



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-THIRD GENERAL ASSEMBLY**

**87TH LEGISLATIVE DAY**

**WEDNESDAY, MARCH 3, 2004**

**9:30 O'CLOCK A.M.**

**SENATE**  
**Daily Journal Index**  
**87th Legislative Day**

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The Senate met pursuant to adjournment.  
Senator James DeLeo, Chicago, Illinois, presiding.  
Prayer by Pastor Gary McCants, St. Paul AME, Springfield, Illinois.  
Senator Link led the Senate in the Pledge of Allegiance.

The Journal of Tuesday, March 2, 2004, was being read when on motion of Senator Haine, 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.

### **LEGISLATIVE MEASURES FILED**

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

Senate Committee Amendment No. 1 to Senate Bill 2543  
Senate Committee Amendment No. 2 to Senate Bill 2944

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. 2 to Senate Bill 2124  
Senate Floor Amendment No. 1 to Senate Bill 2173  
Senate Floor Amendment No. 1 to Senate Bill 2290  
Senate Floor Amendment No. 1 to Senate Bill 2329  
Senate Floor Amendment No. 2 to Senate Bill 2457  
Senate Floor Amendment No. 1 to Senate Bill 2495  
Senate Floor Amendment No. 2 to Senate Bill 2530  
Senate Floor Amendment No. 1 to Senate Bill 2626  
Senate Floor Amendment No. 2 to Senate Bill 2726

### **JOINT ACTION MOTION FILED**

The following Joint Action Motion to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 1 to Senate Bill 1611

### **PRESENTATION OF RESOLUTIONS**

#### **SENATE RESOLUTION 446**

Offered by Senator Risinger and all Senators:  
Mourns the death of Robert B. White of LaSalle.

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

Senator Geo-Karis offered the following Senate Resolution, which was referred to the Committee on Rules:

#### **SENATE RESOLUTION NO. 447**

WHEREAS, The members of the Senate of the State of Illinois recognize and honor the 751st year of Lithuania's statehood, and the 86th year of Lithuania's independence as a democracy which was established on February 16, 1918, in Lithuania's historic capital, Vilnius; and

WHEREAS, Lithuania has made significant progress in developing a stable democracy and free

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market economy during the 14 years since it overthrew, through a peaceful democratic movement, an illegal foreign occupation by the former Soviet Union; and

WHEREAS, The United States never recognized the forced incorporation and illegal annexation of Lithuania by the former Soviet Union in June, 1940, and continued to maintain diplomatic relations with the legal representatives of independent Lithuania; and

WHEREAS, Lithuania has received invitations and is expected to join the North Atlantic Treaty Organization (NATO), a defensive alliance of Western democracies, in May of 2004, as well as the European Union, a common market of Western democracies; and

WHEREAS, Lithuanian military units are serving together with American troops in Afghanistan and Iraq as allies in the war on global terrorism; and in Bosnia and Kosovo in peacekeeping missions; and

WHEREAS, The government and parliament of the Russian Federation have consistently opposed Lithuania's re-integration with Western democracies and encumbered Lithuanian-Russian relations by refusing to ratify border treaties, demanding visa-free travel through Lithuania's territory for both civilian and military traffic, undermining Lithuania's full participation in NATO by opposing the basing of NATO troops and equipment on Lithuania's territory, for a very considerable time denying Lithuania's Mazeikiu Nafta oil refinery a reliable supply of crude oil, and imposing double tariffs on Lithuanian imports; and

WHEREAS, The partially-privatized Russian oil company, LUKoil, and the Russian government refuse to open their oil drilling site in the Baltic Sea 22 km off the coast of Lithuania, known as "D-6", to international inspection, and refuse to cooperate with the Lithuanian government in developing an effective plan to minimize the effects of the United States military personnel as part of a broader NATO commitment; we urge Russia to adopt a more cooperative policy towards Lithuania and its ally, the United States; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the government of the Russian Federation and the Russian oil company LUKoil to open up its drilling site in the Baltic Sea, known as D-6, off the coast of Lithuania for inspection by international organizations and Lithuanian authorities, and to develop a comprehensive plan with Lithuania and other concerned states to deal with any environmental pollution caused by the oil drilling and production at the site; and be it further

RESOLVED, That we urge government officials, the judiciary, and the media in Lithuania to address the current political crisis surrounding the office of the President in Lithuania in a forthright and transparent manner that will serve to strengthen democratic institutions and the rule of law in Lithuania; and be it further

RESOLVED, That suitable copies of this resolution be presented to President George W. Bush, each member of the Illinois congressional delegation, the embassies of Lithuania and the Russian Federation, and to the national office of the Lithuanian-American Community, Inc.

