



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-THIRD GENERAL ASSEMBLY**

**79TH LEGISLATIVE DAY**

**TUESDAY, FEBRUARY 10, 2004**

**12:10 O'CLOCK P.M.**

**SENATE  
Daily Journal Index  
79th Legislative Day**

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The Senate met pursuant to adjournment.  
Senator Miguel del Valle, Chicago, Illinois, presiding.  
Prayer by Monsignor Kevin Vann, Blessed Sacrament Church, Springfield, Illinois.  
Senator Link led the Senate in the Pledge of Allegiance.

The Journal of Monday, February 9, 2004, was being read when on motion of Senator Schoenberg, further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

**COMMUNICATION**

**ILLINOIS STATE SENATE  
CHRIS LAUZEN  
STATE SENATOR  
25<sup>TH</sup> LEGISLATIVE DISTRICT**

February 10, 2004

Linda Hawker  
Secretary of the Senate  
Room 401 – State House

Dear Ms. Hawker,

Please note that I was absent from the Senate on February 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> due to family commitments and work in the district office.

Very sincerely,  
Christopher J. Lauzen

cc: Brian McFadden  
Jim Harry

**MESSAGE FROM THE GOVERNOR**

Message for the Governor by Joseph B. Handley  
Deputy Chief of Staff for Legislative Affairs

February 6, 2004

Mr. President,

The Governor directs me to lay before the Senate the following Message:

**STATE OF ILLINOIS  
EXECUTIVE DEPARTMENT**

To the Honorable  
Members of the Senate  
Ninety-Third General Assembly

I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments of your Honorable body.

[February 10, 2004]

**COURT OF CLAIMS**

To be a judge of the Court of Claims for a term commencing January 20, 2004 and ending January 18, 2010:

Peter J. Birnbaum of Chicago  
Salaried

**BI-STATE DEVELOPMENT AGENCY, ILLINOIS AND MISSOURI**

To be a member of the Illinois and Missouri Bi-State Development Agency for a term commencing January 28, 2004 and ending January 19, 2009:

Fonzy Coleman  
Non-Salaried

**GAMING BOARD, ILLINOIS**

To be a member of the Illinois Gaming Board for a term commencing January 22, 2004 and ending July 1, 2006:

William E. Fanning of Vernon Hills  
Non-Salaried

**HEART OF ILLINOIS REGIONAL PORT DISTRICT BOARD**

To be member of the Heart of Illinois Regional Port district Board for a term commencing January 21, 2004 and ending June 01, 2009:

Allen E. Covington of Peoria  
Non-Salaried

**KASKASKIA REGIONAL PORT DISTRICT BOARD**

To be a member of the Kaskaskia Regional Port District Board for a term commencing January 26, 2004 and ending June 30, 2006:

Clement L. Esker of Red Bud  
Non-Salaried

**MEDICAL DISTRICT COMMISSION AT SPRINGFIELD, ILLINOIS**

To be a member of the Illinois Medical District Commission at Springfield for a term commencing January 22, 2004 and ending June 30, 2005:

Lu Ann Johnson of Springfield  
Non-Salaried

**SOUTHERN ILLINOIS UNIVERSITY, BOARD OF TRUSTEES**

To be a member of Southern Illinois University Board of Trustees for a term commencing January 23, 2004 and ending January 17, 2005:

Glenn Poshard of Murphysboro  
Non-Salaried

[February 10, 2004]

Rod Blagojevich  
GOVERNOR

Message for the Governor by Joseph B. Handley  
Deputy Chief of Staff for Legislative Affairs

February 10, 2004

Mr. President,

The Governor directs me to lay before the Senate the following Message:

STATE OF ILLINOIS  
EXECUTIVE DEPARTMENT

To the Honorable  
Members of the Senate  
Ninety-Third General Assembly

I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments of your Honorable body.

