



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-THIRD GENERAL ASSEMBLY

5TH LEGISLATIVE DAY

TUESDAY, FEBRUARY 4, 2003

12:10 O'CLOCK P.M.

NO. 5

[February 4, 2003]

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5th Legislative Day

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The Senate met pursuant to adjournment.
Honorable Emil Jones Jr., President of the Senate, presiding.
Prayer by Father Eugene Costa, St. John Vianney Church, Sherman, Illinois.
Senator Link led the Senate in the Pledge of Allegiance.

The Journal of Wednesday, January 8, 2003, was being read when on motion of Senator Woolard 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.

The Journal of Thursday, January 9, 2003, was being read when on motion of Senator Woolard 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.

The Journal of Wednesday, January 22, 2003, was being read when on motion of Senator Woolard 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.

Senator Woolard moved that reading and approval of the Journal of Wednesday, January 29, 2003 be postponed pending arrival of the printed Journal.

The motion prevailed.

COMMUNICATIONS

OFFICE OF THE SECRETARY OF STATE JESSE WHITE – SECRETARY OF STATE

January 31, 2003

Honorable Linda Hawker
Secretary of the Senate
Room 401
Capitol Building
Springfield, Illinois 62706

Dear Ms. Hawker:

This office is forwarding herewith copies of the Notice of Vacancy from the Republican Legislative Committee of the Twenty-Eighth Legislative District declaring the existence of a vacancy in the Office of Senator in the Ninety-Third General Assembly in the Twenty-Eighth Legislative District, as a result of the resignation of Doris Karpel.

Also enclosed is the copy of the Republican Legislative Committee's Certificate of Appointment for Kathleen L. "Kay" Wojcik, 411 Redwood Lane, Schaumburg, Illinois 60191 who was appointed to fill the vacancy in the Office of Senator, in the 93rd General Assembly for the Twenty-Eighth Legislative District.

Yours truly,
s/JESSE WHITE
Secretary of State

**DuPage County
REPUBLICAN
CENTRAL COMMITTEE**

January 24, 2003

Dr. Ron Michaelson
Attn: Pat Freeman

[February 4, 2003]

IL State Board of Elections
1020 S. Spring Street
Springfield, IL 62708

Dear Dr. Michaelson:

Enclosed is the original paperwork for the 28th Legislative District:

Certificate of Legislative District Organization
Notification of Vacancy
Certificate of Appointment to Fill Vacancy in the Office of Senator
In the General Assembly in the Twenty-Eighth Legislative District

Very truly yours,
s/Lyn D. Kennelly
Executive Director

CC: Jim Harry, Asst. Secretary of the Senate
Ms. Marge Sodermann, Dir. Index Division
Il Secretary of State

CERTIFICATE OF LEGISLATIVE COMMITTEE ORGANIZATION

28th Legislative District

STATE OF ILLINOIS
COUNTY OF DUPAGE

This is to certify that, in accordance with 10 ILCS 5/8-5, the Legislative Committee of the Republican Party of the 28th Legislative District met on the 18th day of January, 2003, in the Village of West Chicago, County of DuPage, and organized by electing the following officers in conformity with the Election Laws of this State.

Chairman: s/Edward Malek
39w847 Prunetree Lane
St. Charles, IL 60175

Secretary: s/James "Pate" Philip
321 Dominion Drive
Wood Dale, IL 60191

SIGNED: s/Edward Malek
Chairman

ATTEST: s/James "Pate" Philip
Secretary

NOTIFICATION OF VACANCY

Legislative Committee of the
Republican Party of the
28th Senate District

STATE OF ILLINOIS
COUNTY OF DUPAGE

WHEREAS, Senator Doris Karpel, a member of the Republican Party, has resigned as Senator in the General Assembly for the Twenty-Eighth Legislative District;

WHEREAS, Senator Karpel's resignation is effective January 9, 2003;

[February 4, 2003]

NOW, THEREFORE, the Legislative Committee of the Republican Party of the Twenty-Eighth Legislative District does hereby find and declare that the office of Senator in the General Assembly for the Twenty-Eighth Legislative District is vacant.

