

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

November 29, 2001

PRESIDENT PHILIP:

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

SENATOR GEO-KARIS:

(Prayer by Senator Geo-Karis)

PRESIDENT PHILIP:

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

SENATOR RADOGNO:

(Pledge of Allegiance, led by Senator Radogno)

PRESIDENT PHILIP:

We have two requests this morning. Illinois Information Service would like to film the proceedings, and the Associated Press would like to take some still pictures. Is leave granted? Leave is granted? Reading of the Journal.

SECRETARY HARRY:

Senate Journal of Tuesday, November 27th, 2001.

PRESIDENT PHILIP:

Senator Myers.

SENATOR MYERS:

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

PRESIDENT PHILIP:

Senator Myers moves to approve the Journal just read. There begin no objection, so ordered. Senator Myers.

SENATOR MYERS:

Mr. President, I move that reading and approval of the Journal of Wednesday, November 28th, in the year 2001, be postponed, pending arrival of the printed Journal.

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PRESIDENT PHILIP:

Senator Myers moves to postpone the reading and the approval of the Journal, pending the arrival of the printed transcript. There being no objection, so ordered. Committee Reports.

SECRETARY HARRY:

Senator Klemm, Chair of the Committee on Executive, reports House Bill 3247 - the First Conference Committee Report Be Approved for Consideration; and Senate Amendment 1 to Senate Bill 1265 Be Adopted.

PRESIDENT PHILIP:

Messages from the House.

SECRETARY HARRY:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bill 2742.

Passed the House, November 28th, 2001.

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

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

Senate Bill 22, with House Amendments 8 and 10.

We have a like Message on Senate Bill 1174, with House Amendments 1 and 2.

Both passed the House, as amended, November 28th, 2001.

PRESIDENT PHILIP:

I would hope the Members would come to the Floor. We're going to start working the Calendar, on page 7 today of today's Calendar, in the Order of Motions in Writing to Override Total Vetoes. Senator Walsh, for what purpose do you rise?

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SENATOR T. WALSH:

Thank you, Mr. President. With leave of the Body, I move, pursuant to Rule 5-1, to change the sponsorship of Senate Bill 1174 from Senator Robert Madigan to Senator Tom Walsh.

PRESIDENT PHILIP:

Senator Walsh, that motion is in order. You've heard the motion. All those in figure -- in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The sponsorship is changed. Introduction of Bills.

SECRETARY HARRY:

Senate Bill 1540, offered by Senator Wendell Jones.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDENT PHILIP:

Resolutions.

SECRETARY HARRY:

Senate Resolutions 272 and 273, offered by Senator Link.

They're both death resolutions, Mr. President.

PRESIDENT PHILIP:

Consent Calendar. ...page 7 of today's Calendar, on the Order of Motions in Writing to Accept Specific Recommendations for Change. House Bill 2528. Senator Sieben. Read the bill, Mr. Secretary.

SECRETARY HARRY:

I move to accept the specific recommendations of the Governor as to House Bill 2528, in the manner and form as follows:

Amendment to House Bill 2528

in Acceptance of Governor's Recommendations

The motion filed by Senator Sieben.

PRESIDENT PHILIP:

Senator Sieben.

SENATOR SIEBEN:

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Thank you, Mr. President. Ladies and Gentlemen of the Senate, the underlying legislation was sponsored by Senator Luechtefeld, who, unfortunately, is not able to be with us here today, due to the death of his father. But the underlying bill makes it unlawful to take or attempt to take aquatic life from an aquatic life farm without the consent of the owner of the farm. And in that legislation, it provides for the forfeiture of fishing tackle, apparatus, watercraft used, for a second or subsequent violation. The Governor suggested -- recommended in his amendatory veto that the existing specified seizure and confiscation procedures of the Fish Code also apply to these new provisions. These procedures would -- will provide for due process protection and allow for a jury trial to contest the forfeiture. And I would move to accept the Governor's recommendation.

PRESIDENT PHILIP:

Senator Sieben has moved to accept the specific recommendations of the Governor as to House Bill 2528. Is there any discussion? Any discussion? If not, the question is, shall the Senate accept specific recommendations of the Governor as to House Bill 2528, in the manner and form just stated by Senator Sieben. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 54 Ayes, no Nays, no voting Present. The specific recommendations of the Governor as to House Bill 2528, having received the required constitutional majority vote of the Senate elected, are declared accept. On page 6 of the Calendar, in the Order of Concurrence, is Senate Bill 989. Senator O'Malley. Please read the bill, Mr. -- read the motion, Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 989.

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The motion, by Senator O'Malley.

PRESIDENT PHILIP:

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. As this bill left the Senate, it provided for an amendment to the Intergovernmental Cooperation Act in -- in connection with joint insurance pools by public entities. What the amendment did in the House was clarify that the bill would -- would apply only to public agency members who are qualified to enter into joint self-insurance contracts and have tax receipts, tax revenues and taxing authority, or other resources sufficient to pay the costs in services -- in servicing the debt associated with the work they do.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? If not, Senator O'Malley, to close.

SENATOR O'MALLEY:

Would appreciate support of the Body.

PRESIDENT PHILIP:

This is final action, the question is, shall the Senate concur in House Amendment No. 1. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 54 Ayes, no Nays, and no voting Present. The Senate concurs in House Amendment No. 1 to Senate Bill 989. The bill, having received the required three-fifths majority, declared passed. On the top of page 7, Motions in Writing to Reconsider the Vote. House Bill 1840. Senator Petka. Mr. Secretary, read it.

SECRETARY HARRY:

Pursuant to Senate Rule 7-15 and having voted on the prevailing side, I respectfully move that the Senate reconsider the vote by which Conference Committee Report No. 1 to House Bill

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1840 failed.

The motion filed by Senator Petka.

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President and Members of the Senate. Yesterday when I asked this Body to, basically, dump the conference committee report for the purpose of filing a new conference committee report, that -- this Body accommodated me. This motion -- what I'm seeking to do is to dump the conference committee report that was filed, and by doing that, what I'm asking this Body to do is to reconsider that vote so that we can consider the original conference committee report that was filed. So, I'd ask for a favorable roll call.

PRESIDENT PHILIP:

Any discussion? Any discussion? Hearing none, all those in favor, vote Aye. The opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Have you all voted who wish? Take the record. There are 50 Ayes, 3 Nays, none voting Present. The motion -- the motion carries. And the question before the Senate -- the question is the Conference Committee on -- No. 1 to House Bill 1840. Mr. Secretary, do you have on file a conference committee report on House Bill 1840?

SECRETARY HARRY:

Yes, Mr. President. First Conference Committee Report on House Bill 1840.

PRESIDENT PHILIP:

Read -- read the... The Chair recognizes Senator Petka.

SENATOR PETKA:

Thank you, again, Mr. President and Members of the Senate. Perhaps a short history of what has been -- transpired will be in order. In the spring of this year, this Body adopted House Bill

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1840, which provided two things: basically, a disconnection procedure in between -- in the Township of Lemont and also a requirement that all student teachers have an optional background check. When this bill was sent to the House for concurrence, the Speaker of the House asked that the optional provision for the student background check be changed to mandatory. That is the only difference between what this Body passed out in the spring of -- of this year and what this Conference Committee Report now seeks to do. In other words, we have changed the requirement that all student teachers have a criminal background check from being optional to being mandatory. This had -- this bill, with that exception, has been heard and passed out of the Senate Education Committee, and, Mr. Chairman, I move for its adoption and will answer any questions.

PRESIDENT PHILIP:

Any further discussion? Any further discussions? If not, Senator Petka, to close.

SENATOR PETKA:

I would just move for an Aye vote.

PRESIDENT PHILIP:

The question is, shall the Senate adopt Conference Committee Report No. 1 on House Bill 1840. All -- all those in favor, vote Aye. All those -- opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Have you all voted who wish? Take the record. There are 47 Ayes, 6 Nays, 1 voting Present. The Senate does adopt Conference Committee Report No. 1 on House Bill 1840, and the bill, having received the required three-fifths majority, is declared passed.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Committee Reports.

SECRETARY HARRY:

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

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following Legislative Measures assigned: Referred to the Committee on Appropriations - Senate Amendment 1 to House Bill 3426, Amendment 2 to House Bill 3495 and Amendment 1 to House Bill 3439; referred to the Committee on Insurance and Pensions - Senate Amendment No. 1 to House Bill 2665 and the Motion to Concur with House Amendment 1 and House Amendment 2 to Senate Bill 1174; and Be Approved for Consideration - Senate Amendment 5 to House Bill 1903.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Tom Walsh, what purpose do you rise?

SENATOR T. WALSH:

Thank you, Mr. President. There will be a Senate Insurance and Pensions Committee meeting one hour from right now, in Room 400. One hour from right now, in Room 400.

PRESIDING OFFICER: (SENATOR DUDYCZ)

I take it that will be approximately 11:30, Senator Walsh. 11:23. Senator Rauschenberger, what purpose do you rise?

SENATOR RAUSCHENBERGER:

For purposes of an announcement. The -- the hardworking Senate Appropriations Committee will meet in sixty-four minutes, at 11:30, in Room 212, to consider amendments to House Bill 3426, House Bill 3439 and a substantive amendment to House Bill 3495. Room 212, at 11:30, the Senate Appropriations Committee will meet.

PRESIDING OFFICER: (SENATOR DUDYCZ)

...the Membership's information, we will be now going to the top of page 2, in the Order of Senate Bills 3rd Reading. Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

Mr. President, on a point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

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In the gallery, to my right up there, is the Administrator of Summer Bridges Program, from North Chicago, Judy Samples, and the reader, five years old, Jacob Wyer - W-Y-E-R, his mother, Michelle Wyer, and the son, Myles Wyer, his brother. And I'd like you to welcome them. These folks are from Senator Terry Link's district, but I'm delighted to have them visit us today and they'll be reading to some of our Senators. And welcome to -- to the Senate.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests in the gallery please rise and be recognized? Welcome to Springfield. Top of page 2, in the Order of Senate Bills 3rd Reading, is Senate Bill 1251. Senator Tom Walsh. Senate Bill 1261. Senator Dillard. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 1261.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I don't think it's a surprise to any of us who serve in this Body that the State of Illinois has a budget problem that is facing us square in the face. And one of the ways that we might help reduce the pain, so to speak, of having to cut the State budget to hospitals and to education and mental health, nursing homes, Medicaid, other worthy services, is to find a painless way to increase State revenues so we do not have to cut as deeply the State budget because of the economic slowdown that's occurred during these very strange times in U.S. history. An idea that I had, and it's not my idea originally - it came from Benjamin Franklin: Benjamin Franklin, during the Revolutionary War -- Benjamin Franklin, during the Revolutionary War, thought it would

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be a good idea to have a lottery to purchase cannons for the defense of the City of Philadelphia. So the idea of a special lottery for the defense or security of one's area has been around since the Revolutionary War times in this country. This legislation is intended to provide some transitional funding in this fiscal year to agencies who have resorted to overtime for emergency and security personnel to protect us from the new world in which we live in. It would allow the State Lottery to have a special lottery for one week, with the proceeds going into an Anti-Terrorism Fund, with the money being appropriated by this General Assembly to the causes we think the money needs to go to. Hopefully the marketing geniuses at the Lottery can come up with cute and clever ideas in which to market this to patriotism so that we can have the -- the proper funds to pay for some of the, for example, seventeen million dollars that Governor Ryan had on a list of special security costs that we never thought of last year when we put this State budget together. So, this idea's been around. It's a way, a painless way, through volunteers, who would play the patriot lottery for security purposes to, perhaps, help the State's budget a little bit. And I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Patrick Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Welch.

