



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-THIRD GENERAL ASSEMBLY

146TH LEGISLATIVE DAY

WEDNESDAY, JULY 14, 2004

1:14 O'CLOCK P.M.

**SENATE
Daily Journal Index
146th Legislative Day**

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The Senate met pursuant to adjournment.
Senator James A. DeLeo, Chicago, Illinois, presiding.
The prayer and the pledge were offered during the Thirteenth Special Session

The Journal of Tuesday, July 13, 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.

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 2256

COMMUNICATION

ILLINOIS STATE SENATE
FRANK C. WATSON
STATE SENATOR
51ST SENATE DISTRICT

July 14, 2004

Ms. Linda Hawker
Secretary of the Senate
401 State House
Springfield, Illinois 62706

Dear Madam Secretary:

Pursuant to the provisions of Senate Rules 3-5 (b) and (c), I hereby appoint Senator Steve Rauschenberger to replace Senator Ed Petka as a member and Spokesperson of the Rules Committee and Senator Dave Luechtefeld to replace Senator Roskam as a member of the Rules Committee, effective immediately.

Sincerely
s/Frank Watson
Senate Republican Leader

cc: Senate President Emil Jones
Senator Petka
Senator Roskam
Senator Rauschenberger
Senator Luechtefeld

REPORT FROM RULES COMMITTEE

Senator Viverito, Chairperson of the Committee on Rules, during its July 14, 2004 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Education: **House Bill No. 4431.**

Executive: **House Bills Numbered 4510, 5252, 7307, House Joint Resolutions Numbered 54 and 83, Senate Resolution No. 569, Senate Amendment No. 1 to House Bill 1007; Senate Amendment No. 1 to House Bill 1030.**

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Insurance and Pensions: **House Bill No. 45.**

Licensed Activities: **Senate Bill No. 2793.**

Senator Viverito, Chairperson of the Committee on Rules, during its July 14, 2004 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committees of the Senate:

Education: **Motion to Concur in House Amendments 1 and 2 to Senate Bill 1400**

Environment and Energy: **Motion to Concur in House Amendment 1 to Senate Bill 431**

Executive: **Motion to Concur in House Amendment 1 to Senate Bill 829; Motion to Concur in House Amendment 1 to Senate Bill 2256**

Licensed Activities: **Motion to Concur in House Amendments 1 and 3 to Senate Bill 2299**

Revenue: **Motion to Concur in House Amendments 1 and 3 to Senate Bill 2411**

State Government: **Motion to Concur in House Amendments 1 and 2 to Senate Bill 2222; Motion to Concur in House Amendment 1 to Senate Bill 3188**

Transportation: **Motion to Recede from Senate Amendment 3 to House Bill 4098**

Senator Viverito, Chairperson of the Committee on Rules, reported that the following Legislative Measure has been approved for consideration:

Senate Amendment No. 2 to House Bill 1010

The foregoing floor amendment was placed on the Secretary's Desk.

PRESENTATION OF RESOLUTION

SENATE RESOLUTION 633

Offered by Senator Maloney and all Senators:

Mourns the death of Donald R. Fennell of West Beverly.

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

MESSAGE 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 concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2263

A bill for AN ACT concerning finance.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 2263

Passed the House, as amended, July 14, 2004, with a three-fifths vote.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2263 by replacing everything after the enacting clause

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with the following:

"Section 1. Findings; purpose; validation.

(a) The General Assembly finds and declares that:

(1) Public Act 88-669, effective November 29, 1994, contained provisions amending the Casual Deficit Act, including changing the name of that Act to the Short Term Borrowing Act. Public Act 88-669 also contained other provisions. The Short Term Borrowing Act has subsequently been amended by Public Act 93-674.

(2) Questions have been raised concerning the validity and content of the Short Term Borrowing Act. The provisions of the Short Term Borrowing Act are of vital concern to the people of this State. Prompt legislative action concerning those provisions is necessary to ensure their continued effect.