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

**House Bill No. 4705**, sponsored by Senator Peterson, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 4469**, sponsored by Senators Walsh - W. Jones, was taken up, read by title a first time and referred to the Committee on Rules.

#### **READING OF BILLS OF THE SENATE A THIRD TIME**

On motion of Senator Halvorson, **Senate Bill No. 2106**, 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:

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Yeas 58; Nays None.

The following voted in the affirmative:

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

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 Welch, **Senate Bill No. 2167**, 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	Peterson	Sullivan, D.
Brady	Halvorson	Petka	Sullivan, J.
Burzynski	Harmon	Radogno	Syverson
Clayborne	Hendon	Rauschenberger	Trotter
Collins	Hunter	Righter	Viverito
Cronin	Jacobs	Risinger	Walsh
Crotty	Jones, J.	Ronen	Watson
Cullerton	Jones, W.	Roskam	Welch
del Valle	Lightford	Rutherford	Winkel
DeLeo	Link	Sandoval	Wojcik
Demuzio	Luechtefeld	Schoenberg	Mr. President
Dillard	Maloney	Shadid	
Forby	Martinez	Sieben	
Garrett	Meeks	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 Ronen, **Senate Bill No. 2171**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

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

#### READING OF BILL OF THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Shadid, **House Bill No. 989**, 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.

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

Yeas 56; Nays None.

The following voted in the affirmative:

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

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

### PRESENTATION OF RESOLUTION

#### SENATE RESOLUTION 448

Offered by Senator Link and all Senators:  
Mourns the death of Verna A. Greene of Libertyville.

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

At the hour of 9:54 o'clock a.m., Honorable Emil Jones Jr., President of the Senate, presiding.

### SPECIAL ORDER OF BUSINESS

The time heretofore set for a special order of business having arrived, the Chair announced that the Senate resolve itself into a Committee of the Whole for purpose of holding a general discussion on the Governor's Education Plan contained in Senate Bill 3000.

### COMMITTEE OF THE WHOLE

At the hour of 10:00 o'clock a.m., Senator del Valle, Chairman of the Committee on Education, presiding.

The following appeared as proponents of **Senate Bill 3000**:

The Honorable Rod Blagojevich  
Governor of the State of Illinois  
Springfield, Illinois

The Honorable Arthur Berman  
Chicago Public Schools  
Chicago, Illinois

Mr. Glen "Max" McGee  
Superintendent of Schools  
Wilmette School District 39  
Wilmette, Illinois

Mr. Paul E. Cross  
Regional Superintendent of Schools  
Mt. Vernon, Illinois

Ms. Susan Lichtenstein  
General Counsel  
Office of the Governor  
Springfield, Illinois

Mr. Dan Burkhalter  
Government Relations Director  
Illinois Education Association  
Springfield, Illinois

Mr. James Dougherty  
Illinois Federation of Teachers  
Springfield, Illinois

Mr. Jerry Stermer

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President of Voices for Illinois Children  
Chicago, Illinois

Ms. Vickie Abbinante  
Teacher  
LaGrange, Illinois

Ms. Judy Bretl  
Teacher, School District 45  
Elmhurst, Illinois

Ms. Laurie Driscoll  
Reading Specialist, School District 45  
Carol Stream, Illinois

Ms. Brenda Holmes  
Deputy Chief of Staff of Education  
Office of the Governor  
Springfield, Illinois

Mr. Mitch Landgraf  
Mendota High School Guidance Counselor  
Mendota, Illinois

Ms. Nicole Pacholski  
Bi-lingual Teacher, Chicago Public Schools  
Chicago, Illinois

Ms. Clare Sipe  
Parent of Special Education Student  
Plainfield, Illinois

The following appeared as opponents of **Senate Bill 3000**:

Ms. J. Kay Giles  
Superintendent of Schools  
School District 144  
Markham, Illinois

Dr. Randolph Tinder  
Superintendent of Schools  
School District 91  
Forest Park, Illinois

Mr. David Lett  
Superintendent of Schools  
School District 8  
Pana, Illinois

Mr. Robert Ehlke  
Superintendent of Schools  
School District C-4  
Casey, Illinois

Ms. Gayla Boomer  
President of the Illinois PTA  
Springfield, Illinois

Mr. William Kienzle

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Representative for Soyland Access to Independent Living  
Chatham, Illinois