SENATOR WELCH:

Senator Dillard, how much do you project this will raise?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

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It's very hard to tell, Senator Welch, but anything it raises is a help to the State budget and will keep education and nursing homes and hospitals and other worthy things from having to take deeper budget cuts than they're already going to face. My estimates, Pat, have been anywhere from one million to fifty million dollars. And what I'm hoping for here is that we will have a new series of lottery players. Senator Philip, for example, who doesn't play the State Lottery. He's a patriot, he's a former U.S. Marine. He wants to help the National Guard protect our airports here in Illinois. I'm sure Pat, being a generous guy that he is, is probably going to go down to the local convenience store or gas station and maybe put down twenty dollars to buy some of these tickets. So, it's hard to tell what it's going to raise, Senator Welch, you know, but anything is better if we can keep from having to cut worthy State services any more deeply.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

Do you know from talking to the State Lottery, when they think they could implement this lottery program?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

That's an excellent question, Senator. It clearly is going to take them awhile, a few months, to plan for this. I talked to the Lottery Director and some of her staff and told her it's clearly my intent that they should pick a game that they already have up and running - for example, the Pick 4 game - so that they don't need any new machineries, but clearly they're going to have to make some computer adjustments. And, very importantly, they must market this game properly.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Further discussion? Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Jacobs.

SENATOR JACOBS:

Just two questions. I didn't see it in the analysis. What is the prize value of this game, do you know?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

It's up to the Lottery to determine, but it would be the same ratio, Senator Jacobs, depending upon which game they want to choose, that we pay out today.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

Well, I guess my question would be: Is it a million-dollar drawing? Is it a -- five hundred thousand? But that -- that's beside the point, 'cause I -- I hope it brings in fifty million, even more. But the other question I would have: Does some of this money, then, trickle down -- does some of these monies, then, trickle down to local government for -- for their cost of protecting us against terrorism?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

I can't guarantee that it will. It's up to the appropriations process, and you'd have to look at how the language in the bill explains that it shall be used for overtime personnel and other things. But, obviously, a local government can make their case to

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Senator Rauschenberger or Senator Trotter or the Appropriations Committee and possibly be in line for the proceeds. A lot's going to depend, Senator Jacobs, on how much this raises. If it raises a million dollars, they'll probably never get anything, but if it raises twenty-five or thirty million, then they ought to get in line.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

I would -- I would only hope that if it raises fifty million, as an example, that some of that money then is used to reimburse local governments for their cost, and I think it's a commendable idea.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. First of all, I'd like to say that I'd like to apologize to my colleagues for -- for what I said yesterday when I stood up and said I didn't care about being snickered at and sneered when I spoke on this legislation, I think, the third time. It was two different bills. I do care, and it does matter to me what you think of me and it matters to me how you feel about what I have to say. So I just wanted you to know that I -- I am sorry that I said that, and I try to make sure that I don't do that if any of you get up and speak too many times on a bill that I feel you have. I don't apologize for my passion on this -- this issue, because I have no choice but to be passionate about it. I'd like to ask the sponsor just a few questions, if he would yield.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Hendon.

SENATOR HENDON:

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Senator Dillard, you know I support this idea. It's a great idea. My question to you, Senator, is, what is the amount that you believe will be necessary to take care of the security needs around this State? Is the -- seventeen million has been bandied about. Is that about how much you think you need to -- to take care of everything?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Seventeen million is off of a list put together by Mr. Bettenhausen, our Homeland Security Director here in Illinois. But, Senator Hendon, I'm sure our costs are, especially, as Senator Jacobs pointed out, when you fold in local governments and other costs, it's hard to tell. It is tens of millions of dollars in overtime and additional security since September 11th.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

If we are fortunate -- and I do want to point out to the Body that my constituents buy the bulk of the lottery tickets and play the lottery more than anyone else. I'd like to ask you: If we are fortunate and -- and get that forty or fifty million dollars, would you be willing to help steer some of that money into these communities that are flowing with blood, that have all the shootings going on, in Illinois right now?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Senator Hendon, as I -- as I told you privately yesterday after we debated this bill on 2nd Reading, I have deep concern about your district, about every district in -- in Illinois, but this special lottery really is directed to additional security

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costs rising out of the incidences of September 11th and the new security that is heightened throughout Illinois. I will tell you, Senator Hendon, I believe that some of the things that are happening with respect to security by the Chicago Police Department, the Illinois State Police and others -- tangentially does help your area. Heightened police presence will help, and some of the things will help your area. But over and above this bill, Senator Hendon, I'm always willing to help the west side of Chicago with any need that you have. And I understand you have very special needs and I understand, within the last few weeks, there has been even a higher incidence of violence in the area you represent, and I'm always willing to help.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

Let me conclude by saying I know you are -- I know you are a genuinely compassionate and loving person, but I do have to disagree with you. The most recent security measures in Chicago has done exactly the opposite: They have taken police from the high-crime areas, they have taken police from the inner city. And the logic that I received from my police in my community was they had to move the police to the more important potential target areas. That's what they told us. They have taken police away from the west side, away from the south side, where all the killing is taking place. So, September 11th did not do anything to help my community. In fact, we have fewer police because they say they have to protect the essential and important targets in Illinois. Well, that blows my mind, because I think the citizens of Illinois are the most important in Illinois. And you cannot say "These citizens are more important than those citizens", but that's what they have done in Chicago. I did not make this up. This is the reality. We have to get real about this. I read Mary

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Mitchell's column this morning in the Sun-Times, and Mary said that it's time that we did something about all the violence and the killing within our communities. Now, when I read the legislation, it says anytime there is anyone that commits a crime - and this is the legislation that goes with the appropriation - where they intimidate or seek to intimidate an entire community, then that is terrorism. Well, let me tell you something. I don't have to deal with Bin Laden or the Taliban; I have to deal with the terrorists who deal with the same issues everyday within my community. They're call the Vice Lords, the Disciples, the Black Souls, the New Breed, the under -- the Undercover Vice Lords, the Cicero Vice Lords, the Four-Corner Hustlers. Those are the terrorists that are destroying Illinois. Those are the terrorists who are -- have our citizens, right now, afraid to come out of their house, go to their homes, and we never do nothing about it. So if we're going to do something about terrorism, if we're sincere - and I know you are sincere - I choose to believe every human being in this Senate, whether you consider yourself a conservative or a liberal, a Democrat or a Republican, that somewhere within you there's a love and a compassion for people. People are dying in our State every, single day. I had met with a mother whose baby is currently about to go to prison for some murders. She don't see him as a gangbanger; that's her baby. I also had in my office this week a victim who had been shot in the face just coming out of a grocery store. And when you talk about the economy, the owner of that grocery store, who is a friend of mine, has lost seventy-five percent of his business. He's about to go under. I asked the question the other day: How many people in Illinois, within the borders of Illinois, have -- have died as a result of the Taliban? Within the borders of Illinois, the number is zero. Within my community, in one week alone, that number is seven. Seven citizens killed. Innocent. They're not

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killing each other; they're killing the babies, they're hitting the choir directors, they're shooting down the preachers. In -- in Senator Lightford's district, a -- a football player with a scholarship gunned down in front of the church. We need to get serious about what we're doing. We're going to have this extra money, and I ask, when we get that extra money, that you will at least consider what I'm saying here because it affects all in Illinois.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. Senator Hendon is -- is very passionate about this issue, and as he indicated, recent murders in his district clearly show that we do have terror on our streets in Chicago and we have terror in streets -- on streets in other parts of the State. This is not just Chicago. This is about other areas of the State. I'm not going to name those areas. Some of you may not want me to name those areas, but those are areas in districts on this side of the aisle and areas in districts on that side of the aisle. And so, I think the cry here and the appeal, the passionate appeal being made by Senator Hendon, goes beyond just asking for some of these dollars generated through a seven-day special lottery to go to dealing with this terror. It's an appeal for us to look at this bigger picture, to look at the statewide picture and to make a commitment, a commitment to take action, for this legislative Body to take action, for this legislative Body not to think of this terror - gang terror - as being a local law enforcement issue. It is not just a local law enforcement issue. And while I appreciate the Attorney General of the State of Illinois putting forth his legislation, legislation we voted for, we also asked the Attorney General to also look at his anti-gang terrorism legislation that

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needs to be developed, and that he needs to put a plan on the table today that deals with gang terrorism in the State of Illinois. And I'd like to see that plan early in January when we get back here. I don't think we can -- we can afford to wait. In the meantime, the appropriations process has to work and we should find some way of responding. So, I fully support Senator Hendon's appeal and I think that there is something that we can do in the short term, because kids, particularly kids, continue -- continue to die on our streets every day. Now, to the point of the lottery, the seven-day lottery and how we're structuring this. Senator, it is important that if we are going to be successful -- and as I mentioned in committee, we are defining success as one generating dollars to cover the costs of security, but we also define success as generating dollars that will go beyond what is normally generated, dollars that are earmarked for education -- we must not cut into our education dollars during this seven-day period. And I think the only way that can be -- that can happen is if we market this in such a way that the public fully understands that through these patriot games, they are buying additional tickets in order to contribute or they are buying tickets for the first time -- people who normally don't buy tickets will purchase tickets in order to contribute -- because we don't want to be criticized for expanding the shell game, the shell game that everyone criticizes us for, for taking dollars -- or telling people that we're putting dollars into education and then the dollars not going into education. Let's not build on that. Let's make sure that, during that seven-day period, people fully understand this so that we could get more cooperation from the public, because I think the public is ready to make this contribution. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

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SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. One of the great honors of serving in this great Body is that we do learn a lot from our colleagues. And as I mentioned, I went over to see Senator Hendon after 2nd Reading yesterday, and I genuinely care about Rickey's area, about Senator Shaw's area. Senator Shaw was involved in the conversation about security problems they have from our home front in their own areas. And I very much respect and it is always a pleasure and an honor to learn from your colleagues about problems that they have in their area. And, Rickey, I stand ready to help you in any way I can to combat crime and, as you said so eloquently, terrorism from your own neighborhoods. And I'm willing to do that, and I'll roll up my sleeves to do that. And, Senator del Valle, you're such a gentleman and you're always so well versed in so many areas. One of the issues you hit right on the head is what worried me most about this bill, and that is, how do we market it, how do we make sure that no one accuses us of having any kind of shell game with respect to the lottery. And as I've said, these will be new players we've probably never had before playing this game, and we need to market this thing properly. And to close, my idea for doing this is to keep education from having to take deeper budget cuts than they probably will have to take during this economic slowdown and to keep hospitals and medical facilities and other worthy causes of the State of Illinois from having to take deeper cuts. I don't know if this'll work. It's an idea, thinking out of the box, in these extraordinary times, and I hope it works. And I just want to tell my colleagues on the other side of the aisle, I do listen to you, I do care about your areas, and I'm willing to work with you any way I can to help problems in your area. I'd urge an Aye vote on this. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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The question is, shall Senate Bill 1261 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 45 Ayes, 9 Nays, none voting Present. And Senate Bill 1261, having received the required three-fifths majority, is hereby declared passed. Senator Klemm, what purpose do you rise?