(b) The purpose of this Act is to re-enact the Short Term Borrowing Act, as amended by Public Acts 88-669 and 93-674, and to make revisory changes. This re-enactment is intended to remove any question as to the validity and content of those provisions and to validate all actions taken in reliance on those provisions; it is not intended to supersede any other Public Act that amends the text of the Short Term Borrowing Act as set forth in this Act. The re-enacted material is shown in this Act as existing text (i.e., without underscoring), and the revisory changes are shown by striking and underscoring.

(c) The re-enactment by this amendatory Act of the 93rd General Assembly of the Short Term Borrowing Act is not intended, and shall not be construed, to imply that Public Act 88-669 or 93-674 is invalid or to limit or impair any legal argument concerning whether those provisions were substantially re-enacted by other Public Acts.

(d) All otherwise lawful actions taken before the effective date of this amendatory Act of the 93rd General Assembly in reliance on or pursuant to the provisions re-enacted by this amendatory Act of the 93rd General Assembly, as set forth in Public Act 88-669, or as subsequently amended, by any officer, employee, or agency of State government or by any other person or entity, are hereby validated. These actions include, but are not limited to: borrowing; bidding, awarding, contracting, and incurring debt; issuance and sale of certificates, bonds, and other instruments for the payment of money; application of moneys; transfer and deposit of moneys; and repayment of principal and interest and other legal costs and expenses.

(e) This amendatory Act of the 93rd General Assembly applies, without limitation, to actions pending on or after the effective date of this amendatory Act.

Section 5. The Short Term Borrowing Act is amended by re-enacting Sections 0.01, 1, and 1.1 and by re-enacting and changing Sections 2 and 3 as follows:

(30 ILCS 340/0.01) (from Ch. 120, par. 405H)

Sec. 0.01. Short title. This Act may be cited as the Short Term Borrowing Act.

(Source: P.A. 88-669, eff. 11-29-94.)

(30 ILCS 340/1) (from Ch. 120, par. 406)

Sec. 1. Cash flow borrowing. Whenever significant timing variations occur between disbursement and receipt of budgeted funds within a fiscal year, making it necessary to borrow in anticipation of revenues to be collected in a fiscal year, in order to meet the same, the Governor, Comptroller and Treasurer may contract debts, in an amount not exceeding 5% of the State's appropriations for that fiscal year, and moneys thus borrowed shall be applied to the purpose for which they were obtained, or to pay the debts thus created, and to no other purpose. All moneys so borrowed shall be repaid by the close of the fiscal year in which borrowed.

(Source: P.A. 88-669, eff. 11-29-94.)

(30 ILCS 340/1.1)

Sec. 1.1. Borrowing upon failures in revenue. Whenever failures in revenues of the State occur, in order to meet those failures, the Governor, Comptroller, and Treasurer may contract debts in an amount not exceeding 15% of the State's appropriations for that fiscal year. The moneys thus borrowed shall be applied to the purposes for which they were obtained, or to pay the debts thus created by the borrowing, and to no other purpose. Before incurring debt under this Section, the Governor shall give written notice to the Clerk of the House of Representatives, the Secretary of the Senate, and the Secretary of State setting forth the reasons for the proposed borrowing and the corrective measures recommended to restore the State's fiscal soundness. The notice shall be a public record and open for inspection at the offices of the Secretary of State during normal business hours. No debt may be incurred under this Section until 30 days after the notice is served. All moneys so borrowed shall be borrowed for no longer time than one

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year.

(Source: P.A. 88-669, eff. 11-29-94.)

