming from -- from Greece in -- I believe it was 1953. And I just want to tell you that England was probably saved because the Greeks fought so valiantly, with oxi written on the mountain, meaning never surrender, and helped England survive. Those are the things we remember and we have people here who are -- whose sons or families are in the service. Senator Petka has a son over in, I believe, Kuwait or one of the countries over there. And Senator Scott -- I mean, Captain Scott Huesing, my secretary's son, is now in Afghanistan. And others have loved ones who are in the service. And let me tell you, we are very fortunate that we're Americans. This is the greatest country in the world. And -- but we should help our veterans at every stage of the game, every stage of the

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game, because they deserve it. I was in the Navy myself. Served four years. But I'll tell you, there was nothing better for me that -- that I was able to give service to my country as a Navy officer, and I started from the bottom, from a seaman. I was lucky. I ended up as Lieutenant Commander with top secret clearance, and that top secret clearance meant so much to me because I was foreign-born and I felt the appreciation from -- my country, my adopted country. This is my country. Right or wrong, America is my country. It's your country, and we should all be grateful we live in this great country. We're envied by all because we have so many things for ourselves. But, you know, just remember, we have men and women fighting for us overseas, men and women who would like to be home just like you and I, but they have their duty and they're doing it. And God bless our troops. God, bless everyone. And I would like to have Senator Watson and Senator -- and the President say a few words before I close.

SENATOR WATSON:

Yes. Thank you, Madam President. I like that. You know, I'm sure that some of you in the gallery are wondering and -- and amazed at what you've just seen here tonight. How we can stand here and as passionately disagree as we did. Almost violently disagree. Emotions were running high and then we come back and we have the obvious respect for the services -- the service we're going through. I -- I'm sure there's some of you up there wondering, how can they do that? I mean, I'm still trying to, you know, come down from that, but it is a respect, I think, that we like to have for each other, even though sometimes we may cross the line. But we do have a -- a mutual -- respect regardless of whether they sit over there or we sit over here. So, just so you know that. And I -- I really -- first of all, I want to thank you, Senator Geo-Karis, and I want to thank the other eight who served this country so well. And I also want to thank -- is there -- is there anybody in the gallery? Is there any veteran in the gallery? If there is, I -- I would appreciate it if you would stand up also so that we could recognize you. Any veteran in the gallery, please stand. And -- and thanks to you for what you have done for your country. You know, I read somewhere or I heard it on the radio,

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there's like fifteen thousand World War II veterans that -- that die a week. I -- I just find that unbelievable, but when you think that we just recognized and the -- the people who fought in World War II, I don't know what we've been doing since -- the early 1940s and why it took us so long. All that -- that whole Memorial was -- was paid for by private money. And we're -- we're represented out there this last weekend by a former -- VFW Commander, National Commander, who sits right here and, unfortunately, isn't here tonight to share this service with us. And that's Ray Soden. And -- and you heard him last year and -- and I think that this -- this type of -- of -- of service, Madam President, is -- is -- is wonderful, because we get the opportunity to hear from our fellow Senators and know something about them a little bit different than maybe we knew before. But just think about what this world would be today if we didn't prevail in World War II. Think about this world today and what a different world it would be. And we owe so much to those people. And to watch -- I hope you had the opportunity over the weekend to watch some of the service that took place out in Washington, D.C., as -- as they memorialized the veterans of World War II and to hear the people, the men and women who served, and the price that was paid. And, sure, we've had conflicts and wars and we have one even yet today. But to watch and to see the reaction and the appreciation - the appreciation - of those men and women who finally are being recognized, really kind of -- kind of struck me. And I have to say -- and you mentioned we have, obviously, friends and relatives, but I have -- my secretary, Nancy Beaty, her son, Bill, is back from - - Afghanistan. He came back, when a -- a lot of them didn't. And I have another secretary, Helen Albert, in Decatur who's daughter, Tara, is in Iraq today -- tonight and will be for quite some time. And it's very, very difficult and very tough when we use our -- when we lose our young men and women like we have. And I just want to show my appreciation to those families, Nancy and Helen. And I know it's been very difficult for them to send their loved ones over to fight for a cause that some people don't understand. But I do. I appreciate what they do, the risks they're taking, and we've got to wipe out -- we have to wipe out terrorism. We have to go after it. Regardless

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of what you feel about -- politically about what's going on, this has to happen. And unfortunately, we're using -- losing some of our young men and women. And I thank them for their service. Thank you, Senator Geo-Karis.

SENATOR GEO-KARIS:

Thank you, Senator Watson. And, Senator Jones, the President of the Senate.

