

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-THIRD GENERAL ASSEMBLY

88TH LEGISLATIVE DAY

THURSDAY, MARCH 4, 2004

10:30 O'CLOCK A.M.

SENATE Daily Journal Index 88th Legislative Day

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SB 2900	Third Reading	
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HB 2626	Recalled – Amendments	
HB 2626	Third Reading	10
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The Senate met pursuant to adjournment.

Senator Patrick Welch, Peru, Illinois, presiding.

Prayer by Pastor Samuel Hale, Zion Missionary Baptist Church, Springfield, Illinois.

Senator Link led the Senate in the Pledge of Allegiance.

Senator Schoenberg moved that reading and approval of the Journal of Wednesday, March 3, 2004, be postponed, pending arrival of the printed Journal.

The motion prevailed.

LEGISLATIVE MEASURES FILED

The following Floor amendments to the Senate Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Floor Amendment No. 1 to Senate Bill 1576

Senate Floor Amendment No. 1 to Senate Bill 2247

Senate Floor Amendment No. 2 to Senate Bill 2293

Senate Floor Amendment No. 1 to Senate Bill 2299

Senate Floor Amendment No. 2 to Senate Bill 2581

Senate Floor Amendment No. 2 to Senate Bill 2880

Senate Floor Amendment No. 1 to Senate Bill 3085

Senate Floor Amendment No. 1 to Senate Bill 3108

The following Floor amendments to the House Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Floor Amendment No. 1 to House Bill 2626

Senate Floor Amendment No. 2 to House Bill 2626

Senate Floor Amendment No. 3 to House Bill 2626

REPORT FROM RULES COMMITTEE

Senator Demuzio, Chairperson of the Committee on Rules, during its March 4, 2004 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Executive: Senate Floor Amendment No. 3 to House Bill 2626.

COMMITTEE MEETING ANNOUNCEMENT

Senator Silverstein, Chairperson of the Committee on Executive, announced that the Executive Committee will meet today in Room 212 Capitol Building, at 11:35 o'clock a.m.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 449

Offered by Senator Viverito and all Senators:

Mourns the death of Edward W. Lisek.

SENATE RESOLUTION 450

Offered by Senator Sandoval and all Senators:

Mourns the death of Benjamin Espinoza Perez of Ecuandureo, Michoacan, Mexico.

SENATE RESOLUTION 451

Offered by Senator Sandoval and all Senators:

Mourns the death of Margaret McPhee of Justice, formerly of Ford City.

SENATE RESOLUTION 452

Offered by Senator Sandoval and all Senators: Mourns the death of Anna Zawislak of West Lawn.

SENATE RESOLUTION 453

Offered by Senator Sandoval and all Senators:

Mourns the death of Antanas Malinauskas of Chicago Lawn.

By unanimous consent, the foregoing resolutions were referred to the Resolutions Consent Calendar.

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Shadid, **Senate Bill No. 2374**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 37; Nays 15.

The following voted in the affirmative:

Althoff Geo-Karis Munoz Syverson Bomke Haine Radogno Viverito Righter Walsh Brady Halvorson Burzynski Hendon Risinger Watson Clayborne Roskam Winkel Hunter del Valle Jacobs Rutherford Woicik DeLeo Jones, J. Shadid Mr. President Demuzio Jones, W. Sieben Dillard Lauzen Sullivan, D. Forby Link Sullivan, J.

The following voted in the negative:

CollinsHarmonPetkaSodenCroninLuechtefeldRonenTrotterCullertonMaloneySchoenbergWelchGarrettPetersonSilverstein

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

COMMITTEE MEETING ANNOUNCEMENT

Senator Schoenberg, Vice-Chairperson of the Committee on Appropriations II, announced that the Appropriations II Committee will meet today in Room 212 Capitol Building, at 1:00 o'clock p.m.

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Ronen, **Senate Bill No. 2377**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 57; Nays None.

The following voted in the affirmative:

Althoff Geo-Karis Munoz Bomke Haine Obama Brady Halvorson Peterson Burzynski Harmon Petka Clavborne Hendon Radogno Collins Hunter Righter Cronin Jacobs Risinger Crotty Jones, J. Ronen Jones, W. Roskam Cullerton del Valle Rutherford Lauzen DeLeo Lightford Sandoval Demuzio Link Schoenberg Dillard Luechtefeld Shadid Forby Sieben Maloney Garrett Martinez Silverstein

Sullivan, D.
Sullivan, J.
Syverson
Trotter
Viverito
Walsh
Watson
Welch
Winkel
Wojcik
Mr. President

Soden

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Ronen, **Senate Bill No. 2378**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 57; Nays None.