**EXECUTIVE INSPECTOR GENERAL**

To be Executive Inspector General for a term commencing February 6, 2004 and ending June 30, 2008:

Zaldwaynaka Scott of Chicago  
Salaried

**METROPOLITAN PIER AND EXPOSITION AUTHORITY**

To be a member of the Metropolitan Pier and Exposition Authority for a term commencing February 6, 2004 and ending June 1, 2005:

Bruce R. Meckler of Highland Park  
Non-Salaried

**SOUTHERN ILLINOIS UNIVERSITY BOARD OF TRUSTEES**

To be a member of the Southern Illinois University Board of Trustees for a term commencing February 9, 2004 and ending January 19, 2009:

Marilyn D. Jackson of Crete  
Non-Salaried

To be a member of the Southern Illinois University Board of Trustees for a term commencing February 9, 2004 and ending January 15, 2007:

John Simmons of Alton  
Non-Salaried

To be a member of the Southern Illinois University Board of Trustees for a term commencing February 9, 2004 and ending January 19, 2009:

Roger Tedrick of Mt. Vernon  
Non-Salaried

Rod Blagojevich  
GOVERNOR

[February 10, 2004]

Under the rules, the foregoing Messages were referred to the Committee on Executive Appointments.

### INTRODUCTION OF BILLS

**SENATE BILL NO. 3221.** Introduced by Senator Burzynski, a bill for AN ACT making appropriations and reappropriations.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

### MESSAGES FROM THE HOUSE

A message from the House by

Mr. Bolin, Assistant 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 NO. 4063

A bill for AN ACT concerning criminal law.

Passed the House, February 10, 2004.

BRADLEY S. BOLIN, Assistant Clerk of the House

The foregoing **House Bill No. 4063** was taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Bolin, Assistant Clerk:

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

HOUSE BILL 2735

A bill for AN ACT making appropriations.

Which amendments are as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 2735

Senate Amendment No. 2 to HOUSE BILL NO. 2735

Concurred in by the House, February 10, 2004.

BRADLEY S. BOLIN, Assistant Clerk of the House

### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

**House Bill No. 4063**, sponsored by Senator Harmon was taken up, read by title a first time and referred to the Committee on Rules.

### EXCUSED FROM ATTENDANCE

On motion of Senator Burzynski, Senator Cronin was excused from attendance due to illness.

### REPORTS FROM STANDING COMMITTEES

Senator del Valle, Chairperson of the Committee on Education, to which was referred **Senate Bills numbered 2264, 2362 and 2444**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

[February 10, 2004]

Senator del Valle, Chairperson of the Committee on Education, to which was referred the following Senate floor amendment, reported that the Committee recommends that it be adopted:

Senate Amendment No. 2 to House Bill 754

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Haine, Chairperson of the Committee on Local Government, to which was referred **Senate Bill No. 2442**, reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

Senator Haine, Chairperson of the Committee on Local Government, to which was referred **Senate Bills numbered 2158 and 2337**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Walsh, Chairperson of the Committee on Agriculture and Conservation, to which was referred **Senate Bills numbered 2098, 2156 and 2273**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Clayborne, Chairperson of the Committee on Environment and Energy, to which was referred **Senate Bills numbered 2145, 2320 and 2350**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Obama, Chairperson of the Committee on Health and Human Services, to which was referred **Senate Bills numbered 2171 and 2335**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

At the hour of 12:41 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

#### AFTER RECESS

At the hour of 3:15 o'clock p.m., the Senate resumed consideration of business.  
Senator del Valle, presiding.