SIGNED: s/Edward J. Malek
Chairman

Dated: January 18, 2003

**CERTIFICATE OF APPOINTMENT TO FILL VACANCY
IN THE OFFICE OF SENATOR IN THE GENERAL ASSEMBLY
IN THE TWENTY-EIGHTH LEGISLATIVE DISTRICT**

Legislative Committee of the
Republican Party of the
28th Legislative District

STATE OF ILLINOIS
COUNTY OF DUPAGE

WHEREAS, a vacancy has occurred in the office of Senator in the General Assembly in the 28th Legislative District of the State of Illinois by reason of the resignation of Doris Karpel, a duly elected officer of the Republican Party from the 28th Legislative District of the State of Illinois; and

WHEREAS, the Legislative Committee of the Republican Party of the 28th Legislative District has met and voted to fill the vacancy in said office, as required by 10 ILCS 25/6;

NOW, THEREFORE, BE IT RESOLVED that the Legislative Committee of the Republican Party of the 28th Legislative Committee hereby appoints Kathleen L. "Kay" Wojcik of 411 Redwood Lane, Schaumburg, Illinois 60191, a member of the Republican Party, to the office of Senator in the General Assembly in the 28th Legislative District.

s/Edward J. Malek
s/James "Pate" Philip
s/Steven Rauschenberger
s/Paul Frochlich
s/Gary Skoien

Dated: January 21, 2003

ATTEST: s/James "Pate" Philip
Secretary

STATE OF ILLINOIS

I, Kathleen L. Wojcik, do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of State Senator in the 93rd General Assembly for the 28th Legislative District of the State of Illinois to the best of my ability.

s/Kathleen L. Wojcik

Subscribed and sworn to before me, this 1st day of February 2003.

s/John Tourtelot – Judge 1684

**GENERAL ASSEMBLY
STATE OF ILLINOIS**

February 4, 2003

Ms. Linda Hawker
Secretary of the Senate

[February 4, 2003]

401 State House
Springfield, IL 62706

Dear Madam Secretary:

Please be advised that I have made appointments to the 93rd General Assembly Standing Committees as indicated on the attached.
These appointments are effective immediately.

Sincerely,
s/Frank Watson
Senate Minority Leader

CC: Senator Majority Leader Jones
Speaker Madigan
House Minority Leader Cross
Jim Harry
Legislative Reference Bureau
Legislative Research Unit
Governor's Legislative Office

INSURANCE AND PENSIONS

Senator William Peterson – Minority Spokesperson
Senator Bill Brady
Senator Peter Roskam
Senator Todd Sieben

APPROPRIATIONS I

Senator Dave Syverson – Minority Spokesperson
Senator J. Bradley Burzynski
Senator Chris Lauzen
Senator Christine Radogno
Senator Steven Rauschenberger

ENVIRONMENT AND ENERGY

Senator Dave Sullivan – Minority Spokesperson
Senator Steven Rauschenberger
Senator Dan Rutherford

EXECUTIVE

Senator Peter Roskam – Minority Spokesperson
Senator Frank Watson
Senator Todd Sieben
Senator J. Bradley Burzynski
Senator Edward Petka

APPROPRIATIONS II

Senator Christine Radogno – Minority Spokesperson
Senator Dave Syverson
Senator Steven Rauschenberger
Senator J. Bradley Burzynski
Senator Chris Lauzen

EXECUTIVE APPOINTMENTS

Senator Adeline Jay Geo-Karis – Minority Spokesperson
Senator Edward Petka
Senator David Luechtefeld
Senator James “Pate” Philip

[February 4, 2003]

EDUCATION

Senator Dan Cronin – Minority Spokesperson
 Senator J. Bradley Burzynski
 Senator David Luechtefeld
 Senator Richard Winkel