The following voted in the affirmative:

Althoff Geo-Karis Munoz Bomke Haine Obama Brady Halvorson Peterson Burzynski Harmon Petka Hendon Clavborne Radogno Collins Hunter Righter Cronin Jacobs Risinger Crottv Jones, J. Ronen Roskam Cullerton Jones, W. del Valle Lauzen Rutherford DeLeo Lightford Sandoval Demuzio Link Schoenberg Dillard Shadid Luechtefeld Forby Maloney Sieben Garrett Martinez Silverstein

Soden Sullivan, D. Sullivan, J. Syverson Trotter Viverito Walsh Watson Welch Winkel Wojcik Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Link, **Senate Bill No. 2552**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 36; Nays 20.

The following voted in the affirmative:

Clayborne Halvorson Munoz Sullivan, D. Collins Harmon Obama Trotter Crottv Hendon Peterson Viverito Cullerton Walsh Hunter Radogno del Valle Jacobs Ronen Welch DeLeo. Jones, W. Sandoval Mr. President Demuzio Lightford Schoenberg Garrett Link Shadid Geo-Karis Sieben Maloney Haine Martinez Silverstein

The following voted in the negative:

Althoff Risinger Forby Bomke Jones, J. Roskam Brady Lauzen Rutherford Burzynski Luechtefeld Soden Cronin Petka Sullivan, J. Dillard Righter Watson

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Winkel

Wojcik

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Hunter, **Senate Bill No. 2744**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 57; Navs None.

The following voted in the affirmative:

Althoff Soden Geo-Karis Munoz Bomke Haine Obama Sullivan, D. Bradv Halvorson Peterson Sullivan, J. Burzynski Harmon Petka Syverson Clayborne Hendon Radogno Trotter Collins Hunter Righter Viverito Cronin Jacobs Risinger Walsh Crotty Watson Jones, J. Ronen Cullerton Jones, W. Roskam Welch del Valle Rutherford Winkel Lauzen DeLeo. Lightford Sandoval Wojcik Demuzio Link Schoenberg Mr. President Dillard Luechtefeld Shadid Sieben Forby Malonev Garrett Martinez Silverstein

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Garrett, **Senate Bill No. 2900**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 57; Nays None.

The following voted in the affirmative:

Althoff Geo-Karis Munoz Soden Bomke Ohama Haine Sullivan, D. Bradv Halvorson Peterson Sullivan, J. Burzynski Harmon Petka Syverson Clayborne Hendon Radogno Troffer Collins Hunter Righter Viverito Cronin Walsh Jacobs Risinger Crotty Jones, J. Ronen Watson Cullerton Jones, W. Roskam Welch del Valle Rutherford Winkel Lauzen DeLeo. Lightford Sandoval Wojcik Demuzio Link Schoenberg Mr. President Dillard Luechtefeld Shadid Forby Maloney Sieben Garrett Martinez Silverstein

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein

On motion of Senator Schoenberg, **Senate Bill No. 3083**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 57; Nays None.

The following voted in the affirmative:

Althoff Geo-Karis Munoz Soden Bomke Haine Ohama Sullivan, D. Peterson Brady Halvorson Sullivan, J. Burzynski Harmon Petka Syverson Clayborne Hendon Radogno Trotter Collins Hunter Righter Viverito Cronin Walsh Jacobs Risinger Crotty Jones, J. Ronen Watson Cullerton Roskam Welch Jones, W. del Valle Lauzen Rutherford Winkel DeLeo Lightford Sandoval Wojcik Demuzio Link Schoenberg Mr. President Dillard Luechtefeld Shadid Forby Maloney Sieben Garrett Martinez Silverstein

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

At the hour of 11:18 o'clock a.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 12:52 o'clock p.m., the Senate resumed consideration of business. Senator Welch, presiding.

REPORT FROM STANDING COMMITTEE

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

Senate Amendment No. 3 to House Bill 2626

Under the rules, the foregoing floor amendment is eligible for consideration on 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 1611

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 4026, sponsored by Senator Jacobs, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4098, sponsored by Senator Garrett, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4769, sponsored by Senators Walsh – Burzynski, was taken up, read by title a first time and referred to the Committee on Rules.