#### REPORTS FROM STANDING COMMITTEES

Senators Cullerton - Dillard, Co-Chairpersons of the Committee on Judiciary, to which was referred **Senate Bills numbered 2164, 2380 and 2447**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senators Cullerton - Dillard, Co-Chairpersons of the Committee on Judiciary, to which was referred **Senate Bills numbered 2165, 2167 and 2386**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senators Cullerton and Dillard, Co-Chairpersons of the Committee on Judiciary, to which was referred the following Senate floor amendment, reported that the Committee recommends that it be adopted:

Senate Amendment No. 1 to Senate Bill 2274

[February 10, 2004]

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Link, Chairperson of the Committee on Revenue, to which was referred **Senate Bills numbered 2140 and 2190** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Silverstein, Chairperson of the Committee on Executive, to which was referred **Senate Bills numbered 2166, 2197, 2234, 2235 and 2296**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Silverstein, Chairperson of the Committee on Executive, to which was referred the Motion to concur with House Amendment to the following Senate Bill, reported that the Committee recommends that it be approved for consideration:

Motion to Concur in House Amendment 1 to Senate Bill 1913

Under the rules, the foregoing Motion is eligible for consideration by the Senate.

Senator Munoz, Chairperson of the Committee on Licensed Activities, to which was referred **Senate Bills numbered 2285, 2293 and 2381**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

#### HOUSE BILL RECALLED

On motion of Senator Walsh, **House Bill No. 754** was recalled from the order of third reading to the order of second reading.

Senator Walsh offered the following amendment and moved its adoption:

#### AMENDMENT NO. 2 TO HOUSE BILL 754

AMENDMENT NO. 2. Amend House Bill 0754 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 19-1 as follows:

(105 ILCS 5/19-1) (from Ch. 122, par. 19-1)

Sec. 19-1. Debt limitations of school districts.

(a) School districts shall not be subject to the provisions limiting their indebtedness prescribed in "An Act to limit the indebtedness of counties having a population of less than 500,000 and townships, school districts and other municipal corporations having a population of less than 300,000", approved February 15, 1928, as amended.

No school districts maintaining grades K through 8 or 9 through 12 shall become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding 6.9% on the value of the taxable property therein to be ascertained by the last assessment for State and county taxes or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979, previous to the incurring of such indebtedness.

No school districts maintaining grades K through 12 shall become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding 13.8% on the value of the taxable property therein to be ascertained by the last assessment for State and county taxes or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979, previous to the incurring of such indebtedness.

Notwithstanding the provisions of any other law to the contrary, in any case in which the voters of a school district have approved a proposition for the issuance of bonds of such school district at an election held prior to January 1, 1979, and all of the bonds approved at such election have not been issued, the debt limitation applicable to such school district during the calendar year 1979 shall be computed by multiplying the value of taxable property therein, including personal property, as ascertained by the last assessment for State and county taxes, previous to the incurring of such

[February 10, 2004]



indebtedness, by the percentage limitation applicable to such school district under the provisions of this subsection (a).

(b) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, additional indebtedness may be incurred in an amount not to exceed the estimated cost of acquiring or improving school sites or constructing and equipping additional building facilities under the following conditions:

(1) Whenever the enrollment of students for the next school year is estimated by the board of education to increase over the actual present enrollment by not less than 35% or by not less than 200 students or the actual present enrollment of students has increased over the previous school year by not less than 35% or by not less than 200 students and the board of education determines that additional school sites or building facilities are required as a result of such increase in enrollment; and

(2) When the Regional Superintendent of Schools having jurisdiction over the school district and the State Superintendent of Education concur in such enrollment projection or increase and approve the need for such additional school sites or building facilities and the estimated cost thereof; and

(3) When the voters in the school district approve a proposition for the issuance of bonds for the purpose of acquiring or improving such needed school sites or constructing and equipping such needed additional building facilities at an election called and held for that purpose. Notice of such an election shall state that the amount of indebtedness proposed to be incurred would exceed the debt limitation otherwise applicable to the school district. The ballot for such proposition shall state what percentage of the equalized assessed valuation will be outstanding in bonds if the proposed issuance of bonds is approved by the voters; or

(4) Notwithstanding the provisions of paragraphs (1) through (3) of this subsection (b), if the school board determines that additional facilities are needed to provide a quality educational program and not less than 2/3 of those voting in an election called by the school board on the question approve the issuance of bonds for the construction of such facilities, the school district may issue bonds for this purpose; or

(5) Notwithstanding the provisions of paragraphs (1) through (3) of this subsection (b), if (i) the school district has previously availed itself of the provisions of paragraph (4) of this subsection (b) to enable it to issue bonds, (ii) the voters of the school district have not defeated a proposition for the issuance of bonds since the referendum described in paragraph (4) of this subsection (b) was held, (iii) the school board determines that additional facilities are needed to provide a quality educational program, and (iv) a majority of those voting in an election called by the school board on the question approve the issuance of bonds for the construction of such facilities, the school district may issue bonds for this purpose.