(30 ILCS 340/2) (from Ch. 120, par. 407)

Sec. 2. Sale of certificates. For borrowing authorized under Sections 1 and 1.1 of this Act, certificates may be issued and sold from time to time, in one or more series, in amounts, at prices and at interest rates, all as directed by the Governor, Comptroller, and Treasurer. Bidders shall submit sealed bids to the Director of the ~~Governor's Office of Management and Budget Bureau of the Budget~~ upon such terms as shall be approved by the Governor, Comptroller, and Treasurer after such notice as shall be determined to be reasonable by the Director of the ~~Governor's Office of Management and Budget Bureau of the Budget~~. The loan shall be awarded to the bidder offering the lowest effective rate of interest not exceeding the maximum rate authorized by the Bond Authorization Act as amended at the time of the making of the contract.

With respect to instruments for the payment of money issued under this Section either before, on, or after the effective date of this amendatory Act of 1989, it is and always has been the intention of the General Assembly (i) that the Omnibus Bond Acts are and always have been supplementary grants of power to issue instruments in accordance with the Omnibus Bond Acts, regardless of any provision of this Act that may appear to be or to have been more restrictive than those Acts, (ii) that the provisions of this Section are not a limitation on the supplementary authority granted by the Omnibus Bond Acts, and (iii) that instruments issued under this Section within the supplementary authority granted by the Omnibus Bond Acts are not invalid because of any provision of this Act that may appear to be or to have been more restrictive than those Acts.

(Source: P.A. 88-669, eff. 11-29-94; revised 8-23-03.)

(30 ILCS 340/3) (from Ch. 120, par. 408)

Sec. 3. There shall be prepared under the direction of the officers named in this Act such form of bonds or certificates as they shall deem advisable, which, when issued, shall be signed by the Governor, Comptroller and Treasurer, and shall be recorded by the Comptroller in a book to be kept by him or her for that purpose. The interest and principal of such loan shall be paid by the treasurer out of the General Obligation Bond Retirement and Interest Fund.

There is hereby appropriated out of any money in the Treasury a sum sufficient for the payment of the interest and principal of any debts contracted under this Act.

The Governor, Comptroller, and Treasurer are authorized to order pursuant to the proceedings authorizing those debts the transfer of any moneys on deposit in the treasury into the General Obligation Bond Retirement and Interest Fund at times and in amounts they deem necessary to provide for the payment of that interest and principal.

The Comptroller is hereby authorized and directed to draw his warrant on the State Treasurer for the amount of all such payments.

The directive authorizing borrowing under Section 1 or 1.1 of this Act shall set forth a pro forma cash flow statement that identifies estimated monthly receipts and expenditures with identification of sources for repaying the borrowed funds.

All proceeds from any borrowing under this Act received by the State on or after ~~June 10, 2004 the effective date of this amendatory Act of the 93rd General Assembly~~ and before July 1, 2004 shall be deposited into the Medicaid Provider Relief Fund.

(Source: P.A. 88-669, eff. 11-29-94; 93-674, eff. 6-10-04.)

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

Under the rules, the foregoing **Senate Bill No. 2263**, with House Amendment No. 1, was referred to the Secretary's Desk.

INTRODUCTION OF BILL

SENATE BILL NO. 3387. Introduced by Senators Dillard - Rauschenberger - Radogno, a bill for AN ACT concerning State agencies.

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

[July 14, 2004]

COMMITTEE MEETING ANNOUNCEMENTS

Senator Silverstein, Chairperson of the Committee on Executive, announced that the Executive Committee will meet Thursday, July 15, 2004 in Room 212 Capitol Building, at 11:00 o'clock a.m.

Senator Clayborne, Chairperson of the Committee on Environment and Energy, announced that the Environment and Energy Committee will meet Thursday, July 15, 2004 in Room 212 Capitol Building, at 10:30 o'clock a.m.

Senator Link, Chairperson of the Committee on Revenue, announced that the Revenue Committee will meet Thursday, July 15, 2004 in Room 400 Capitol Building, at 11:00 o'clock a.m.

Senator Garrett, Vice-Chairperson of the Committee on Transportation, announced that the Transportation Committee will meet Thursday, July 15, 2004 in Room A-1 Stratton Building, at 10:00 o'clock a.m.