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

On motion of Senator Shadid, **Senate Bill No. 1611**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Shadid 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:

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff Geo-Karis Ohama Sullivan, D. Bomke Haine Peterson Sullivan, J. Brady Halvorson Petka Syverson Burzvnski Harmon Radogno Trotter Clayborne Hendon Righter Viverito Collins Hunter Risinger Walsh Jacobs Cronin Ronen Watson Roskam Welch Crottv Jones, J. Cullerton Jones, W. Rutherford Winkel

Wojcik Mr. President

del Valle Lauzen Sandoval DeLeo Lightford Schoenberg Demuzio Link Shadid Dillard Maloney Sieben Forby Martinez Silverstein Garrett Munoz Soden

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to Senate Bill No. 1611.

Ordered that the Secretary inform the House of Representatives thereof.

HOUSE BILL RECALLED

On motion of Senator Harmon, **House Bill No. 2626** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 2626 by replacing everything after the enacting clause with the following:

"Section 5. The General Obligation Bond Act is amended by changing Section 9 as follows: (30 ILCS 330/9) (from Ch. 127, par. 659)

Sec. 9. Conditions for Issuance and Sale of Bonds - Requirements for Bonds.

(a) Bonds shall be issued and sold from time to time, in one or more series, in such amounts and at such prices as may be directed by the Governor, upon recommendation by the Director of the Governor's Office of Management and Budget Bureau of the Budget. Bonds shall be in such form (either coupon, registered or book entry), in such denominations, payable within 30 years from their date, subject to such terms of redemption with or without premium, bear interest payable at such times and at such fixed or variable rate or rates, and be dated as shall be fixed and determined by the Director of the Governor's Office of Management and Budget Bureau of the Budget in the order authorizing the issuance and sale of any series of Bonds, which order shall be approved by the Governor and is herein called a "Bond Sale Order"; provided however, that interest payable at fixed or variable rates shall not exceed that permitted in the Bond Authorization Act, as now or hereafter amended. Bonds shall be payable at such place or places, within or without the State of Illinois, and may be made registrable as to either principal or as to both principal and interest, as shall be specified in the Bond Sale Order. Bonds may be callable or subject to purchase and retirement or tender and remarketing as fixed and determined in the Bond Sale Order.

In the case of any series of Bonds bearing interest at a variable interest rate ("Variable Rate Bonds"), in lieu of determining the rate or rates at which such series of Variable Rate Bonds shall bear interest and the price or prices at which such Variable Rate Bonds shall be initially sold or remarketed (in the event of purchase and subsequent resale), the Bond Sale Order may provide that such interest rates and prices may vary from time to time depending on criteria established in such Bond Sale Order, which criteria may include, without limitation, references to indices or variations in interest rates as may, in the judgment of a remarketing agent, be necessary to cause Variable Rate Bonds of such series to be remarketable from time to time at a price equal to their principal amount, and may provide for appointment of a bank, trust company, investment bank, or other financial institution to serve as remarketing agent in that connection. The Bond Sale Order may provide that alternative interest rates or provisions for establishing alternative interest rates, different security or claim priorities, or different call or amortization provisions will apply during such times as Variable Rate Bonds of any series are held by a person providing credit or liquidity enhancement arrangements for such Bonds as authorized in subsection (b) of this Section. The Bond Sale Order may also provide for such variable interest rates to be established pursuant to a process generally known as an auction rate process and may provide for appointment of one or more financial institutions to serve as auction agents and broker-dealers in connection with the establishment of such interest rates and the sale and remarketing of such Bonds.

(b) In connection with the issuance of any series of Bonds, the State may enter into arrangements to provide additional security and liquidity for such Bonds, including, without limitation, bond or interest rate insurance or letters of credit, lines of credit, bond purchase contracts, or other arrangements whereby funds are made available to retire or purchase Bonds, thereby assuring the ability of owners of the Bonds

to sell or redeem their Bonds. The State may enter into contracts and may agree to pay fees to persons providing such arrangements, but only under circumstances where the Director of the <u>Governor's Office of Management and Budget Bureau of the Budget</u> certifies that he or she reasonably expects the total interest paid or to be paid on the Bonds, together with the fees for the arrangements (being treated as if interest), would not, taken together, cause the Bonds to bear interest, calculated to their stated maturity, at a rate in excess of the rate that the Bonds would bear in the absence of such arrangements.

The State may, with respect to Bonds issued or anticipated to be issued, participate in and enter into arrangements with respect to interest rate protection or exchange agreements, guarantees, or financial futures contracts for the purpose of limiting, reducing, or managing or restricting interest rate exposure risk. The authority granted under this paragraph, however, shall not increase the principal amount of Bonds authorized to be issued by law. The arrangements may be executed and delivered by the Director of the Governor's Office of Management and Budget Bureau of the Budget on behalf of the State. Net payments for such arrangements shall constitute interest on the Bonds and shall be paid from the General Obligation Bond Retirement and Interest Fund. The Director of the Governor's Office of Management and Budget Bureau of the Budget shall at least annually certify to the Governor and the State Comptroller his or her estimate of the amounts of such net payments to be included in the calculation of interest required to be paid by the State.