In no event shall the indebtedness incurred pursuant to this subsection (b) and the existing indebtedness of the school district exceed 15% of the value of the taxable property therein to be ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979.

The indebtedness provided for by this subsection (b) shall be in addition to and in excess of any other debt limitation.

(c) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, in any case in which a public question for the issuance of bonds of a proposed school district maintaining grades kindergarten through 12 received at least 60% of the valid ballots cast on the question at an election held on or prior to November 8, 1994, and in which the bonds approved at such election have not been issued, the school district pursuant to the requirements of Section 11A-10 may issue the total amount of bonds approved at such election for the purpose stated in the question.

(d) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, a school district that meets all the criteria set forth in paragraphs (1) and (2) of this subsection (d) may incur an additional indebtedness in an amount not to exceed \$4,500,000, even though the amount of the additional indebtedness authorized by this subsection (d), when incurred and added to the aggregate amount of indebtedness of the district existing immediately prior to the district incurring the additional indebtedness authorized by this subsection (d), causes the aggregate indebtedness of the district to exceed the debt limitation otherwise applicable to that district under subsection (a):

(1) The additional indebtedness authorized by this subsection (d) is incurred by the school district through the issuance of bonds under and in accordance with Section 17-2.11a for the purpose of replacing a school building which, because of mine subsidence damage, has been closed as provided in paragraph (2) of this subsection (d) or through the issuance of bonds under and in

accordance with Section 19-3 for the purpose of increasing the size of, or providing for additional functions in, such replacement school buildings, or both such purposes.

(2) The bonds issued by the school district as provided in paragraph (1) above are issued for the purposes of construction by the school district of a new school building pursuant to Section 17-2.11, to replace an existing school building that, because of mine subsidence damage, is closed as of the end of the 1992-93 school year pursuant to action of the regional superintendent of schools of the educational service region in which the district is located under Section 3-14.22 or are issued for the purpose of increasing the size of, or providing for additional functions in, the new school building being constructed to replace a school building closed as the result of mine subsidence damage, or both such purposes.

(e) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, a school district that meets all the criteria set forth in paragraphs (1) through (5) of this subsection (e) may, without referendum, incur an additional indebtedness in an amount not to exceed the lesser of \$5,000,000 or 1.5% of the value of the taxable property within the district even though the amount of the additional indebtedness authorized by this subsection (e), when incurred and added to the aggregate amount of indebtedness of the district existing immediately prior to the district incurring that additional indebtedness, causes the aggregate indebtedness of the district to exceed or increases the amount by which the aggregate indebtedness of the district already exceeds the debt limitation otherwise applicable to that district under subsection (a):

(1) The State Board of Education certifies the school district under Section 19-1.5 as a financially distressed district.

(2) The additional indebtedness authorized by this subsection (e) is incurred by the financially distressed district during the school year or school years in which the certification of the district as a financially distressed district continues in effect through the issuance of bonds for the lawful school purposes of the district, pursuant to resolution of the school board and without referendum, as provided in paragraph (5) of this subsection.

(3) The aggregate amount of bonds issued by the financially distressed district during a fiscal year in which it is authorized to issue bonds under this subsection does not exceed the amount by which the aggregate expenditures of the district for operational purposes during the immediately preceding fiscal year exceeds the amount appropriated for the operational purposes of the district in the annual school budget adopted by the school board of the district for the fiscal year in which the bonds are issued.