Senator Schoenberg, Chairperson of the Committee on State Government, announced that the State Government Committee will meet Thursday, July 15, 2004 in Room A-1 Stratton Building, at 11:00 o'clock a.m.

Senator Crotty, Vice-Chairperson of the Committee on Licensed Activities, announced that the Licensed Activities Committee will meet Thursday, July 15, 2004 in Room A-1 Stratton Building, at 11:30 o'clock a.m.

Senator del Valle, Chairperson of the Committee on Education, announced that the Education Committee will meet Thursday, July 15, 2004 in Room 212 Stratton Building, at 9:30 o'clock a.m.

REPORT FROM STANDING COMMITTEE

Senator Hendon, Co-Chairperson of the Committee on Executive Appointments, moved that the Senate resolve itself into Executive Session to consider the report of that Committee relative to the Governor's and Treasurer's message appointments.

The motion prevailed.

EXECUTIVE SESSION

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of July 6, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

FINANCE AUTHORITY, ILLINOIS

To be a member of the Illinois Finance Authority for a term commencing July 6, 2004 and ending July 16, 2007:

Dr. Roger D. Herrin of Harrisburg
Non-Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

Yeas 50; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Treasurer's Message to the Senate of May 24, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

TREASURER'S PERSONNEL REVIEW BOARD MEMBER

To be a member of the Executive Ethics Commission for a term ending May 24, 2010.

Tamara L. Howard
Non-Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

Yeas 53; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of June 9, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

[July 14, 2004]

EDUCATIONAL LABOR RELATIONS BOARD

To be a Member of the Educational Labor Relations Board for a term commencing June 1, 2004 and ending June 1, 2007:

Ronald F. Ettinger of Springfield.
Salaried

To be a Member of the Educational Labor Relations Board for a term commencing June 1, 2004 and ending June 1, 2009:

Bridget L. Lamont of Springfield
Salaried

To be a Member of the Educational Labor Relations Board for a term commencing June 1, 2004 and ending June 1, 2007

Michael H. Prueter of Naperville
Salaried

To be a Member of the Educational Labor Relations Board for a term commencing June 1, 2004 and ending June 1, 2007:

Jimmie E. Robinson of Chicago
Salaried

To be a Member of the Educational Labor Relations Board for a term commencing June 1, 2004 and ending June 1, 2009:

Lynne Sered of Evanston
Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointments.
And on that motion, a call of the roll was had resulting as follows:

Yeas 52; Nays None; Present 1.

The following voted in the affirmative:

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

The following voted present:

Schoenberg

The motion prevailed.

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Whereupon the President of the Senate announced confirmation of the foregoing appointments.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of June 25, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

LABOR, ILLINOIS DEPARTMENT OF

To be Director of the Illinois Department of Labor for a term commencing July 5, 2004 and ending January 17, 2005:

Arthur R. Ludwig of West Chicago
Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

Yeas 53; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of July 6, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

ELECTIONS, STATE BOARD OF:

To be a Member of the State Board of Elections for a term commencing July 6, 2004, and ending June 30, 2007:

Bryan A. Schneider of Chicago
Salaried

FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF:

To be Secretary of the Illinois Department of Financial and Professional Regulation for a term commencing July 1, 2004 and ending January 17, 2005:

Fernando E. Grillo of Chicago
Salaried

[July 14, 2004]

Senator Hendon moved that the Senate advise and consent to the foregoing appointments. And on that motion, a call of the roll was had resulting as follows:

Yeas 53; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

On motion of Senator Hendon, the Executive Session arose and the Senate resumed consideration of business.

Senator DeLeo, presiding.

EXCUSED FROM ATTENDANCE

On motion of Senator Welch, Senator Ronen was excused from attendance due to a death in the family.

Senator Burzynski announced there would be a Republican caucus immediately upon adjournment.

At the hour of 1:39 o'clock p.m., the Chair announced that the Senate stand adjourned until Thursday, July 15, 2004, at 12:05 o'clock p.m.