The following appeared as having No Position on Merits of **Senate Bill 3000**:

Mr. Malcolm S. Kamin  
Attorney  
Chicago, Illinois

Mr. Dewayne Matthews  
Senior Advisor to the President of the Education Commission of the States  
Denver, Colorado

Mr. Kim Vail  
Assistant Director of Local Government  
Illinois Farm Bureau  
Bloomington, Illinois

Mr. Jeffrey D. Mays  
President of the Illinois Business Roundtable  
Chicago, Illinois

Mr. Lou Mervis  
Illinois Business Roundtable  
Chicago, Illinois

Ms. Bindu Batchu  
Campaign Manager for A+ Illinois  
Chicago, Illinois

The following witnesses presented their oral testimonies only:

Dr. Robert Schiller  
State Superintendent of Schools  
Illinois State Board of Education  
Springfield, Illinois

Dr. Janet Steiner  
Chairperson of the Illinois State Board of Education  
Springfield, Illinois

Mr. Greg Kazarian  
Member of the Illinois State Board of Education  
Springfield, Illinois

Mr. Ralph Martire  
Executive Director for the Center for Tax and Budget Accountability  
Chicago, Illinois

The following appeared as Record of Appearance Only:

Mr. Peter Leonis  
Director of Governmental Relations  
State Board of Education  
Springfield, Illinois

The business of the Committee of the Whole having been concluded Senator Demuzio moved that the Committee of the Whole arise.

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The motion prevailed.  
The Senate resumed consideration of business.

At the hour of 5:05 o'clock p.m., Senator DeLeo presiding.

#### REPORTS FROM RULES COMMITTEE

Senator Demuzio, Chairperson of the Committee on Rules, to which was referred **House Bill No. 2626** on July 1, 2003, pursuant to Rule 3-9(b), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.  
And **House Bill No. 2626** was returned to the order of third reading.

Senator Demuzio, Chairperson of the Committee on Rules, during its March 3, 2004 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Executive: **Senate Floor Amendment No. 1 to House Bill 2626.**

Senator Demuzio, Chairperson of the Committee on Rules, during its March 3, 2004 meeting, reported the following Joint Action Motion has been assigned to the indicated Standing Committee of the Senate:

Executive: **Motion to Concur in House Amendment 1 to Senate Bill 1611**

Senator Demuzio, Chairperson of the Committee on Rules, to which was referred **Senate Bills Numbered 965, 983, 1550, 1636, 1637 and 1731** on March 27, 2003, pursuant to Rule 3-9(b), reported that the Committee recommends that the bills be approved for consideration and returned to the calendar in their former position.

The report of the Committee was concurred in.  
And **Senate Bills Numbered 965, 983, 1550, 1636, 1637 and 1731** were returned to the order of third reading.

Senator Demuzio, Chairperson of the Committee on Rules, to which was referred **Senate Bills Numbered 948, 985, 1006, 1018 and 1576** on July 1, 2003, pursuant to Rule 3-9(b), reported that the Committee recommends that the bills be approved for consideration and returned to the calendar in their former position.

The report of the Committee was concurred in.  
And **Senate Bills Numbered 948, 985, 1006, 1018 and 1576** were returned to the order of third reading.

#### COMMITTEE MEETING ANNOUNCEMENT

Senator Silverstein, Chairperson of the Committee on Executive, announced that the Executive Committee will meet Thursday, March 4, 2004, in Room 212 Capitol Building, at 11:15 o'clock a.m.

#### MESSAGES FROM THE HOUSE

A message from the House by  
Mr. Mahoney, 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. 3857

A bill for AN ACT in relation to transplants.  
Passed the House, March 3, 2004.

MARK MAHONEY, Clerk of the House

[March 3, 2004]

The foregoing **House Bill No. 3857** was taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Mahoney, 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. 4026

A bill for AN ACT in relation to townships.

Passed the House, March 3, 2004.

MARK MAHONEY, Clerk of the House

The foregoing **House Bill No. 4026** was taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Mahoney, 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. 4071

A bill for AN ACT concerning hate crimes.

Passed the House, March 3, 2004.

MARK MAHONEY, Clerk of the House

The foregoing **House Bill No. 4071** was taken up, ordered printed and placed on first reading.

At the hour of 5:08 o'clock p.m., the Chair announced that the Senate stand adjourned until Thursday, March 4, 2004, at 10:00 o'clock a.m.