SENATOR KLEMM:

Yeah. For purpose of an announcement, Mr. President. As you know, Senator Luechtefeld has not been with us because his father's been ill. Well, I'm sad to inform you that -- that today I learned that Sidney Luechtefeld, his father, passed away this morning. So I know you share and join with me in our sympathies to the Luechtefeld family and to Senator Luechtefeld and I know we'll be doing more later on, but I just wanted to make that announcement, to let you know he will not be joining us. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Thank you, Senator Klemm. Senator Geo-Karis, what purpose do you rise?

SENATOR GEO-KARIS:

Mr. President, on a point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point, ma'am.

SENATOR GEO-KARIS:

I'm very honored to have, in the President's Gallery up to my right in the center, constituents of mine from the second and fourth grade, readers: Midnight McGuire, Jarnae Person, Jadda Alexander, Anthony McClinton, Chatia Lezine; and the teachers, Chris Camella, Laura Marshall and Amy Sundquist. And we also have parents: Mike Rawls, Priscilla Person, Chrysante Estell and Meisha McClinton. I'd like you all to welcome my guests over

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there and my constituents.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests in the gallery please rise and be recognized?  
Welcome to Springfield. Senator Parker, what purpose do you rise?

SENATOR PARKER:

For a point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point, ma'am.

SENATOR PARKER:

Thank you, Mr. President. I also have people up in the -- the balcony, the President's Gallery, there: Mark Serpico and his father, Mark Serpico. And Mark is also part of the Drop Everything and Read Program, and he'll be reading to us later. Please welcome him.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests in the gallery please rise and be recognized?  
And welcome to Springfield. On the Order of Senate Bills 3rd Reading, top of page 2, is Senate Bill 1265. Senator Philip, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Senator Philip seeks leave of the Body to return Senate Bill 1265 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1265. Madam Secretary, are there any -- any amendments approved for consideration?

ACTING SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment No. 1 to Senate Bill 1265 becomes the bill. What we're trying to do is amend this bill, put it on 3rd Reading, hold it

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here till January, and hopefully, maybe the Mayor and the Governor can work out a compromise between Meigs and O'Hare Field. This encourages them to do it. So, I'll be happy to answer any questions. That's my motives. I think you ought to keep Meigs Field open. It brings a lot of money into the City of Chicago - seventy-four million - and there are a lot of people that fly in and out of Meigs.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is -- all you need to do is turn your light on, Senator Demuzio. Senator Demuzio.

SENATOR DEMUZIO:

I just had a question. Senator...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Demuzio.

SENATOR DEMUZIO:

Says the deadline extended to May 31st of '01, on the Calendar.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

At this point, it doesn't make any difference, Senator Demuzio. That was last spring's notation.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, all those in favor -- Senator Demuzio.

SENATOR DEMUZIO:

I'm not quarreling with what he's doing, but I'm just -- how then -- then are you going to issue another letter extending this deadline? Is that how this deadline got on the Calendar in the first place?

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

That was a -- a -- last spring -- that was done last spring. It's not -- because the fail -- the bill failed to meet the deadline requirements, at that point.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio.

SENATOR DEMUZIO:

I -- I know, but this is November. Are you -- are you issuing another letter extending this deadline so that when we look at this again on the Calendar it will say January or -- or it will not be there or what will be there?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

My lawyer tells me it's unnecessary.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio.

SENATOR DEMUZIO:

Well, it may be unnecessary, but when I look at the Calendar it says that the deadline on this bill was extended to May 31st of '01. That's -- I mean, this is -- November.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is that a question, Senator Demuzio? Any further discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Senator Demuzio, what purpose do you rise?

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SENATOR DEMUZIO:

Parliamentary inquiry. Can we take up a bill that -- that the deadline has expired on as of May the 1st of -- 31st of '01, without the President giving a letter to the Secretary of the Senate indicating that that deadline has been extended and then take the appropriate action that we've taken with the adoption of the amendment? Because, technically, the deadline has expired. This bill is not before us.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Thank you, Senator Demuzio. We'll -- we'll get back to you as soon as the Parliamentarian is able to give me the information. The information I received currently is that that bill was released by Rules Committee, which you and I both sit on, this -- this morning, and -- was -- was yesterday, and -- and she will get further information. I'll get back to you. Senator Demuzio.

SENATOR DEMUZIO:

That -- now that sounds pretty logical, so, yeah, let's talk about that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

...of page 2, in the Order of House Bills 3rd Reading, we have House Bill 1903. Senator Dillard, do you wish this bill returned to the Order of 2nd Reading for purposes of an amendment? Senator Dillard seeks leave of the Body to return House Bill 1903 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 1903. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 5, offered by Senator Dillard.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

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Thank you, Mr. President. This is a technical amendment to bring the bill into order. There were a number of amendments from committee and this cleans it all up and makes it a lot easier to understand and comprehend in Enrolling & Engrossing. We'll debate the bill, if we could, on 3rd Reading, and I'd move its adoption. This is really technical and cleanup in nature.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. On the Order of House Bills 3rd Reading is House Bill 1903. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

House Bill 1903.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. This is a financial services bill with several components. The first part of it is -- and -- is -- deals from something that came from the Illinois Bankers Association and the Community Bankers Association and is supported by the Commissioner of Banks here in the State of Illinois. Apparently, last spring we raised the lending limits for State-chartered banks and this takes care of what is known as a corresponding personal guarantee. The important thing in this bill, also, is to note that we are making some changes that says if a law enforcement authority is visited by appropriate federal

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agents with a lawful purpose, that they may assist the federal agents or international agents with respect to reviewing and looking at bank accounts. This is obviously a change requested because federal authorities have shown up on the doorstep of some banks and asked to see records of people who might have been associated with the September 11th terrorism in New York City and in Pennsylvania. The third part of the bill is noncontroversial. It comes from the League of Financial Institutions and takes care of an oversight with respect to thrifts. And then there's a last part of the bill which is a cleanup for the Illinois Retail Merchants Association. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Link.

SENATOR LINK:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Link.

SENATOR LINK:

Senator Dillard, in -- in committee we were -- we had some concerns about the privacy of the consumer, in that we were worried that this federal agent could come in there without any type of warrant or any type of checks or balance and he could obtain the records of any individual. In this amendment, are we going to be -- is there some security or some kind of covered -- secure way of making sure that there is some okay before the federal agent requests the information of a consumer?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you, Senator Link, for -- for asking, and that's one of the reasons we held this bill for a couple of days. And in the

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last amendment - and we've worked with the Illinois Trial Lawyers Association on this - we cross-reference federal law now and we make sure that the agents who show up at the doorstep of a bank must have a lawful purpose under federal law for showing up. So, your concerns, I think, are addressed here. The Trial Lawyers Association - I thank them for their input - I believe are -- are neutral on this, and there must be a lawful purpose for these agents showing up at a bank requesting to look at records.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Link.

SENATOR LINK:

In a question, also, that this is strictly for a terrorism type of act that they can come in there? They cannot come in for money laundering, of any other sort, without a warrant. So this is strictly just for terrorism types of acts. So it would be similar to what the federal government is enacting in the (USA) PATRIOT ACT of 2001. Is that...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

It's my understanding, Senator Link, this is limited to terrorism and espionage.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Link.

SENATOR LINK:

Well, one final comment. After these concerns were met that I think that the Members on this side were a little concerned about in committee, and I think that we have covered these -- I thank the sponsor of the bill, and I thank him for making these concerns met and ask all our Members on our side to vote Aye on this bill. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR DILLARD:

I'd just appreciate a favorable roll call. Thanks, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 1903 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays and 1 voting Present. And House Bill 1903, having received the required three-fifths majority, is hereby declared passed. House Bill 2296. Senator Dillard. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

House Bill 2296.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thanks -- thank you, Mr. President. This is a very simple bill. It reenacts several provisions of the Criminal Code and Code of Criminal Procedure that were struck down by the Illinois Supreme Court in a case called People versus Sypien, based on a single subject violation. And it also reenacts penalty provisions in aggravated criminal sexual assault and also -- that were erroneously eliminated by the Governor's "15, 20 and Life" legislation. I know of no opposition, and I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 2296 pass. All those in favor will vote Aye. Opposed will

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vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And House Bill 2296, having received the required three-fifths majority, is hereby declared passed. House Bill 2565. Senator Sullivan. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

House Bill 2565.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sullivan.

SENATOR SULLIVAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 2565 amends the Professional Boxing and Wrestling Act. It simply deletes the wrestling portion of the Act and extends the sunset to January 1st, 2012. Passed unanimously in the Senate. I -- in the House. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 2565 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. And House Bill 2565, having received the required three-fifths majority, is hereby declared passed. If you turn your attention to the middle of page 7, to the Order of Motions in Writing to Override Total Vetoes. ...of page 7 of the Calendar -- of today's Calendar is the Order of Motions in Writing to Override the Total Veto of the Governor. Senator Woolard, on House Bill 198. Madam Secretary, read the motion, please.

ACTING SECRETARY HAWKER:

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I move that House Bill 198 do pass, the veto of the Governor to the contrary notwithstanding.

Motion filed by Senator Woolard.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Woolard.

SENATOR WOOLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. We dealt with this issue yesterday. I think it's a very simple idea. This is to ensure that everyone who goes through driver's training is adequately trained in the dangers and hazards around construction zones. It's supported by DOT, the construction management organizations, the laboring groups. I think it's something that we should do to protect the interests of those people who work in hazardous areas around our highway system. I would encourage an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Woolard has moved that House Bill 198 do pass, the veto of the Governor to the contrary -- notwithstanding. Any discussion? If not, the question is, shall House Bill 198 pass, the veto of the Governor to the contrary notwithstanding. All those in favor will vote Aye. All opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, 1 Nay and none voting Present. And -- let's see. House Bill 198, having received the required three-fifths majority, is declared passed, the veto of the Governor to the contrary notwithstanding. ...the Governor, I was with him. Senator Smith, what purpose do you rise, ma'am?