(4) Throughout each fiscal year in which certification of the district as a financially distressed district continues in effect, the district maintains in effect a gross salary expense and gross wage expense freeze policy under which the district expenditures for total employee salaries and wages do not exceed such expenditures for the immediately preceding fiscal year. Nothing in this paragraph, however, shall be deemed to impair or to require impairment of the contractual obligations, including collective bargaining agreements, of the district or to impair or require the impairment of the vested rights of any employee of the district under the terms of any contract or agreement in effect on the effective date of this amendatory Act of 1994.

(5) Bonds issued by the financially distressed district under this subsection shall bear interest at a rate not to exceed the maximum rate authorized by law at the time of the making of the contract, shall mature within 40 years from their date of issue, and shall be signed by the president of the school board and treasurer of the school district. In order to issue bonds under this subsection, the school board shall adopt a resolution fixing the amount of the bonds, the date of the bonds, the maturities of the bonds, the rates of interest of the bonds, and their place of payment and denomination, and shall provide for the levy and collection of a direct annual tax upon all the taxable property in the district sufficient to pay the principal and interest on the bonds to maturity. Upon the filing in the office of the county clerk of the county in which the financially distressed district is located of a certified copy of the resolution, it is the duty of the county clerk to extend the tax therefor in addition to and in excess of all other taxes at any time authorized to be levied by the district. If bond proceeds from the sale of bonds include a premium or if the proceeds of the bonds are invested as authorized by law, the school board shall determine by resolution whether the interest earned on the investment of bond proceeds or the premium realized on the sale of the bonds is to be used for any of the lawful school purposes for which the bonds were issued or for the payment of the principal indebtedness and interest on the bonds. The proceeds of the bond sale shall be deposited in the educational purposes fund of the district and shall be used to pay operational expenses of the district. This subsection is cumulative and constitutes complete authority for the issuance of bonds as provided in this subsection, notwithstanding any other law to the contrary.

(f) Notwithstanding the provisions of subsection (a) of this Section or of any other law, bonds in not to exceed the aggregate amount of \$5,500,000 and issued by a school district meeting the following criteria shall not be considered indebtedness for purposes of any statutory limitation and may be issued in an amount or amounts, including existing indebtedness, in excess of any heretofore or hereafter imposed statutory limitation as to indebtedness:

(1) At the time of the sale of such bonds, the board of education of the district shall have determined by resolution that the enrollment of students in the district is projected to increase by not less than 7% during each of the next succeeding 2 school years.

(2) The board of education shall also determine by resolution that the improvements to be financed with the proceeds of the bonds are needed because of the projected enrollment increases.

(3) The board of education shall also determine by resolution that the projected increases in enrollment are the result of improvements made or expected to be made to passenger rail facilities located in the school district.

Notwithstanding the provisions of subsection (a) of this Section or of any other law, a school district that has availed itself of the provisions of this subsection (f) prior to the effective date of this amendatory Act of the 93rd General Assembly may also issue bonds approved by referendum up to an amount, including existing indebtedness, not exceeding 25% of the equalized assessed value of the taxable property in the district if all of the conditions set forth in items (1), (2), and (3) of this subsection (f) are met.

(g) Notwithstanding the provisions of subsection (a) of this Section or any other law, bonds in not to exceed an aggregate amount of 25% of the equalized assessed value of the taxable property of a school district and issued by a school district meeting the criteria in paragraphs (i) through (iv) of this subsection shall not be considered indebtedness for purposes of any statutory limitation and may be issued pursuant to resolution of the school board in an amount or amounts, including existing indebtedness, in excess of any statutory limitation of indebtedness heretofore or hereafter imposed:

(i) The bonds are issued for the purpose of constructing a new high school building to replace two adjacent existing buildings which together house a single high school, each of which is more than 65 years old, and which together are located on more than 10 acres and less than 11 acres of property.

(ii) At the time the resolution authorizing the issuance of the bonds is adopted, the cost of constructing a new school building to replace the existing school building is less than 60% of the cost of repairing the existing school building.