JUDICIARY

Senator Kirk Dillard – Minority Spokesperson
 Senator Edward Petka
 Senator Peter Roskam
 Senator Richard Winkel

HEALTH AND HUMAN SERVICES

Senator Dale Righter – Minority Spokesperson
 Senator Dave Syverson
 Senator Christine Radogno
 Senator Kathleen Wojcik

REVENUE

Senator Chris Lauzen – Minority Spokesperson
 Senator William Peterson
 Senator Wendell Jones
 Senator James Pate Philip

LABOR AND COMMERCE

Senator Bill Brady – Minority Spokesperson
 Senator Dan Cronin
 Senator Kathleen Wojcik
 Senator Dan Rutherford

FINANCIAL INSTITUTIONS

Senator Dan Rutherford – Minority Spokesperson
 Senator Dale Righter
 Senator Adeline Jay Geo-Karis
 Senator Dale Risinger

RULES

Senator Edward Petka – Minority Spokesperson
 Senator Peter Roskam

LOCAL GOVERNMENT

Senator Wendell Jones – Minority Spokesperson
 Senator Larry Bomke
 Senator Dick Klemm
 Senator John Jones

TRANSPORTATION

Senator Larry Bomke – Minority Spokesperson
 Senator John Jones
 Senator Dale Righter
 Senator Dale Risinger

AGRICULTURE AND CONSERVATION

Senator John Jones – Minority Spokesperson
 Senator David Luechtefeld
 Senator Bill Brady
 Senator Larry Bomke

STATE GOVERNMENT

Senator Dale Risinger – Minority Spokesperson
Senator Dan Cronin
Senator Kirk Dillard
Senator Dick Klemm

LICENSED ACTIVITIES

Senator Richard Winkel – Minority Spokesperson
Senator Dave Sullivan
Senator William Peterson
Senator Wendell Jones

MESSAGE FROM THE HOUSE

A message from the House by
Mr. Rossi, Clerk:

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

HOUSE BILL NO. 175

A bill for AN ACT concerning the State budget.

Passed the House, January 30, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bill No. 175** was taken up, ordered printed and placed on first reading.

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:

Committee Amendment No. 1 to Senate Bill 53
Committee Amendment No. 1 to Senate Bill 74.

INTRODUCTION OF BILLS

SENATE BILL NO. 133. Introduced by Senator Garrett, a bill for AN ACT concerning enterprise zones.

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

SENATE BILL NO. 134. Introduced by Senator Luechtefeld, a bill for AN ACT concerning biodiesel fuel.

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

SENATE BILL NO. 135. Introduced by Senator Klemm, a bill for AN ACT in relation to taxes.

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

SENATE BILL NO. 136. Introduced by Senator Luechtefeld, a bill for AN ACT concerning taxes.

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

SENATE BILL NO. 137. Introduced by Senator Silverstein, a bill for AN ACT in relation to education.

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

SENATE BILL NO. 138. Introduced by Senator Silverstein, a bill for AN ACT relating to schools.

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

SENATE BILL NO. 139. Introduced by Senator Silverstein, a bill for AN ACT in relation to education.

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

SENATE BILL NO. 140. Introduced by Senator Schoenberg, a bill for AN ACT concerning reproductive health care facilities.

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

SENATE BILL NO. 141. Introduced by Senator Shadid, a bill for AN ACT in relation to Crime Stoppers.

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

SENATE BILL NO. 142. Introduced by Senator Woolard, a bill for AN ACT in relation to vehicles.

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

SENATE BILL NO. 143. Introduced by Senator Cullerton, a bill for AN ACT concerning energy.

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

SENATE BILL NO. 144. Introduced by Senator Cullerton, a bill for AN ACT in relation to minors.

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

SENATE BILL NO. 145. Introduced by Senator Cullerton, a bill for AN ACT in relation to courts.