(c) Prior to the issuance of any Variable Rate Bonds pursuant to subsection (a), the Director of the Governor's Office of Management and Budget Bureau of the Budget shall adopt an interest rate risk management policy providing that the amount of the State's variable rate exposure with respect to Bonds shall not exceed 20%. This policy shall remain in effect while any Bonds are outstanding and the issuance of Bonds shall be subject to the terms of such policy. The terms of this policy may be amended from time to time by the Director of the Governor's Office of Management and Budget Bureau of the Budget but in no event shall any amendment cause the permitted level of the State's variable rate exposure with respect to Bonds to exceed 20%.

(Source: P.A. 92-16, eff. 6-28-01; 93-9, eff. 6-3-03; revised 8-23-03.)

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.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Harmon, **House Bill No. 2626**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

Senator Roskam stated that when a variable rate goes up, it increases the state's debt and requested a Parliamentary Ruling on whether **House Bill 2626** requires a three-fifths vote.

The Chair ruled that the proposed amendment to the General Obligation Bond Act does not change the "manner of repayment" already authorized by the General Assembly, nor does it increase the state's exposure to debt service. The legislation further expressly provides that "the authority granted under this paragraph, however, shall not increase the principal amount of Bonds authorized to be issued by law." Therefore, a vote of thirty of the members elected will be required for passage.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 30; Nays 25; Present 1.

The following voted in the affirmative:

Clayborne Halvorson Martinez Sullivan, J. Collins Harmon Munoz Trotter Crotty Hendon Obama Viverito Cullerton Hunter Walsh Ronen DeLeo Jacobs Sandoval Welch

Demuzio Lightford Schoenberg Mr. President

Garrett Link Shadid Haine Maloney Silverstein

The following voted in the negative:

Althoff Jones, J. Righter Syverson Bomke Jones, W. Risinger Watson Roskam Winkel Brady Lauzen Burzynski Luechtefeld Rutherford Wojcik Cronin Peterson Sieben

CroninPetersonSiebenDillardPetkaSodenForbyRadognoSullivan, D.

The following voted present:

del Valle

This roll call verified.

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION 442

Offered by Senator Risinger and all Senators: Mourns the death of Duane L. Sevey of Galesburg.

SENATE RESOLUTION 443

Offered by Senator Shadid and all Senators:

Mourns the death of William Jacob Louis Nobbe of Litchfield.

SENATE RESOLUTION 445

Offered by Senators Demuzio, E. Jones and all Senators: Mourns the death of Patricia Ann Hartman of Carrollton.

SENATE RESOLUTION 446

Offered by Senator Risinger and all Senators:

Mourns the death of Robert B. White of LaSalle.

SENATE RESOLUTION 448

Offered by Senator Link and all Senators:

Mourns the death of Verna A. Greene of Libertyville.

SENATE RESOLUTION 449

Offered by Senator Viverito and all Senators:

Mourns the death of Edward W. Lisek.

SENATE RESOLUTION 450

Offered by Senator Sandoval and all Senators:

Mourns the death of Benjamin Espinoza Perez of Ecuandureo, Michoacan, Mexico.

SENATE RESOLUTION 451

Offered by Senator Sandoval and all Senators:

Mourns the death of Margaret McPhee of Justice, formerly of Ford City.

SENATE RESOLUTION 452

Offered by Senator Sandoval and all Senators: Mourns the death of Anna Zawislak of West Lawn.

SENATE RESOLUTION 453

Offered by Senator Sandoval and all Senators:

Mourns the death of Antanas Malinauskas of Chicago Lawn.

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

PRESENTATION OF RESOLUTION

Senator Demuzio offered the following Senate Joint Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

SENATE JOINT RESOLUTION NO. 66

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the two Houses adjourn on Thursday, March 04, 2004, the Senate stands adjourned until Tuesday, March 23, 2004 at 12:00 o'clock noon; and the House of Representatives stands adjourned until Tuesday, March 23, 2004, at 1:00 o'clock p.m.

The Motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

At the hour of 1:37 o'clock p.m., pursuant to **Senate Joint Resolution No. 66**, the Chair announced the Senate stand adjourned until Tuesday, March 23, 2004, at 12:00 o'clock noon.