(iii) The sale of the bonds occurs before July 1, 1997.

(iv) The school district issuing the bonds is a unit school district located in a county of less than 70,000 and more than 50,000 inhabitants, which has an average daily attendance of less than 1,500 and an equalized assessed valuation of less than \$29,000,000.

(h) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1998, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27.6% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 of less than \$24,000,000;

(ii) The bonds are issued for the capital improvement, renovation, rehabilitation, or replacement of existing school buildings of the district, all of which buildings were originally constructed not less than 40 years ago;

(iii) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after March 19, 1996; and

(iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(i) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1998, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 of less than \$44,600,000;

(ii) The bonds are issued for the capital improvement, renovation, rehabilitation, or replacement of existing school buildings of the district, all of which existing buildings were originally constructed not less than 80 years ago;

(iii) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after December 31, 1996; and

(iv) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(j) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1999, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 of less than \$140,000,000 and a best 3 months average daily attendance for the 1995-96 school year of at least 2,800;

(ii) The bonds are issued to purchase a site and build and equip a new high school, and the school district's existing high school was originally constructed not less than 35 years prior to the sale of the bonds;

(iii) At the time of the sale of the bonds, the board of education determines by resolution that a new high school is needed because of projected enrollment increases;

(iv) At least 60% of those voting in an election held after December 31, 1996 approve a proposition for the issuance of the bonds; and

(v) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(k) Notwithstanding the debt limitation prescribed in subsection (a) of this Section, a school district that meets all the criteria set forth in paragraphs (1) through (4) of this subsection (k) may issue bonds to incur an additional indebtedness in an amount not to exceed \$4,000,000 even though the amount of the additional indebtedness authorized by this subsection (k), when incurred and added to the aggregate amount of indebtedness of the school district existing immediately prior to the school district incurring such additional indebtedness, causes the aggregate indebtedness of the school district to exceed or increases the amount by which the aggregate indebtedness of the district already exceeds the debt limitation otherwise applicable to that school district under subsection (a):

(1) the school district is located in 2 counties, and a referendum to authorize the additional indebtedness was approved by a majority of the voters of the school district voting on the proposition to authorize that indebtedness;

(2) the additional indebtedness is for the purpose of financing a multi-purpose room addition to the existing high school;

(3) the additional indebtedness, together with the existing indebtedness of the school district, shall not exceed 17.4% of the value of the taxable property in the school district, to be ascertained by the last assessment for State and county taxes; and

(4) the bonds evidencing the additional indebtedness are issued, if at all, within 120 days of the effective date of this amendatory Act of 1998.

(l) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 2000, a school district maintaining grades kindergarten through 8 may issue bonds up to an amount, including existing indebtedness, not exceeding 15% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) the district has an equalized assessed valuation for calendar year 1996 of less than \$10,000,000;

(ii) the bonds are issued for capital improvement, renovation, rehabilitation, or replacement of one or more school buildings of the district, which buildings were originally constructed not less than 70 years ago;

(iii) the voters of the district approve a proposition for the issuance of the bonds at a referendum held on or after March 17, 1998; and

(iv) the bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(m) Notwithstanding any other provisions of this Section or the provisions of any other law, until January 1, 1999, an elementary school district maintaining grades K through 8 may issue bonds up to an amount, excluding existing indebtedness, not exceeding 18% of the equalized assessed value of the taxable property in the district, if all of the following conditions are met:

(i) The school district has an equalized assessed valuation for calendar year 1995 or less than \$7,700,000;

(ii) The school district operates 2 elementary attendance centers that until 1976 were operated as the attendance centers of 2 separate and distinct school districts;

(iii) The bonds are issued for the construction of a new elementary school building to replace an existing multi-level elementary school building of the school district that is not handicapped accessible at all levels and parts of which were constructed more than 75 years ago;

(iv) The voters of the school district approve a proposition for the issuance of the bonds at a referendum held after July 1, 1998; and