SENATOR E. JONES:

Yeah. Thank you, Madam President. You know, last week Senator Geo-Karis mentioned to me she wanted to do this ceremony that we have every year. We originally scheduled it to do it Friday and she said -- when Friday came, she came up to me and said, "I'm not ready to do it today." So we had decided to do it this morning -- or, yesterday morning on the Floor. Then it was postponed again because she felt not enough Members were present when we came into Session. We had planned to do this the first thing as we took care of business on the 31st of May. So, it was not - it was not - the intent for it to come at the conclusion of Session, but in -- in one sense, I feel it's -- it's even better after listening to all the theatrics and listening to the Minority Leader saying that even though all the theatrics that he went through, that we can come together to pay tribute to those persons who have served our country. I had the occasion a few years ago to go to Italy and I visited the American cemetery there, and a gentleman was with me who served in World War II on the invasion fleet. And we were scheduled to go there with him, but we looked for him. He was gone. We couldn't find him, so we decided to go anyhow. And we found out that he had already gone to the cemetery. And somehow he told us later that he had to go back because he was one of the few who came out alive. And I guess in one's mind, all the white crosses there, the names of the young men and the states from which they are from, their date of birth. In some instances, they only had on the white cross Comrade In Arm, 1920, 21 years of age. It's a very moving, moving thing to -- to witness something of that nature. I watched the ceremony, some of it, on television this weekend and sometime if it doesn't touch you, sometimes it becomes a number, when they say four hundred thousand men lost their lives in World War II, which meant that

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many families across this nation were touched by that - was affected by those individuals fighting fascism in Europe. And in Hawaii, the ship where the -- that is sunken where -- with all the names there, those persons who paid the ultimate price of war. And just this past weekend, this past Sunday's Tribune, it was a very moving thing -- they had their pictures and the month of all the young men and women - it was in the Chicago Tribune Perspective section -- section - all the young men and women who have paid the ultimate price. And as Senator Viverito indicated, those are the ones whom we must honor, those individuals who served in the -- Persian Gulf, those individuals who served in Vietnam. And one of our former colleagues, Senator -- late -- the late Senator LeRoy Lemke, in all the time that I had served with him, I didn't know that he had served in Vietnam. And when they had the big parade in downtown Chicago and he said he came out of his law office and saw all those people working, he just took off his coat and jumped in the crowd because that was the first time that the country had showed appreciation for them, who -- who was there as professional soldiers to serve their country. And to relieve all that tension and pressure. And many things that we deal with when we deal with mental illness in this State, when we deal with a lot of the homeless, a lot of those are your Vietnam veterans. And I know personally how it impacts one's lives and -- and I know how people feel when -- when they have to go off to war and they're doing their duty, but it impacts many lives. It impacted me personally. My brother, who was in Vietnam, never came out of the war again. And I had to take his son. Many of you thought it was my son, but I raised him since he was two years of age. And when issues come up that impact homeless people, when issues come up for funds for mental health and treatment of these individuals, so we, in turn, who are the beneficiary -- beneficiaries of all those efforts, but it's also -- got to join in and support those individuals when they need the services. Many of the homeless people that you -- young men that you see -- on the streets and so forth, many of them are Vietnam veterans. And -- and they're Vietnam veterans because they did not come out of the war. They went over there, they came home and the people treated them like they had done

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something wrong. So, it -- it's good to come together every year as we pay the -- the tribute to those persons who have served -- served the nation and especially those who pay the ultimate price -- ultimate price - who did not come back. And - - I don't think we should for -- ever forget -- forget those individuals. We should not also forget those individuals who are currently in harm's way in Iraq and Afghanistan. We shouldn't forget them. And reason why we should not forget them, because they are just doing their duty. Whether you like it or not, they are doing their duty. And -- and without them, we -- we would not be able to get on this Floor and argue with each other, and I would not be able to use that gavel to shut you down, Senator Watson. But I'm glad that we did have time late to do this. But it's something we've done every year since I've been in this Senate. And we had determined to do it and we were going to do it in spite of -- of all the things that took place in this Chamber.

SENATOR GEO-KARIS:

Thank you, Senator Jones. At this time I'd like everyone to join us in singing "God Bless America".

(Singing of "God Bless America")

Thank you, Mr. President and Leader Watson. Thank you, gentlemen who served and ladies who served. Thank you, folks. God bless America. God bless all of you.

PRESIDING OFFICER: (SENATOR WELCH)

Thank you, Senator Geo-Karis. We're going to have committee announcements. Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. Senator -- Mr. President. Believe it or not, the Judiciary Committee will meet tomorrow morning at 10 a.m. in Room 400.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Larry Walsh.

SENATOR WALSH:

Thank you, Mr. President. The Agriculture and Conservation Committee will meet at 9:30 a.m. in A-1.

PRESIDING OFFICER: (SENATOR WELCH)

Senator Garrett.

SENATOR GARRETT:

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Thank you, Mr. President. The Transportation meeting will meet tomorrow at 10 a.m., A-1.

PRESIDING OFFICER: (SENATOR WELCH)

At 10 a.m.?

SENATOR GARRETT:

Yes.

PRESIDING OFFICER: (SENATOR WELCH)

There being no further business -- excuse me. Madam Secretary, are there any Motions in Writing?

SECRETARY HAWKER:

Yes. I have a motion filed by Senator -- Hendon with respect to Senate Bill 3001.

PRESIDING OFFICER: (SENATOR WELCH)

That'll be reflected on the Calendar. Messages from the House.

SECRETARY HAWKER:

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

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

Senate Bill 1936, together with House Amendment 2.

I have a like Message with respect to Senate Bill 1960, with House Amendment 2.

Passed the House, as amended, May 31, 2004.

PRESIDING OFFICER: (SENATOR WELCH)

There being no further business to come before the Senate, the Senate stands adjourned until the hour of 11 o'clock a.m. tomorrow, June 1, 2004. The Senate stands adjourned.