SENATOR SMITH:

Thank you, Mr. Chairman. I want to make a note and ask if the Senate will recognize on House Bill 1903, I voted Yes. Didn't show up on my machine. But I want to be counted as voting Yes on

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House Bill 1903.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Smith, the record will reflect your intent would have been to vote Yes on that bill. Thank you very much. For your information, the Senate will be at ease for a few minutes while the Rules Committee meets.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DUDYCZ)

Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

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

Senate Bill 1264, with House Amendments 1 and 2.

We have like Messages on Senate Bill 758, with House Amendment No. 1; Senate Bill 1089, with House Amendment No. 2.

All passed the House, as amended, November 29th, 2001.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Referred to the Committee on Executive - Conference Committee Report 1 to Senate Bill 397, Conference Committee Report 1 to House Bill 1640, Conference Committee Report 1 to House Bill 3188 and the Motion to Concur with House Amendments 1 and 2 to Senate Bill 1264.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm, what purpose do you rise?

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SENATOR KLEMM:

For the purposes of an announcement, Mr. President. The Senate Executive Committee will be meeting at 12:25, in Room 212. Senate Executive Committee, in one hour, in Room 212. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger, what purpose do you rise?

SENATOR RAUSCHENBERGER:

I'd just like to remind the Appropriation Committee Members to go down to Room 212. We're going to premeet with both -- a bipartisan premeeting in the Vault. But if Senate Appropriation Members would head to Room 212, our committee hearing begins at -- and I would also like to do Senator Walsh the courtesy of reminding people to go -- if you're on the Insurance Committee, that you should go to Room 400 because he's got very interesting subject matter that he'd like to have you consider.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Thank you, Senator Rauschenberger. On behalf of Senator Walsh, thank you. Senate will stand at ease until the call of the Chair.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WEAVER)

Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measure assigned: Senate Amendment 2 to House Bill 3426 referred to the Committee on Appropriations.

PRESIDING OFFICER: (SENATOR WEAVER)

For what purpose Senator Rauschenberger rise? State your -- state your time.

SENATOR RAUSCHENBERGER:

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I'd like to announce an Appropriation Committee hearing in Room 212, at -- one hour from now, at the hour of 1:30, to hear two new amendments, an amendment to House Bill 3495 and an amendment to House Bill 3426. I'd like all Appropriation Committee Members to be in Room 212 at 1:30. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

The Senate will stand at ease.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will Members in their offices please come to the Floor? We are about to do Senate business. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Be Approved for Consideration - the Motion to Concur with House Amendment 2 to Senate Bill 1089.

Senator Thomas Walsh, Chair of the Committee on Insurance and Pensions, reports Senate Bill 1174 - the Motion to Concur with House Amendments 1 and 2 Be Adopted, and Senate Amendment 1 to House Bill 2665 Be Adopted.

Senator Klemm, Chair of the Committee on Executive, reports Senate Bill 397 - First Conference Committee Report Be Adopted, House Bill 1640 - First Conference Report Be Adopted, and House Bill 3188 - First Conference Committee Report Be Adopted, Senate Bill 1264 - the Motion to Concur with House Amendments 1 and 2 Be Adopted.

And Senator Rauschenberger, Chair of the Committee on Appropriations, reports Senate Amendment 2 to House Bill 3426 Be Adopted, Senate Amendment 2 to House Bill 3495 Be Adopted.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Supplemental Calendar No. 1 has been distributed and is currently on the Members' desks. I -- I stand corrected. It is currently being distributed. Every Member will be getting one on their desk very shortly. Okay. Supplemental Calendar No. 1 has been distributed. If you turn your attention to page 2 of Supplemental Calendar No. 1, on the top of the page is the Order of Concurrence. Senate Bill 1174. Mr. Secretary, read the motion, please.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 1174.

The motion, by Senator Thomas Walsh.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Thomas Walsh. Senator Walsh.

SENATOR T. WALSH:

Thank you, Mr. President, Members of the Senate. This is the Teachers' Retirement Insurance Plan. This is the agreement that we have to bail out our retired teachers with their insurance plan. Let me briefly go through it and I will be happy to answer any questions. First of all, there are no further increases for the retired teachers. They had a twenty-one-percent increase on the 1st of July. That will be the -- the -- the last increase that they will have for the year. Active teachers will contribute. Their contribution will go from .50 percent to .65 percent. The State will match that contribution. The school districts are going to be asked to contribute .40 percent. We are going to allow them to -- to make that contribution from payments that they would be making to the Teachers' Retirement System. So, in fact, the school districts will be held harmless. Additionally, we are going to ask for the creation of a twenty-three-member teachers' health insurance task force and that task force will -- will begin

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on December 1st of this year, with the final report due on April 1st of 2002. There will be, again, twenty-three members; twelve legislative appointees and then all of the affected and interested parties in this proposal. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Lauzen.

SENATOR LAUZEN:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Lauzen.

SENATOR LAUZEN:

Okay. Under the description of the plan -- well, first of all, the -- what happens if the rates increase at faster than the ten percent? As far as the increase to the teachers, the retired teachers, after June 30th of '02, what happens if their rates dramatically increase from there? The cost of hospitalization, if it increases dramatically, are the retired teachers -- is that ten percent firm?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Well, a couple of things. In the -- in the subsequent years there will be increases to the premiums for retired teachers that are part of this, but they aren't the -- the -- the size of the increases that they've had in the past and that was proposed this year. We also will be increasing the contribution from the active teachers and the contribution from the school districts goes up in the out-years.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

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Okay. So, I understand that what you're saying is that that ten percent is -- the following year increase is ten percent and that won't increase under any -- any circumstances. I mean, that's going to be the law for three years.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

The -- let -- let me just -- just clarify it, Senator Lauzen. The second year, the increase for the retirees will be ten percent; in the third year, it will be twelve percent. There will also be slight benefit reductions where they'll be asked to pay a little bit higher deductible for prescription drugs.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

Okay. Next question, what is it -- as far as the task force. Senator, the -- as far as the task force that is being put together to study, well, what is going to be the long-term solution to this problem, what will we know over the next three years that we have not known over the last six to nine months, as we've studied this? Why are we putting off a solution for the long term?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

One of the reasons is that we feel that to implement the solution, it's going to take a little bit longer. There were several different suggestions made during our hearings, such as combining retirees with working teachers, and to do that type of thing would -- would take a long time and that's why we've asked for the -- the task force to come back on April 1st of next year, even though we are going -- we already have a three-year plan in

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place. So, they're going to come back with a recommendation that we may have to begin to implement in -- in the next year that won't take place until after Fiscal Year '04.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Lauzen.

SENATOR LAUZEN:

Right now I understand that the local school boards are going to be responsible for a certain percentage of payroll to take care of this problem. The solution over the next three years, eighteen months of that they're allowed to divert what they would have put into the Teachers' Retirement Fund - that is grossly underfunded - they're going to be allowed to divert from that to pay the premiums. Are you concerned about the impact that that's going to have on what's already a negative amortization for the next three years in a fifty-year mortgage that we're trying to pay off that created this problem? The underfunding created this problem in the first place. Are you not concerned about the diversion that's going to make that problem even worse?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Well, I -- I'm concerned about that. That'll be paid off over the forty-five years left in our full -- our full funding plan that we passed five years ago. But I'm more concerned about the health insurance that we promised retired teachers and making sure that they have the coverage that they were fully expecting at the time that they retired.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

Two other questions. One, what will the local school districts do after -- what -- what should we tell our local school

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districts that they should do about this expense after the first eighteen-month period is over?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Well, that'll be two -- two school budgets and we're hoping that they will be able to plan for that. That's the reason that we're doing it in eighteen months.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

Final question. In Appropriations -- in Appropriations we've just recommended to the Floor a -- a piece of legislation that included seven million dollars to make this possible, but there's a note in our analysis that says that there's -- beside this seven-million-dollar supplemental for Fiscal Year '02, State of Illinois will be responsible in future fiscal years to match the contribution of teachers, which is currently a part of the statute, and to pay an additional six million over '02, '03 and '04 for a onetime benefit catch-up. Can you describe that, please?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

That was a promise that was made years ago that apparently this is the -- the -- the opportunity that we have to catch up with that. This is something that has been -- ongoing with the retirees in the -- of the State, and that will be paid off in the next -- next three years, as part of this program.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

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Is your legislation capped at seven-million-dollar exposure to this proposed solution? Is it capped at seven million dollars, or could this blow up again in future years?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Well, there -- yeah, there is a sunset in the bill. So I -- I -- we don't expect that there will be any further expense to the State.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

Is that -- could you -- is the legislation capped? Is there any additional money that will be called on to put into this solution over the next three years?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Not that we're expecting.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Molaro.

SENATOR MOLARO:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Molaro.

SENATOR MOLARO:

I was here all day, and I wasn't called for a Pension Laws Commission. I'm looking at the bill, and we did change the Pension Code. Since we changed the Pension Code, when did this pass the Pension Laws Commission?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

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SENATOR T. WALSH:

This doesn't affect the Pension Code.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

Well, I looked at the bill and it says it amends the Pension Code. I don't have the bill right in front of me, but if someone could get the bill, I'll show you where it does amend the Code. Because, obviously, if -- if -- if the -- local school boards have to pay five percent and we're giving them a credit of a half a point, it's got to affect the Pension Code. ...page -- if I might, on page 15 of the bill, it says "Section 20. The Illinois Pension Code is amended by changing Section 16-158..." It's right here in the bill. Now, I -- well, let -- let me get past that. The point is it does and it didn't go to -- go through Pension Laws Commission, and I think this is the first time in the -- since we've had the Pension Laws Commission that we're amending the Pension Code without going through the Pension Laws Commission. Kind of makes that -- all the work that we do on that Commission seem to be for nothing if we're going to go bypass it on the last day. But let's get past that. I'd like to ask a question about what we consider to be the amount of money put in by the State of Illinois in this piece of legislation. That was a question.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator...

SENATOR MOLARO:

I think Senator Lauzen said seven million. Is that a correct figure? Okay.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator -- Senator Walsh.

SENATOR T. WALSH:

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Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

Thank you. If it's seven million, then this is what I ask -- have to ask, Senator Walsh. We -- if I'm following this right, the local boards and the local municipalities are supposed to give five percent per year to the Pension Fund. So, now, we're going to let them, if they put their half a percent towards the TRIP program - .4 - toward the TRIP program, we say in the bill, and you said in your opening remarks, that when they go to give their five percent annually that goes to the Pension Fund, it'll be less any money they give to the TRIP program. So if the local municipalities -- the teachers put in whatever they put in towards their pension, the local municipalities put five percent - that's why we're amending the Code. You just said it on your opening remarks. You said that they get a credit for the .5 that they give. Well, a credit to what? The credit is that every year they have to give five percent of salary to the Pension Fund. Now they're only going to be giving four and a half percent, isn't that correct? Okay.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator -- Senator Walsh.