(v) The bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(n) Notwithstanding the debt limitation prescribed in subsection (a) of this Section or any other provisions of this Section or of any other law, a school district that meets all of the criteria set forth in paragraphs (i) through (vi) of this subsection (n) may incur additional indebtedness by the issuance of bonds in an amount not exceeding the amount certified by the Capital Development Board to the school district as provided in paragraph (iii) of this subsection (n), even though the amount of the additional indebtedness so authorized, when incurred and added to the aggregate amount of indebtedness of the district existing immediately prior to the district incurring the additional indebtedness authorized by this subsection (n), causes the aggregate indebtedness of the district to exceed the debt limitation otherwise applicable by law to that district:

(i) The school district applies to the State Board of Education for a school construction project grant and submits a district facilities plan in support of its application pursuant to Section 5-20 of the School Construction Law.

(ii) The school district's application and facilities plan are approved by, and the district receives a grant entitlement for a school construction project issued by, the State Board of Education under the School Construction Law.

(iii) The school district has exhausted its bonding capacity or the unused bonding capacity of the district is less than the amount certified by the Capital Development Board to the district under Section 5-15 of the School Construction Law as the dollar amount of the school construction project's cost that the district will be required to finance with non-grant funds in order to receive a school construction project grant under the School Construction Law.

(iv) The bonds are issued for a "school construction project", as that term is defined in Section 5-5 of the School Construction Law, in an amount that does not exceed the dollar amount certified, as provided in paragraph (iii) of this subsection (n), by the Capital Development Board to the school district under Section 5-15 of the School Construction Law.

(v) The voters of the district approve a proposition for the issuance of the bonds at a referendum held after the criteria specified in paragraphs (i) and (iii) of this subsection (n) are met.

(vi) The bonds are issued pursuant to Sections 19-2 through 19-7 of the School Code.

(o) Notwithstanding any other provisions of this Section or the provisions of any other law, until November 1, 2007, a community unit school district maintaining grades K through 12 may issue bonds up to an amount, including existing indebtedness, not exceeding 20% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

(i) the school district has an equalized assessed valuation for calendar year 2001 of at least \$737,000,000 and an enrollment for the 2002-2003 school year of at least 8,500;

(ii) the bonds are issued to purchase school sites, build and equip a new high school, build and equip a new junior high school, build and equip 5 new elementary schools, and make technology and other improvements and additions to existing schools;

(iii) at the time of the sale of the bonds, the board of education determines by resolution that the sites and new or improved facilities are needed because of projected enrollment increases;

(iv) at least 57% of those voting in a general election held prior to January 1, 2003 approved a proposition for the issuance of the bonds; and

(v) the bonds are issued pursuant to Sections 19-2 through 19-7 of this Code.

(Source: P.A. 93-13, eff. 6-9-03.)

Section 99. Effective date. This Act takes effect upon becoming law."

The motion prevailed.

And the amendment was adopted, and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

#### **CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK**

On motion of Senator Demuzio, **Senate Bill No. 1913**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Demuzio moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

[February 10, 2004]

Yeas 32; Nays 25.

The following voted in the affirmative:

Clayborne	Haine	Martinez	Trotter
Collins	Halvorson	Meeks	Viverito
Crotty	Harmon	Munoz	Walsh
Cullerton	Hendon	Ronen	Welch
del Valle	Hunter	Sandoval	Mr. President
DeLeo	Jacobs	Schoenberg	
Demuzio	Lightford	Shadid	
Forby	Link	Silverstein	
Garrett	Maloney	Sullivan, J.	

The following voted in the negative:

Althoff	Jones, W.	Righter	Syverson
Bomke	Lauzen	Risinger	Watson
Brady	Luechtefeld	Roskam	Winkel
Burzynski	Peterson	Rutherford	Wojcik
Dillard	Petka	Sieben	
Geo-Karis	Radogno	Soden	
Jones, J.	Rauschenberger	Sullivan, D.	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1913**.