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

SENATE BILL NO. 146. Introduced by Senator Cullerton, a bill for AN ACT in relation to civil procedure.

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

SENATE BILL NO. 147. Introduced by Senator Cullerton, a bill for AN ACT in relation to families.

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

SENATE BILL NO. 148. Introduced by Senator Cullerton, a bill for AN ACT in relation to real property.

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

SENATE BILL NO. 149. Introduced by Senator Cullerton, a bill for AN ACT concerning family law.

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

SENATE BILL NO. 150. Introduced by Senator Shadid, a bill for AN ACT in relation to vehicles.

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

SENATE BILL NO. 151. Introduced by Senator Viverito, a bill for AN ACT concerning a statewide advisory referendum on the State budget crisis.

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

SENATE BILL NO. 152. Introduced by Senator Link, a bill for AN ACT in relation to counties.

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

SENATE BILL NO. 153. Introduced by Senator Link, a bill for AN ACT in relation to local government.

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

SENATE BILL NO. 154. Introduced by Senator Link, a bill for AN ACT concerning county taxes.

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

SENATE BILL NO. 155. Introduced by Senator Halvorson, a bill for AN ACT concerning procurement.

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

SENATE BILL NO. 156. Introduced by Senator Halvorson, a bill for AN ACT concerning telecommunications.

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

SENATE BILL NO. 157. Introduced by Senator Halvorson, a bill for AN ACT concerning plats.

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

SENATE BILL NO. 158. Introduced by Senator Halvorson, a bill for AN ACT concerning employment.

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

SENATE BILL NO. 159. Introduced by Senator Ronen, a bill for AN ACT in relation to health in the workplace.

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

SENATE BILL NO. 160. Introduced by Senator Ronen, a bill for AN ACT in relation to unemployment insurance.

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

SENATE BILL NO. 161. Introduced by Senator Ronen, a bill for AN ACT in relation to unemployment insurance.

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

SENATE BILL NO. 162. Introduced by Senator Ronen, a bill for AN ACT in relation to health in the workplace.

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

SENATE BILL NO. 163. Introduced by Senator Ronen, a bill for AN ACT in relation to health in the workplace.

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

SENATE BILL NO. 164. Introduced by Senator Ronen, a bill for AN ACT in relation to unemployment insurance.

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

SENATE BILL NO. 165. Introduced by Senator Lightford, a bill for AN ACT in relation to employment.

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

SENATE BILL NO. 166. Introduced by Senator Lightford, a bill for AN ACT in relation to sports facilities.

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

SENATE BILL NO. 167. Introduced by Senator Lightford, a bill for AN ACT in relation to parenting.

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

SENATE BILL NO. 168. Introduced by Senator Cronin, a bill for AN ACT concerning civil procedure.

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

SENATE BILL NO. 169. Introduced by Senator Walsh, a bill for AN ACT in relation to local government.

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

SENATE BILL NO. 170. Introduced by Senator Walsh, a bill for AN ACT in relation to local government.

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

SENATE BILL NO. 171. Introduced by Senator Walsh, a bill for AN ACT in relation to local government.

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

SENATE BILL NO. 172. Introduced by Senator Cullerton, a bill for AN ACT concerning taxes. The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 173. Introduced by Senator Cullerton, a bill for AN ACT in relation to vehicles.

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

SENATE BILL NO. 174. Introduced by Senator Walsh, a bill for AN ACT concerning commercial transactions.

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

SENATE BILL NO. 175. Introduced by Senator Walsh, a bill for AN ACT concerning agriculture.

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

SENATE BILL NO. 176. Introduced by Senator Walsh, a bill for AN ACT concerning land use.

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

SENATE BILL NO. 177. Introduced by Senator Walsh, a bill for AN ACT concerning seeds.

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

SENATE BILL NO. 178. Introduced by Senator Walsh, a bill for AN ACT in relation to agriculture.