SENATOR T. WALSH:

Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

So, now, if they're only giving 4.5 or 4.6, whatever it may be, to the Pension Fund, that means about forty million dollars less is going to go into the Pension Fund. Isn't that correct? There -- it must be a less figure than normally would be, because

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five percent is more than 4.6 percent.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Yeah -- yes, that's right.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

So, since they're going to be giving forty million dollars less, that will affect the funding ratio of TRS, Teachers' Retirement System. It has to. So that means that if it affects the funding ratio and they go from, say, sixty-five percent funded to sixty-two percent funded, then the Executive Director tells us that there's forty million less. And because of our "ramp up", when they come at the end of the year, which they must do, instead of saying "We need a hundred and twenty million from the State", they're going to say, "We're going to need one forty or one fifty." So it is absolutely going to cost the State a lot more than seven million. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Senator Molaro, the -- the -- the -- the full funding plan that we passed fifty years ago -- or -- or, five years ago is a fifty-year plan. It is not going to -- to -- to be a dollar-for-dollar amount that we are going to -- that the State is going to have to put in to the -- into the Pension Fund.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

...you know what that amount is going to be?

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Walsh.

SENATOR T. WALSH:

...certified an amount on November 15th, like you talked about. We are going to -- they will be allowed to, after this bill -- if this bill passes, to recertify.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

Well, the only point I'm trying to make, and I'll get to it now and then I'll stop this nonsense. But -- but let me -- let me tell you why -- why I'm getting to this point. Obviously it's more than seven million. There is going to be recertification and TRS is going to have to ask for more money because we -- we are -- the local municipalities are putting in forty million dollars less. Somewhere, someplace, that money has to be made up, whether it be over two years, forty-five years, whatever the accountants say we are now going to need to get to that ramp up. So, there is going to be more State money put in. The point I'm trying to make is this: This is tantamount to some -- a little bit of a bailout and a little bit that the State has to put up the money. I believe the State should put up the money. The teachers' retirement program, for their retirees and their health care, is in jeopardy. That's why we're doing this at -- at 4 o'clock on -- on the last day of a -- the Veto Session. The State -- make no bones about it, the State is doing a bailout of that particular program, and we should put it up. And we should. But the point is, that extra money that we're going to need for the ramp up, be it two million or twenty million, is not coming from the local municipalities, who should be paying this; this is coming from the entire State of Illinois. Nothing in this bill goes to the City of Chicago. All I'm saying is, you're going to have a lot of Chicagoans voting Yes to do this, to bail out the insurance

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program for TRS. There is State money, it's more than seven million, and we're all voting Yes. When we have a problem with our pension fund in Chicago and we would hope that you would think of the retirees, just like we are, and vote for any help the State would then put in, even though it's going to come from your tax dollars and come in Chicago. We would hope that we're treated the same way. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I stand in support of this legislation. It's been a lot of hard work and the Senators on the committee have done a good job, and it's not perfect. As Senator Lauzen has indicated and Senator Molaro has indicated, it's not a perfect bill, it's not a perfect solution, but it's the best one we have at this particular time and, in that, we do buy ourselves a little time to try to work out a permanent solution. And I think that Senator Molaro is correct, as was brought up in committee: It's time that we stand up and take a look at all of our insurance programs and all of our pension programs to make it even between the -- the northern part of the State and the southern part of the State. And I ask for strong support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The Chair recognizes and welcomes the Speaker of the House of Representatives, Michael Madigan, to the Senate Floor. Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you. Let me -- I -- I rise in support of this also. Senator -- Senator Walsh, I'm delighted that you had such forthright answers for Senator Molaro, and I appreciate that. This is -- this is a -- a bill that -- that needs to pass, and so I

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would hope that everyone votes Aye.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR T. WALSH:

Thank you, Mr. President. I want to thank all the members of the task force, the Senate task force, that worked on this, particularly the Members - Senator Jacobs, Senator Demuzio, Senator Hendon, Senator Petka, Senator Roskam - that came to the three different meetings we had around the State on this issue. And I also want to thank the Governor's Office for the task force work that they did on this and would appreciate a Yes vote. Senator Syverson, yes, appreciate you being there also. Appreciate a Yes vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 1174. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no -- 1 Nay, and none voting Present. And the Senate does concur in House Amendments No. 1 and 2 to Senate Bill 1174, and the bill, having received the required three-fifths majority, is hereby declared passed. Senate Bill 1264. Senator Shadid. Mr. Secretary, read the motion, please.

SECRETARY HARRY:

I move to concur with the House in their adoption of Amendments 1 and 2 to Senate Bill 1264.

The motion, by Senator Shadid.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shadid.

SENATOR SHADID:

Thank you, Mr. President. Senate Bill 1264 creates the

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Illinois Large Business Operational Assistance Act. It authorizes the Department of Commerce and Community Affairs to make interest-free, short-term loans to Illinois businesses to meet cash shortfalls that would otherwise result in the business downsizing, closing, or filing for bankruptcy. Loans may not exceed ten million dollars and must be repaid in five years. Authorizes the use of appropriations from the Fund for Illinois' Fixture {sic} (Future) for such loans, including monies already appropriated to the Department for other purposes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 1264. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, 1 voting Present. And the Senate does concur in House Amendments No. 1 and 2 to Senate Bill 1264, and the bill, having received the required three-fifths majority, is -- hereby declared passed. If you turn your attention to the middle of page 2 of Supplemental Calendar No. 1. We will be going now, immediately, to the Order of Conference Committee Reports. Mr. Secretary, do you have a file on a conference committee report on House Bill 1640?

SECRETARY HARRY:

Yes, Mr. President. First Conference Committee Report on House Bill 1640.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Thomas Walsh.

SENATOR T. WALSH:

Thank you, Mr. President, Members of the Senate. The Conference Committee Report on House Bill 1640 repeals twenty-three boards, commissions, or advisory groups that the

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Governor's Office feels no longer serve a valid function within State Government. I would -- this -- originally, the list was about eighty commissions. We have pared it down considerably, and these are -- many of these are agencies or commissions that are duplicative. I want to point out a couple of 'em that are really not necessary at all. One, the Toll Highway Authority Advisory Committee, of which I am a member. You go to those meetings, very rarely do they even have a quorum at the meetings. It takes a lot of the time of the -- of the employees of the Toll Highway Authority, time away from their jobs, and it's -- it's unnecessary. And I also want to particularly point out the Sanitary District Observer, which is a position that is a paid position. They're -- I believe that it pays somewhere between twenty-two or twenty-five thousand dollars to attend two meetings a month of the -- of the Water Reclamation District and to file a report back with the Governor's Office, which apparently he doesn't feel is important because he agrees that we should do away with this. I'd be happy to answer any questions that people may...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 1640. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take -- take the record. On that question, there are 54 Ayes, no Nays, none voting Present. And the Senate does adopt the Conference Committee Report on House Bill 1640, and the bill, having received the required constitutional majority, is hereby declared passed. House Bill 3188. Mr. Secretary, do you have a file on -- a conference committee report on House Bill 3188?

SECRETARY HARRY:

First Conference Committee Report on House Bill 3188.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President. House Bill 3188, each of these quick-takes that are included in this legislation will comply with our Senate's guidelines for quick-take that we had enacted on Senate Resolution 41 last year, as you know. Following the guidelines of this resolution, each of the requests in the Conference Committee Report and in House Bill 3188 has been certified by the requesting unit of government that the properties listed in this bill are strictly for public purposes and not intended to provide for private gain at a private owner's -- property owner's expense, and it is with this understanding that we're acting on House Bill 3188, Conference Committee Report. Also, according to our resolution, each of these local governments requesting this quick-take authority of this bill have held a public hearing on their quick-take requests, published the notice in the local newspaper, contacted and attempted to negotiate with the property owners, and documented the public purpose for which the quick-take is needed. We have concurred with Amendments No. 1 and 2 and have added three new provisions in the Conference Committee port {sic} (Report), which is the Village of Plainfield, the Village {sic} (City) of West Chicago and the Village of Melrose Park. To refresh your memory, those that are in the quick-take total package under the previous amendments included Champaign, Champaign County, Downers Grove, Franklin Park, Lincolnwood, Mount Prospect, Neoga and Bolingbrook, and those are the items that are list for quick-take. And I do ask for your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Petka.

SENATOR PETKA:

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Thank you very much, Mr. President, Members of the Senate. I know the time is late, want to get out of here, but I -- I know some Members of this Body will take a look at the board and they will see Civil Pro/Quick-take - there's something wrong. There's something very right about this legislation. As Senator Klemm has simply pointed out, we have adopted a set of standards and guidelines to ensure that when property is taken from individuals by the government, that the property is going to be transferred for a valid public purpose and not going to another favored son, so to speak, created by government. There is a common misconception that prevails in connection with this subject matter of quick-take. It's some area that I have more than a little bit of expertise, being on both sides of the matter at various times during my life. In many, many ways a quick-take that is authorized actually provides more rights to people whose property is being taken than ordinary eminent domain. And if you'll just permit me and -- and indulge me, I will try to explain. If this bill is signed into law - and I certainly hope that it is - the condemning authority will make -- extend an offer to the property owner, that offer is rejected, the condemning authority will file the -- the complaint for condemnation, and within ten days, there will be a hearing. At that hearing, a judge will order the payment of monies to the property owner. The property owner then will have already put money in his pocket, but the title to the property, at that point, passes irreversibly from the property owner to the government, so that the government owns the land and cannot give it back without the property owner's consent. The property owner, additionally, will now have money for the purposes of attorneys to contest the -- the price. The judge will make an order of a -- what they call a preliminary just compensation and there can then be another hearing at which maybe more money can be attained. In a regular condemnation proceeding, Members of the

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Senate, the title to the property does not pass sometimes for two or three years, and the government, if it doesn't like the price that the jury or judge has set, can walk away from the transaction, so that the owner can have his property tied up by a government for two or three years and the government can simply say, "I don't want it because the price is too high" and walk away. And so the landowner has been deprived of the use and benefit of his property and not being able to sell it for a period of two or three years. Quick-take is important when there are public projects that have to be done. If I may be -- get very personal, in Plainfield, the reason that the Village of Plainfield and the school board and the park district have requested a quick-take is that Plainfield is growing so fast that we are required to build four new elementary and middle schools every, single year. In this instance, we have to start one in the spring of -- of 2002 to accommodate a projected influx of -- of kids for 2003. If the Village of Plainfield would file ordinary condemnation proceedings, the title to the property would not pass, perhaps, till 2004. They have to start right now to build a road from a highway to where the school is. That's why we have quick-take, and when we begin venturing off into areas where we're grabbing people's property under threat to, basically, accommodate other property holders, that's when we're doing it wrong. This is doing it right, and in this, I would strongly urge that you -- you support this Conference Committee Report. I thank you for listening.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR KLEMM:

Well, you know, these guidelines really are working for us, because they are protecting the private property owners in Illinois and still ensuring that the public governments can use

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this as a last resort for public purposes. So, I do ask for your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate adopt Conference Committee Report No. 1 on House Bill 3188. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wished? Take the record. On that question, there are 53 Ayes, 2 Nays, 1 voting Present. And the Senate does adopt Conference Committee Report No. 1 to House Bill 3188, and the bill, having received the required three-fifths majority, is hereby declared passed. Conference Committee Report on House Bill 3247. Mr. Secretary.