Ordered that the Secretary inform the House of Representatives thereof.

#### REPORT FROM RULES COMMITTEE

Senator Demuzio, Chairperson of the Committee on Rules, during its February 10, 2004 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Agriculture & Conservation: **SENATE BILLS 2372, 2399, 2494, 2612 and 2696.**

Appropriations I: **SENATE BILLS 2468, 2600 and 2644.**

Appropriations II: **SENATE BILL 2679.**

Education: **SENATE BILLS 2317, 2528, 2755, 2774, 2810, 2864 and 3090.**

Environment & Energy: **SENATE BILLS 2601, 2602, 3124 and 3147.**

Executive: **SENATE BILLS 2106, 2329, 2481, 2548, 2577, 2689, 2724, 2827, 2861, 2919 and 3031.**

Financial Institutions: **SENATE BILLS 2553 and 2723.**

Health & Human Services: **SENATE BILLS 2342, 2379, 2530, 2579, 2625, 2742, 2768, 2794, 2940, 3112 and 3211.**

Insurance & Pensions: **SENATE BILLS 2301, 2339, 2423, 2491, 2620 and 2978.**

Judiciary: **SENATE BILLS 2150, 2172, 2193, 2201, 2414, 2469, 2497, 2532, 2578, 2607, 2791, 2799, 2800, 2809, 2878, 2902, 2907, 2988 and 3130.**

[February 10, 2004]

Labor & Commerce: **SENATE BILL 3069.**

Licensed Activities: **SENATE BILLS 2330, 2395 and 3108.**

Local Government: **SENATE BILLS 2277, 2503 and 2879.**

Revenue: **SENATE BILLS 2177, 2409, 2441, 2466, 2552, 2704, 2968, 2974, 3029, 3030 and 3183.**

State Government: **SENATE BILLS 2397, 2398, 2517, 3083 and 3207.**

Transportation: **SENATE BILLS 2374, 2421, 2453, 2564, 3085 and 3184.**

### **RESOLUTIONS CONSENT CALENDAR**

#### **SENATE RESOLUTION 410**

Offered by Senator Link and all Senators:  
Mourns the death of Eloise "Ellie" Onan of Waukegan.

#### **SENATE RESOLUTION 411**

Offered by Senator Viverito and all Senators:  
Mourns the death of Timothy T. "Tim" O'Donnell.

#### **SENATE RESOLUTION 412**

Offered by Senator Viverito and all Senators:  
Mourns the death of Eileen M. La Bash (nee Jaronski) of Evergreen Park.

#### **SENATE RESOLUTION 413**

Offered by Senator Meeks and all Senators:  
Mourns the death of Detective William "Wally" Rolniak of Riverdale.

#### **SENATE RESOLUTION 416**

Offered by Senator Demuzio and all Senators:  
Mourns the death of Wallace L. Heil Sr. of Havana.

Senator del Valle moved the adoption of the foregoing resolutions.  
The motion prevailed.  
And the resolutions were adopted.

### **MESSAGE FROM THE HOUSE**

A message from the House by  
Mr. Bolin, Assistant Clerk:

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

#### **HOUSE JOINT RESOLUTION NO. 65**

**RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN,** that when the two Houses adjourn on Tuesday, February 10, 2004, they stand adjourned until Wednesday, February 18, 2004 at 11:30 o'clock a.m.

Adopted by the House, February 10, 2004.

BRADLEY S. BOLIN, Assistant Clerk of the House

[February 10, 2004]

By unanimous consent, on motion of Senator Demuzio, the foregoing message reporting House Joint Resolution No. 65, was taken up for immediate consideration.

Senator Demuzio moved that the Senate concur with the House in the adoption of the resolution.

The motion prevailed.

And the Senate concurred with the House in the adoption of the resolution.

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 3:50 o'clock p.m., pursuant to **House Joint Resolution No. 65**, the Chair announced the Senate stand adjourned until Wednesday, February 18, 2004, at 11:30 o'clock a.m.