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

SENATE BILL NO. 179. Introduced by Senator Jacobs, a bill for AN ACT in relation to economic development.

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

SENATE BILL NO. 180. Introduced by Senator D. Sullivan, a bill for AN ACT concerning records.

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

SENATE BILL NO. 181. Introduced by Senator Burzynski, a bill for AN ACT in relation to park districts.

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

SENATE BILL NO. 182. Introduced by Senator Radogno, a bill for AN ACT in relation to municipal government.

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

SENATE BILL NO. 183. Introduced by Senator Radogno, a bill for AN ACT concerning taxes.

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

SENATE BILL NO. 184. Introduced by Senator Shadid, a bill for AN ACT concerning port districts.

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

SENATE BILL NO. 185. Introduced by Senator Walsh, a bill for AN ACT concerning State designations.

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

SENATE BILL NO. 186. Introduced by Senator Jacobs, a bill for AN ACT concerning consumer protection.

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

SENATE BILL NO. 187. Introduced by Senator Cullerton, a bill for AN ACT concerning insurance.

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

SENATE BILL NO. 188. Introduced by Senator Cullerton, a bill for AN ACT in relation to health.

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

SENATE BILL NO. 189. Introduced by Senator Cullerton, a bill for AN ACT concerning courts.

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

SENATE BILL NO. 190. Introduced by Senator Burzynski, a bill for AN ACT concerning dentistry.

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

SENATE BILL NO. 191. Introduced by Senator Crotty, a bill for AN ACT in relation to schools.

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

SENATE BILL NO. 192. Introduced by Senator Crotty, a bill for AN ACT relating to education.

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

SENATE BILL NO. 193. Introduced by Senator Jacobs, a bill for AN ACT in relation to public employee benefits.

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

SENATE BILL NO. 194. Introduced by Senator Jacobs, a bill for AN ACT in relation to public employee benefits.

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

SENATE BILL NO. 195. Introduced by Senator Jacobs, a bill for AN ACT in relation to public employee benefits.

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

PRESENTATION OF RESOLUTIONS

[February 4, 2003]

SENATE RESOLUTION NO. 22

Offered by Senator Link and all Senators:
Mourns the death of Catherine Lewis Collins of North Chicago.

SENATE RESOLUTION NO. 23

Offered by Senator Link and all Senators:
Mourns the death of Richard W. Glogovosky of Green Oaks.

SENATE RESOLUTION NO. 24

Offered by Senator Lightford and all Senators:
Mourns the death of Melvin Edward Davis.

SENATE RESOLUTION NO. 25

Offered by Senator Lightford and all Senators:
Mourns the death of Anthony "Bubba" Johnson of Plainfield.

SENATE RESOLUTION NO. 26

Offered by Senator Geo-Karis and all Senators:
Mourns the death of George M. Winters, Jr. of Gurnee.

SENATE RESOLUTION NO. 27

Offered by Senator Geo-Karis and all Senators:
Mourns the death of Reverend Doctor James W. Dorsey.

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

Senator Cullerton offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 28

WHEREAS, On May 4, 2000, the Governor of the State of Illinois issued Executive Order No. 4 that created the Governor's Commission On Capital Punishment; and

WHEREAS, The duties of the Commission were: (1) to study and review the administration of the capital punishment process in Illinois to determine why that process has failed in the past, resulting in the imposition of death sentences upon innocent people; (2) to examine ways of providing safeguards and making improvements in the way law enforcement and the criminal justice system carry out their responsibilities in the death penalty process from investigation through trial, judicial appeal, and executive review; (3) to consider, among other things, the ultimate findings and final recommendations of the House Death Penalty Task Force and the Special Supreme Court Committee on Capital Cases and determine the effect these recommendations may have on the capital punishment process; and (4) to make any recommendations and proposals designed to further ensure that the application and administration of the death penalty in Illinois is just, fair and accurate; and