SECRETARY HARRY:

First Conference Committee Report on House Bill 3247.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Donahue, on Conference Committee Report No. 1 to House Bill 3247. Senator Donahue.

SENATOR DONAHUE:

Thank you very much, Mr. President. Sorry for that. Conference Committee Report No. 3247 {sic} is the annual conveyance bill for IDOT. It has forty-four parcels. We've gone through them very carefully. There are many of them in here for individual Members. I'm more than willing to go through the forty-four of 'em, but I'm not sure that you would want me to. I just know that the House has passed it. It's a good bill and we should be supportive of it. So I'd ask your consideration and adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate adopt Conference Committee Report No. 1 to House Bill 3247. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish?

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Have all voted who wished? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. And the Senate does adopt Conference Committee Report No. 1 to House Bill 3247, and the bill, having received the required three-fifths majority, is hereby declared passed. Senate Bill 397. Mr. Secretary, read the Conference Committee Report.

SECRETARY HARRY:

First Conference Committee Report on Senate Bill 397.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Yes. Thank you very much, Mr. President. This legislation would be sponsored by Senator Dave Luechtefeld, because he's been working on this, along with Representative Dan Reitz, for several months -- in fact, over a year, dealing with trying to attract what is called the -- the Amateur Trapshooting Association to Illinois, trying to relocate their national headquarters, their museum, their sport shooting complex to a area just north of Sparta, which is in both Representative Reitz's and -- and Dave Luechtefeld's district. The negotiations have gone very well. The -- all indications are they want to come to Illinois. But there was one glitch, and they've asked for some consideration and that's what we have before us now. The Amateur Trapshooting Association is a fifty-four-thousand-member group, and they have several national events that bring in thousands of participants and spectators and will have, obviously, a very positive economic impact on our area in southwestern and south -- southern Illinois. But what this legislation will do will amend the FOID Card Act to allow such -- a non-resident who does not come from a state that it be -- neighboring Illinois, who is not prohibited by the laws of Illinois, or any other state, or the federal government from acquiring firearms or ammunition, to acquire or purchase shotguns

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or shotgun ammunition for lawful sporting purposes. Under current law, a non-resident adult from a state that does not border Illinois wishing to acquire shotguns or shotgun ammunition must obtain a hunting permit. All we're asking here is that the hunting permit not -- be required. The gun advocates are neutral on the legislation. There was only one in the committee who testified against it and that was the City of Chicago. They testified against it, but, basically, other groups have taken a position of neutrality. So, I would ask for your help.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate adopt Conference Committee Report No. 1 to Senate Bill 397. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 44 Ayes, 12 Nays, and 1 voting Present. And the Senate does adopt Conference Committee Report No. 1 to House Bill -- to Senate Bill 397, and the bill, having received the required three-fifths majority, is hereby declared passed. Senator Smith, what purpose do you rise?

SENATOR SMITH:

Thank you, Mr. Chairman. I merely wanted to call to your attention that when we had the vote on House Bill A-3247, I punched my button again and there's -- it didn't respond at all. So I want you to please register me as having voted Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The record will reflect your -- you would have intended to vote for -- Yes on House Bill 3247, Senator Smith. Thank you. Senator Demuzio, what purpose do you rise?

SENATOR DEMUZIO:

Thank -- thank you, Mr. President. I had a couple of questions for legislative intent that I was supposed to ask

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Senator Walsh on 1174, and I didn't do that. So I -- with leave of the Body, I'd like to have those questions given to the clerk so they can be journalized.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio, we do not journalize what action does not happen on the Floor. If you wish to stand on a point of personal privilege and make a statement, that's your privilege, but as far as journalizing documents that have not been discussed on the Floor, the Senate does not do that. Senator Demuzio.

SENATOR DEMUZIO:

Thank you. If I might, on a matter of personal privilege...

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR DEMUZIO:

...very quickly. Senator Walsh, the legislation on Senate Bill 1174 is temporary in design to provide a way for the TRIP to survive through Fiscal Year 2004, or sooner, if a permanent solution is found for its funding. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio.

SENATOR DEMUZIO:

Is it the intent of this legislation that the Department of Central Management Services meet with the Board of Teachers' Retirement System no later than April 15th of each year to present the elements of and the method of computation of the rates for Fiscal Year 2003, Fiscal Year 2004, for TRIP?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

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SENATOR T. WALSH:

Yes. And Senator Madigan would be awfully proud of the probing questions that you are asking here.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio.

SENATOR DEMUZIO:

Oh, I'm sure she gave you the right answers. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Turn your attention to Supplemental Calendar No. 2, which has been distributed. It is on the Members' desks. We will be going to the Order of Secretary's Desk, Concurrence. Senate Bill 1089. Mr. Secretary, read the motion, please.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 2 to Senate Bill 1089.

The motion, by Senator Burzynski.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Very simply, this extends the Water Well and Pump Installation Contractor's License Act until January 1st, 2012.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Reading the title of this, is -- this follow the single subject provision?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Burzynski.

SENATOR BURZYNSKI:

Yes. This is a bill that we passed out of the Senate Chamber

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already once, and -- with two other licensures on it, and those have been removed.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

Well, I was just curious, 'cause whenever I read a repeal date of the Water Well and Pump Installation Contractor's License Act and Professional Boxing and Wrestling Act, it makes one wonder.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, the question is, shall the Senate concur in House Amendment No. 2 to Senate Bill 1089. All those in favor will vote -- will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And the Senate does concur in House Amendment No. 2 to Senate Bill 1089, and the bill, having received the required three-fifths majority, is hereby declared passed. Senator Lauzen, what purpose do you rise?

SENATOR LAUZEN:

Thank you, Mr. President. Just going back to Senate Bill 1264, I -- I made an error and I'd like the record to reflect my intention was to vote No.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen, the -- the record will reflect that you would have voted No had an error not been made. Thank you. If you turn your attention now to the top of page 2 of your regular Calendars, we will be going to the Order of Senate Bills 3rd Reading. Senate Bill 1233. Senator Hawkinson. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

Senate Bill 1233.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. We discussed this bill when we adopted the Floor amendment, but it reenacts provisions of Public Act 90-456 that amended the Juvenile Court Act in regard to permitting the courts, in appropriate circumstances, to delay an adjudicatory hearing for abused, neglected or dependent minors if necessary to ensure a fair hearing. This had been disallowed as part of a single subject matter violation on other legislation under People versus Sypien, and at the behest of the Cook County State's Attorney's Office, I feel it's important that we reenact this provision as soon as possible. Be happy to try and answer any questions, otherwise ask for your affirmative vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate -- shall Senate Bill 1233 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wished? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And Senate Bill 1233, having received the required three-fifths majority, is hereby declared passed. ...now go to the Order of House Bills 3rd Reading. In the middle of page 2, in the Order of House Bills 3rd Reading, is House Bill 2665. Senator Thomas Walsh, do you wish this bill returned to 2nd Reading for the purpose of an amendment? Senator Walsh seeks leave of the Body to return House Bill 2665 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection. Leave is granted. On the Order of 2nd Reading is House Bill 2665. Mr. Secretary, are there any Floor amendments

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approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Thomas Walsh.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Thank you Mr. President, Members of the Senate. Amendment No. 1 to Senate {sic} Bill 2665 increases -- does three -- three things. It increases the amount of unused, uncompensated sick leave for which a teacher may receive service credit upon retirement. Second is, it increases the minimum pension for retired teachers to thirty dollars a month for each year of service from twenty-five dollars a month. And finally, it has a "30 and out" provision for SURS. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Lauzen.

SENATOR LAUZEN:

Question for the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Lauzen.

SENATOR LAUZEN:

Can you tell me what the effect is of the unfunded liability that is already enormous in these pension plans?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Each one of these has passed the Pension Laws Commission, each one of these provisions, and the effect was minimal on each of the pension funds.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

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SENATOR LAUZEN:

But could you give us an amount that this increases the unfunded liability?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

The sick leave provision is 1.7 million during the first year. The "30 and out" for SURS is one hundred thousand. And then the -- the minimum increase was -- it was -- it was a minimal amount.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. On the Order of 3rd Reading is House Bill 2665. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 2665.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Thomas Walsh.

SENATOR T. WALSH:

Well, this is the bill that we just discussed, and I'd just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Lauzen.

SENATOR LAUZEN:

From the previous answers, basically we're saying that the costs of this plan is approximately two million dollars in the

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first year. What does it go up after that and for how long does it go so someone could make a present value calculation of that stream of payments to answer the question that's been placed twice on the Floor?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Well, it -- it -- it's different on each of these. The -- obviously the -- the -- the minimum increase for the -- for the retired teachers, sadly enough, you know, is -- is depending on how long they each live. The -- the "30 and out" for SURS... What -- what exactly are -- are you -- are you asking for? How far out? I mean, did you...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

There's a calculation that needs to be made for every pension benefit and cost that is the unfunded liability, which is basically -- what's the -- what is it going to cost - the present value of the future payments that are going to be made projected under this plan? I would think that every pension legislation that we look at has that calculation made.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

For the sick leave provision, it would be twenty-five million. And we'll have to get you the SURS.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR T. WALSH:

I'd just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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The question is, shall -- shall House Bill 2665 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 34 {sic} (54) Ayes, 1 Nay, none voting Present. And Senate {sic} Bill 2665, having received the required three-fifths majority, is hereby declared passed. House Bill... House Bills 3rd Reading. Bottom of page 2. In the Order of House Bills 3rd Reading is House Bill 3495. Senator Rauschenberger, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Senator Rauschenberger seeks leave of the Body to return House Bill 3495 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 3495. Mr. Secretary, are there any amendments that have been approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 3495, as amended, provides the Governor with two of the authorities he requested to help manage the present budget situation that we all find ourselves in. Since the beginning of the recession, which, I guess, the experts now date to April, when we were down in Session, although we didn't realize it, and the events of September 11th, the revenue picture for the State of Illinois has deteriorated substantially. In the Department of Public Aid budget, in the Medicaid budget, much of the rate structure of our Medicaid program is fixed in statute. If the Governor has the authority, he can go in and make across-the-board reductions that equitably distribute the amount of reduction

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necessary for us to manage through this difficult period. Without this authority, the Governor's limited in what he can do with the Medicaid program and has indicated publicly that -- is he believes his only choices are to repeal or remove the two reform programs that we've been able to pass for hospital rates over the last five years. In addition, the bill also permits the Governor, at his discretion, to go to the federally allowed maximum copays for recipients in the Medicaid program. That means that potentially, if the Governor chooses, someone's copay could go from zero to as much as three dollars. It's a three-dollar maximum for most services under the federal statute. As we've all worked hard to try to bring these things under control, I think this is an authority that's reasonable. It's one the Governor's requested. We've known about it now for about three weeks. I think it's a tool that we ought to give him to help manage his process. I'll be happy to answer questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Trotter.