WHEREAS, In April 2002, the Commission issued its recommendations; and

WHEREAS, Recommendation No. 55 was among the Commission's recommendations and provided that the trial judge, on a case by case bases, should resolve the issue of whether expert testimony that explains the problems associated with eyewitness testimony should be admitted into evidence; and

WHEREAS, Section 16 of Article VI of the Illinois Constitution vests general administrative and supervisory authority over all courts in the Supreme Court of Illinois; and

WHEREAS, In accordance with this authority, the Illinois Supreme Court has adopted rules

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governing trial procedure in criminal cases; and

WHEREAS, The adoption of Commission Recommendation No. 55 by the Illinois Supreme Court would serve the best interests of the Illinois criminal justice system; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the Illinois Supreme Court to adopt Recommendation No. 55 of the Governor's Commission On Capital Punishment; and be it further

RESOLVED, That a suitable copy of this Resolution be presented to the Honorable Mary Ann McMorrow, Chief Justice of the Illinois Supreme Court .

Senators Demuzio - Cullerton - Viverito offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 29

WHEREAS, The members of the Senate of the State of Illinois were saddened to learn of the loss of the Space Shuttle Columbia and its crew on February 1, 2003; and

WHEREAS, The crew of the Space Shuttle Columbia was nearing the completion of a 16-day mission dedicated to science and giving us all a better understanding of the world around us; and

WHEREAS, On shuttle mission STS 107 the Columbia was manned by an international crew of six Americans, including the first Indian-born woman astronaut in space, and the first Israeli astronaut; and

WHEREAS, The Mission Commander was Rick Husband, a colonel in the U.S. Air Force, formerly a test pilot and veteran of one previous spaceflight, STS 96 in 1999 aboard the Space Shuttle Discovery, who leaves behind a wife and two children; and

WHEREAS, The Pilot on the mission was William C. McCool, a commander in the U.S. Navy, formerly a test pilot who was making his first spaceflight, and who leaves behind a wife and three sons; and

WHEREAS, Michael P. Anderson, was a lieutenant colonel in the U.S. Air Force, a former pilot instructor and tactical officer, and a veteran of one previous spaceflight, in 1998 aboard the Space Shuttle Endeavour, which was the eighth Shuttle Mir docking mission, and as Payload Commander he was responsible for the success of the science mission aboard Space Shuttle Columbia; and

WHEREAS, David M. Brown, was a captain in the U.S. Navy, a naval aviator and flight surgeon, and this was his first spaceflight; and

WHEREAS, Kalpana Chawla, the Flight Engineer for the mission was born in Karnal, India and emigrated to America in the early 1980s, and she was aboard the Space Shuttle Columbia on a mission in 1997 becoming the first Indian-born woman to go into space; and

WHEREAS, Laurel Clark was a commander in the U.S. Navy and a naval flight surgeon, she was making her first spaceflight, and leaves behind a husband and a son; and

WHEREAS, Ilan Ramon was a colonel in the Israeli Air Force, a former fighter pilot and a veteran of two wars in defense of his nation, and was selected to be an astronaut by the Israeli Air Force in 1997 and approved for flight by NASA in 1998, and he was making his first spaceflight making him the first Israeli in space, and he leaves behind a wife and four children; and

WHEREAS, The loss of the Space Shuttle Columbia is truly an international tragedy; and

WHEREAS, The loss of the Columbia's crew will be mourned by millions of people around the globe; therefore be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn the loss of the crew of the Space Shuttle Columbia, and extend our sincere condolences to their family, friends and the extended NASA community; and be it further

RESOLVED, That suitable copies of this resolution be presented to NASA in order for this resolution to be forwarded to the families of the flight crew.

Senators E. Jones - Watson offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

SENATE JOINT RESOLUTION NO. 2

WHEREAS, President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving freedom and advancing the public good, having been employed as an entertainer, union leader, corporate spokesman, Governor of California, and President of the United States; and

WHEREAS, Ronald Reagan served with honor and distinction for two terms as the 40th President of the United States of America, the second of which he earned the confidence of three-fifths of the electorate and was victorious in 49 of the 50 states in the general election, a record unsurpassed in the

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history of American presidential elections; and

WHEREAS, During Mr. Reagan's presidency he worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to government which led to an unprecedented economic expansion and opportunity for millions of Americans; and

WHEREAS, President Reagan's commitment to our armed forces contributed to the restoration of pride in America, her values and those cherished by the free world, and prepared America's Armed Forces to win the Gulf War; and

WHEREAS, President Reagan's vision of "peace through strength" led to the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people; and

WHEREAS, On February 6, 2003, Ronald Reagan will have reached the age of ninety-two years; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we recognize February 6, 2003 and subsequent yearly anniversaries thereafter as "Ronald Reagan Day"; and be it further

RESOLVED, That a suitable copy of this resolution be presented to President Ronald Reagan with our best wishes. .

Senator Shadid offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

SENATE JOINT RESOLUTION NO. 3

WHEREAS, There are almost 6,000 transit agencies in the United States, including 70 transit providers in Illinois; and

WHEREAS, In 2000, Illinois public transit provided over 600,000,000 rides; and

WHEREAS, The Department of Energy estimates that 13% of the 91,600,000 United States households do not own any means of personal transportation, and thus millions of Americans are dependent upon transit, including those individuals with low incomes, the disabled, the elderly, and children; and

WHEREAS, Automobiles consume 21% of this country's energy, and transportation accounts for 27% of greenhouse emissions; transit uses less than 1% of all energy consumed in this country and is a cost-effective way of reducing harmful emissions; and

WHEREAS, Transit provides mobility during crisis, such as earthquakes, snow and ice storms, and other national emergencies; and

WHEREAS, Public transit is critical to workforce development, health care, and education access; and

WHEREAS, Congestion now costs the Chicago Metropolitan Area \$4,000,000,000 per year -- \$1,472 per commuter -- in lost productivity, fuel, and insurance costs; and

WHEREAS, Quality public transit in Illinois would support working families and businesses by providing effective options for connecting workers to jobs and by reducing traffic congestion, which would reduce the air pollution that has contributed to skyrocketing asthma rates; and

WHEREAS, Public transportation is equally important to rural communities throughout the country, where 40% of residents have no access to public transit services and another 28% have negligible access; and

WHEREAS, Effective and efficient public transit systems are essential for improved regional mobility and sound local and state economies; and

WHEREAS, Illinois' transit systems have significant capital needs that have traditionally been supported by crucial federal investment; and

WHEREAS, Illinois ranks 50th of the 50 states and the District of Columbia in federal contribution for operating support for transit; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we urge the United States Congress and the Administration to strongly support any proposals to increase the level of funding for public transportation in the reauthorization of TEA-21 in 2003 and specifically to distribute funding on a basis which assures sufficient funding for both rehabilitation and new capacity needs in states with significant transit ridership and infrastructure; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the U.S. Secretary of Transportation, the President pro tempore of the U.S. Senate, the Speaker of the U.S. House of Representatives, and each member of the Illinois congressional delegation. .

[February 4, 2003]

MESSAGES FROM THE HOUSE

A message from the House by
Mr. Rossi, 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. 2

WHEREAS, The General Assembly takes pride in recognizing the accomplishments and contributions of Illinois officials and citizens; and

WHEREAS, In honor of the lasting legacy and many sacrifices that Judge Michael Anthony Bilandic made for the citizenry of the State of Illinois, the General Assembly would like to recognize him with the rare honor of naming a public building after this former official; and