SENATOR TROTTER:

Thank you very much. Actually, I'm going to save most of my comments and -- and -- for the -- the bill -- that point in time. We are, at this point, in opposition to it, but we'll wait till we have some more discussion.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Bomke.

SENATOR BOMKE:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Bomke.

SENATOR BOMKE:

Senator Rauschenberger, does this legislation, in any way, empower the Governor to require State employees to take a

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one-or-more-day furlough? You know, he has indicated that he's going to require employees to do this. Could he do this without this legislation?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

This bill does not speak to the Governor's right to request furloughs of State employees. It has no effect on his authority, which I -- as I understand, in some quarters, is in dispute. So, this bill, notwithstanding anything else, does not affect his authority over employee furloughs.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

I learned earlier today that the retired State employees' benefits might be reduced by this legislation. The supplemental to Medicare for retired State employees might be reduced from a hundred percent to eighty percent. Is that still in the bill?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

The Governor's original proposal requested that authority. That authority was not agreed to by the negotiators and is not included in this bill. This bill only includes the two elements: one permitting him to go to the federal maximum on Medicaid copays and permitting him to adjust the statutory rates in the Medicaid program. But I appreciate those clarifications.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

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No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. On the Order of 3rd Reading is House Bill 3495.  
Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 3495.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Ladies and Gentlemen of the Senate. Over the last three years, we've enjoyed extraordinary times. In the last three fiscal years combined, we've been able to increase State appropriations and State spending nearly three billion dollars. We've been able to expand access to Medicaid programs. We've been able to improve access to child care. We've been able to enhance some rates of providers. We've been able to expand the number of State employees in the State of Illinois. We've been able to pass a -- a very, very generous AFSCME contract. We've been able to meet our obligations. But, now, as we hit an economic time of difficulty, it -- I think it's important that we come together in a bipartisan way to support the Governor by giving him tools to manage, after we depart for Veto Session, the current economic situation that he's faced with. This bill does two things for one part of his State budget that's very large and very important. One, it gives him the authority to adjust the -- it's a permissive authority to adjust the statutory rates of the Medicaid program with a -- a cap of reduction, a maximum that he could reduce it, by five percent. That would affect hospitals, nursing homes and other Medicaid providers. It would mean we can continue to provide services, we don't have to do any limitation of

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eligibility, but it would ask the providers to help, kind of, share in what we're all faced with now, which is kind of extraordinary circumstances. It would also be permissive and permit the Governor, at his discretion, based on his management of the program, to go to the federal maximum permitted for Medicaid copays. He doesn't have to choose to do that. He can kind of manage through as we see whether the revenues begin to recover. But I think it's very important that we send a message to the Governor, who -- we supported his three budgets and many of us enjoyed the fruits of -- of wonderful expansion of human service spending, large expansions in infrastructure spending. We need to give him the tools so that he can responsibly manage after we leave. I don't think any of us could have anticipated when we did the budget that we would be facing these kind of times. The level of reduction, the level of collapse of State revenues is -- is unprecedented. I don't think anyone's ever seen a quarter before where all three of our major general revenue sources collapsed -- fell below previous years' levels simultaneously for a full quarter. So these are extraordinary times. This is a very narrowly drawn authority. It's limited in time and it's limited in percentage. I would appreciate the Body supporting this and supporting the Governor's need to manage the process. And I'd be happy to answer questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President. To the sponsor: Senator Rauschenberger, what authority, if you can sort of define, does the Governor have now to try to deal with this crisis that we're getting ready to go into? Do we really need this legislation?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

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SENATOR RAUSCHENBERGER:

Senator Trotter, I'm glad you asked that question. Currently the Governor has the authority -- by filing rules, to reduce programs that are in rule. But any -- any part of the program or any part of the rates that are written into statute, statutes passed by both houses of the General Assembly, are outside his ability to change or alter without our permission. This gives him the -- the permissive authority, but it doesn't put us on record of changing anything, it just gives him the authority to manage that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Trotter.

SENATOR TROTTER:

Is there enough gubernatorial authority now that possibly if he looked a little deeper into the agencies, that he can find a way to close the gap that -- as we forecast it to be without making these adjustments to the long-term care facilities?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Yes, Senator Trotter. I do believe that under rules he has the authority to close his budgetary gap without us acting on the statutory limitations. The risk there is, though, the question of what's equitable and how best to manage the problem, number one, and, number two, the real risk of the -- the Governor being forced to do layoffs and other things, which I think we don't support. I don't think it's fair or reasonable or comfortable to ask any of our institutional providers - nursing homes or hospitals - to have to share in this crisis. I wish we weren't in this position. But I -- I think the key thing to remember here is with this authority, the Governor is going to hold himself and the Department responsible for equitably sharing these cuts across a

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very large program that we've been very generous to.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Trotter.

SENATOR TROTTER:

That generosity that you speak to, Senator Rauschenberger, was just in the last year. So in regards to the nursing homes and the long-term care, they've just become partners in our prosperity that we've seen in the past few years. Wouldn't this be very detrimental to those nursing homes downstate or are past I-80 in -- in regards -- if we utilize or allow the -- the Governor to utilize this authority?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

A -- a couple of things. Over the last three years, the increase in rates to the nursing homes, which provide important services to a relatively small number of Illinoisans because long-term care is less people but longer term, amounts that we've given, almost three hundred million dollars in rate adjustments to the long care industry in the last three years. The hospital industry, just to give you kind of a proportionality, over the last three years, although it deals with larger numbers and actually larger expenditures, has received about a hundred and eighty million dollars of expanded help. If we were to permit the Governor to roll back the base rate, that does not - that does not - reverse the progress we've made in kind of closing the regional disparity, because rather than having them only take the adjustments, they're working on the base rate. So it's -- it's my assertion that I don't like any of these potential adjustments that the Governor permissively might make after we leave town, but the right way to do them, in my opinion, is equitably across the board and let him choose the providers based on the provider need.

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I -- I just, I mean, in -- in truth of fact, maybe Senator Trotter and I would even honestly admit in a sidebar that the right way to do this is with an appropriation bill and two weeks of hearings and some real hard work, but given the time schedule, I just don't think we have time and I think we need to trust the Executive Branch, as we've trusted them to spend.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Trotter.

SENATOR TROTTER:

To the bill: We share with you on -- on this side of the aisle, one, that none of us wish to be in the posture that we're in right now. We also understand that -- something has to be done in the immediate. However, we are not comfortable with the way in which it's being suggested that we make these kinds of adjustments and reductions in the budget. And with that, we'll be voting No on this side.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Could I have a parliamentary inquiry as to how many votes this will take to pass when I'm...?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Three-fifths majority, Senator.

SENATOR WELCH:

Okay. Well, I would like to speak...

PRESIDING OFFICER: (SENATOR DUDYCZ)

It has an immediate effective date.

SENATOR WELCH:

Good.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

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Like to speak to the bill. You know, cutting the budget and giving the Governor the authority to do that, which we think he already has, to me is just one view we could take on how to resolve this problem. We haven't looked at some of the other possibilities in taking care of this five-hundred-million-dollar shortfall. You know, some of us -- we're saying that the revenue wasn't as rosy as it was projected, but the Governor used the highest possible revenue figure he could use to base this budget upon. Well, we have bills out there that we could utilize and give the Governor some other authority. Why not have a prescription drug program that we've got sitting in the Rules Committee in the Senate, to try to get that so we can start saving some money on prescription drugs? That's one thing we can do. Let's review all of the tax breaks we gave to corporations in the Revenue Committee over the last decade. Why not put a one-year moratorium on some of those programs? Time after time the corporations came in and said, "We're going to create all these jobs." We're still looking for 'em. They never were created. Let's go over those. We -- we got so far out of whack with the prosperity we were in, we passed a tax break for people who have coffee machines to make coffee when you put some money in. They had to get a three-million-dollar tax break. Talk about out of whack. And now we're going to start cutting funding for hospitals because of those poor ideas? Before we go and -- and let the Governor take a meat-ax to this budget, why don't we give him some real authority to go and review these tax breaks that have not accomplished what they were intended to, that were passed because it was a feeding frenzy here at the trough in Springfield and -- and use those as a method to balance this budget, instead of trying to go home and explain why we're cutting our hospitals and these other programs? That, to me, makes more sense than to pass this bill. Thank you.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

...yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Cullerton.

SENATOR CULLERTON:

Senator Rauschenberger, I just want to give you a concern that I have and then you can tell me how this bill might address it. The -- you mentioned that the Governor, through the changing of rules -- he has the authority to -- to change rules unilaterally. That has had the effect of disproportionately affecting some of the hospitals in my district. The ones who are -- who benefitted from those rules being -- being changed to -- before, now they're disproportionately being -- being hurt. I don't understand your -- your conversation that you were having with -- before in terms of the details of how this bill would work. So, if you could explain to me -- give me an argument, if you will, why this would be -- bill would be necessary in order to alleviate some of the concerns that those hospitals have by just having the rules changed.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

That -- that's a good question. If you look back to about 1989, the State of Illinois launched a -- made a decision, well before I was in the General Assembly, to move from, essentially, the purchase of bed days from the hospital system in the -- in the State of Illinois to a system adopting the federal DRG system from the Medicare program. The -- the fundamental flaw in that -- it was a good idea and it was a good start, but the fundamental flaw is the DRG system from Medicare is really designed for an elderly

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population. You know, Medicare serves people, for the most part, either disabled or over the age of sixty. So we adopted that DRG system. In the emergency budget period of '91-'92, we froze that DRG system at the rates we were at then and there has not been a change to the base rate since. In order to (a) adjust the -- the -- this DRG system, which we kind of took wholesale from the Medicare program, to reflect the population we really deal with, which many times are mothers and children and -- and other people in the Medicaid program which is substantially different, as well as to recognize those hospitals, particularly in the metropolitan area of Chicago and -- and to some extent East St. Louis -- or, in -- actually in St. Louis, that deal with the -- really the most sick in the Medicaid system, we -- we made adjustments. They're called the Outpatient Rate Reform Act, which is a set of rules which adjust those DRGs to reflect the reality of today's care and the Medicaid population. In addition to that, we did the tertiary reform which dealt with the differences and the complexity of -- of -- for example, if you've been to Children's Memorial Hospital - many of us have - we know they have separate operating theaters based on the age and the size of children. The complexity of dealing with an appendectomy in a child is much greater than it is in an adult. So these two reforms adjusted a kind of a -- a borrowed DRG system and made 'em reflect reality and went a long way toward taking those hospitals that provide most of the Medicaid program and trying to reimburse them in such a way that they could really go on as institutions. So those are the two reform pieces. When we did those reforms, they were done in rule, because it was done in a spirit of cooperation - bipartisan, bicameral. The industry participated in helping reform 'em. They were left in rules so they could be adjusted. When you get to a crisis like this, the Governor can go in and change any program that's based on rules, but he cannot access or get at programs

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that are statutory. The Governor, if he doesn't have this authority, has said he feels his only choice is to repeal or remove those two -- those two rule-based programs which reformed the DRG system and make the system, in my opinion, relatively equitable. So, I'm hoping that we give him the authority to, instead, adjust the base rate, share, in a small way, the pain across the Medicaid program, rather than having the -- the best part of the program bear a hundred percent of the cut.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Just -- just a follow-up question then. So, you're saying in this bill, you're -- we're allowing him to adjust the base rate and that -- do we have any kind of a guarantee that as -- if this was to pass, that those two programs that are in rules that he announced he was going to cut would not have the same cuts that -- that -- that he initially proposed?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I have no guarantee, but he has said publicly that if -- if we would give him the broad-based authority, he would not repeal the two rules-based programs. So, he's indicated that publicly in his announcements about the budget.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

And how much money are we talking about by passing this bill? How much money would we be allowing him to shift, if you will, back to the tertiary program and the -- the other program that you referred to?

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Current -- the -- the outpatient rate reform and the tertiary care program represent ninety million dollars. If the Governor goes ahead with his repeal, it would immediately, in the balance of this fiscal year, remove ninety million dollars of funding for hospitals across the State of Illinois - and that's six months. Its -- its full-year value is close to a hundred and eighty million dollars. If, instead -- if, instead, we allow him to look at base rates, the effect on hospitals will be more in the range of twenty-four to twenty-five million dollars in the balance of this fiscal year, annualizing to about sixty-four million dollars if it continues in 2003.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR RAUSCHENBERGER:

I wish I could tell you, and I wish -- Senator Trotter probably wishes he could tell you, that this was the only difficult roll call and thoughtful thing we're going to be have -- to have to do. This bill will give the Governor perhaps a hundred million dollars of flexibility toward the goal of kind of managing the problem. And I want to state for the record that the problem isn't the five hundred million dollars that the Governor's working hard to try to solve. It's really larger than that because the Governor's plan includes using about two hundred and seventy million dollars of our balance funds to try to solve this fiscal year's problem, which means we carry that problem over to the next fiscal year. I think this is a reasoned approach. I -- we tried to be as clear as we can about it. If we could get bipartisan support, perhaps we can get the House to begin to take this up. The sooner we begin to take roll calls that are

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uncomfortable, I think the sooner we kind of move out of this situation. So I would really appreciate, to the extent people feel comfortable, bipartisan support. Please vote Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 3495 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 30 Ayes, 26 Nays, and 1 voting Present. And House Bill 3495, having not received the required three-fifths majority, is hereby declared failed. House Bill 3426. Senator Rauschenberger, do you seek leave to have this bill returned to the Order of 2nd Reading for the purposes of an amendment? Senator Rauschenberger seeks leave of the Body to have House Bill 3426 returned to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 3426. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

In our effort to move responsibly and give the Governor some tools to solve our budget problem, your next bill before you is a supplemental appropriation, which spends an additional thirty-two million dollars in general revenues and also gives spending authority for eighty-eight million dollars in other funds. The total value of this supplemental is a hundred and twenty million additional spending dollars. I'd be happy to take people through the details. It does include the funding to make the TRIP program work. It includes thirty million dollars of additional spending

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authority from tobacco settlement funds. For the circuit breaker/pharmaceutical program, it includes 4.8 million dollars of spending authority to make sure that McPier doesn't feel any pain in our economic circumstances. We wouldn't want them to miss a single beat. So this is -- this is the -- the approp bill before you. It represents the Governor's full Homeland Security package. It -- it restores the level of spending -- or, spending authority for the school textbook program. I think it's got about every goody we could pack in there that people thought we needed this time. I'd be happy to answer questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. On the Order of 3rd Reading is House Bill 3426. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

House Bill 3426.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I've explained it briefly on 2nd Reading. I'd be very happy to expand any part of the bill that people would like me to try to explain. Now, again, it's a increase in General Revenue expenditure of about thirty million dollars and also about eighty million dollars of other funds.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Is there any discussion? Senator Trotter.

SENATOR TROTTER:

Just want to comment. This is one of those necessary evils that we're going to have to vote on at this particular time because of the situation that we're in. Just one question. In this bill, are there any dollars for local governments to help them ease some of their pain in becoming prepared?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Not in this bill, Senator Trotter; although, we do continue our local distributive share of both the income and the sales tax. We contribute ten percent of our sales tax dollars -- or, ten percent of our income tax dollars and a full twenty percent of the sales taxes of the State of Illinois to local governments. It's distributed, for the most part, on a per capita basis, but there are no extra dollars for local government in this.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Trotter.

SENATOR TROTTER:

Just one other. We also know that our Secretary of State has gone through a -- a lot of effort to secure us down here in the State Capitol, and he has said that his expenditures have exceeded 2.6 million dollars. Are there any dollars in here to help him keep us safe?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

No. There are no new dollars for the Secretary of State to further secure the Capitol. In fact, some of us are concerned, if he has any more spending authority, we might not get on the campus.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Trotter.

SENATOR TROTTER:

...sure -- sure there are a lot of people who would think that'd be a good deal. But -- but we're going to -- I think we can vote Yes on this side for this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Klemm.

SENATOR KLEMM:

For purpose of a question.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield, Senator Klemm.

SENATOR KLEMM:

On the -- on the textbook loan program, it seemed to me we had did -- we passed the appropriation of over twenty-one million dollars on new appropriation, about thirty million or so on reapprop. Why -- what happened that we have to now try to address this problem? I thought we had enough for their schools for that textbook program.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Klemm, some people might argue we do have enough in the textbook line and we don't need to increase it, but because we do our budgets earlier and earlier, it makes it more difficult to accurately forecast how much of lapse-period spending will actually be spent and how much will be reapproped. We estimated wrong and they -- the school -- State Board of Education was able to spend more textbook dollars between when we left in April and the end of their fiscal year. That meant that as they went into the new fiscal year, they had less dollars in that line than had been reported in the media and in the press and to everyone. So

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it became controversial and people have asked us to restore that line so that it, in actual fact, has the same spending authority as was proposed when we passed the budget.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

Well, will that indicate that they had spent the dollars before the fiscal year so they actually had the books anyhow and everybody got the credit? Then why are we giving 'em more now if they just got it earlier?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Klemm, you're exactly right, and it's one of the reasons I ask myself a lot why I'm Chairman of Appropriation.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Hendon.

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Hendon.

SENATOR HENDON:

I wasn't clear about your response to reimbursing the Secretary of State for the security measure, and I hope that that's something we can revisit because we are going to have to continue with the security. He does have to secure the -- the facilities. So if we could put that two point whatever million it is in there, I think it should be necessary.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Trotter -- I'm sorry. Senator Hendon, I'm used to

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Donne picking on me, not you, Rickey. I -- I would like to tell you, I hope it isn't something we revisit. At a time when we have thousands of grade schools today - okay? - that don't have life safety funds, at a time when you've raised, I think twice in the last couple of days, that there are dangers in your neighborhood, the last thing I think we ought to be spending 2.6 million extra dollars is protecting fat politicians' butts down here in Springfield. I mean, I think it's foolish that we got concrete barriers at both end of our driveway and people sitting around in raincoats. You know, I'm proud of this building being open to the public three hundred and sixty-five days a year, twenty-four hours a day. And I think the last thing we ought to be spending on is making sure that -- that we don't have to worry about some lady with a grocery bag, for heaven sake. But otherwise, Rickey, I almost always agree with you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

I wish you had of said that when I spoke about former Republican Leader Aldo DeAngelis being handled a little roughly at the front door. But I do believe we do need security and I hope we can reimburse the Secretary of State for the great job that he's doing to secure these premises, 'cause you never know when one of these terrorists might show up.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR RAUSCHENBERGER:

I hope everybody's had a chance to look this over. I hope you vote your consciences and think about both your roll calls together. It's going to be a difficult three months. Every time we delay difficult action, it becomes more difficult, but there

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are clearly important things in this supplemental. I really want to thank Senator Trotter and -- and Elgie Sims, his staff person. It's been very difficult as we've redrafted amendment after new amendment, as the House has continued to tickle us with things that might induce them to take up their constitutional responsibility and consider appropriation bills. I'd also like us to thank my new staff director, Tim Nuding, who I think has had one of the most interesting days of his life today. Thank you and vote your conscience.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 3426 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And House Bill 3426, having received the required three-fifths majority, is hereby declared passed. Senator Trotter, what purpose do you rise?

SENATOR TROTTER:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR TROTTER:

Before everyone runs out of here, I just want to wish everyone a happy holiday and a safe one, as well.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No objections have been filed, Mr. President.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. The motion carries, and the resolutions are adopted. Senator Petka, what purpose do you rise?

SENATOR PETKA:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Petka.

SENATOR PETKA:

Thank you, Mr. President. During the debate on House Bill 3188, I inadvertently failed to mention that I may have a potential conflict of interest. I put on record that I voted my conscience in connection with that piece of legislation. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The -- the record will clearly reflect that, Senator Petka. Thank you very much. Senator Karpiel, what purpose do you rise?

SENATOR KARPIEL:

Thank -- thank you, Mr. President. Please, before you all leave the Chamber, we are having a caucus -- a Republican Caucus in Senator Philip's Office immediately upon adjournment. So all of you Members walking off the Floor, I hope you hear me. We're having a caucus.

PRESIDING OFFICER: (SENATOR DUDYCZ)

All the secretaries within earshot, if you're hear -- if you're -- see your Member come to the office, tell him or her to go back to Senator Philip's Office for a Republican Caucus immediately upon adjournment. Resolutions.

SECRETARY HARRY:

Senate Joint Resolution 45, offered by Senator Weaver.

(Secretary reads SJR No. 45)

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Weaver moves to suspend the rules for the purpose of the immediate consideration and adoption of Senate Joint Resolution 45. All those in favor, say Aye. Opposed, Nay. The Ayes have it. And the rules are suspended. Now Senator Mover {sic} (Weaver) has moved for the adoption of Senate Joint Resolution 45. All those in favor, say Aye. Opposed, Nay. The Ayes have it. And the resolution is adopted. There any further business to come before the Senate? If not, pursuant to the adjournment resolution, Senator Geo-Karis moves the Senate stands adjourned. Ladies and Gentlemen, all of our wonderful secretaries and staff, have a safe holiday season. Merry Christmas to everyone and Happy New Year. And drive careful. And Happy Hanukkah, also.