WHEREAS, Michael Anthony Bilandic was one of the more influential and highly regarded public figures in Chicago, serving as Mayor of Chicago from 1976 to 1979 and later as Chief Justice of the Illinois Supreme Court; he was a man of commitment and a loyal Chicagoan; most importantly, he was devoted to his family, faithful to his church, and proud of his Croatian heritage; he died on January 16, 2002, at the age of 78; he is survived by his wife Heather, son Michael, brothers Steve and Nick, and sister Eleanor; and

WHEREAS, Born on February 13, 1923 to Croatian immigrants, Justice Bilandic grew up in the Bridgeport community where he attended St. Jerome Grammar School (class of '36) and De La Salle High School; after receiving a Bachelor of Science degree from St. Mary's College, he attended DePaul University College of Law where he earned a Juris Doctor degree; during WWII, he courageously served as a First Lieutenant in the U.S. Marine Corps; and

WHEREAS, Justice Bilandic's political career was rich and diverse, including service in all three branches of government over four decades; he began his long and distinguished public service career in 1969 when his neighbors elected him to represent them as Alderman of the 11th Ward in Chicago; as a member of the City Council, Alderman Bilandic pushed for the passage of many initiatives designed to protect the city's environment, including a ban on harmful lead-based paint and on phosphates in laundry detergent, and the passage of the Lakefront Protection Ordinance; considered an expert in government finance, he rose to serve as Chairman of the city's Finance Committee and later became floor leader; and

WHEREAS, In 1976, Bilandic was selected by his colleagues to serve as Mayor of Chicago; he was elected to that office in 1977, and held the post until 1979; as Mayor, he continued to be an innovator in the area of enhancing the city; he organized the first ChicagoFest, which was the precursor of many current festivals, and lent his support to the Chicago Marathon, which has become one of the premier running events in the world; he arranged the city-insured, low-interest mortgage loans for middle-income families in order to make the city more appealing to families; his wise and intelligent concern for the good of Chicago is evident in his accomplishments; and

WHEREAS, Bilandic returned to private law practice in 1979, and was widely respected for his keen intellect and exceptional insight into the intricacies of corporate law; a new career was begun with his election to the 1st District Appellate court and, in 1990, with his election to the highest judicial office, the Illinois Supreme Court, where he served as Chief Justice from 1994 through 1996; Justice Bilandic will always be remembered for his long years of unselfish public service, characterized by his decency, intelligence, and integrity; the legacy of Bilandic's dedication, devotion, and hard work serve as an example to all; a group of Chicago aldermen led the effort to rename the State of Illinois Building after him; and

WHEREAS, While much of Michael Bilandic's life was often consumed by his outstanding legal and political career, he possessed a great passion for his family and heritage; both of his parents came to the United States from Croatia in the early 1900s; his mother, "Minnie" (Lebedina), came from the village of Bobovisce on the island of Brac, Croatia; his father, Mate Bilandzic (later changed to Bilandic), immigrated from Dicmo, a village near Sinj, Croatia; he shared his family roots with his wife and son, and often visited Croatia; and

WHEREAS, Following a peaceful and dignified family funeral service, Justice Bilandic was quietly and humbly buried beside his parents at St. Mary Cemetery; his wife described him as "a devoted family man (who) also loved Chicago and its people, was proud of his Croatian heritage, and grateful for the opportunities which this country provided to his family"; he was a gentle soul, a man of integrity, honor,

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and dignity, who brought gentleness and respect into the fields of government, law, politics, and all aspects of his life; and

WHEREAS, Justice Michael A. Bilandic made vital contributions of service and merit to the State of Illinois and to the State's citizens and deserves to have his achievements noted and remembered by current and future generations, as his memory is now honored by the General Assembly; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we rename the State of Illinois Building at 160 North La Salle Street in Chicago in honor of Michael Bilandic; and in implementing this honor, we designate that State building as the Michael Bilandic Building; and be it further

RESOLVED, That a suitable copy of this preamble and resolution be presented to the Director of Central Management Services.

Adopted by the House, January 29, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing message from the House of Representatives, reporting **House Joint Resolution No. 2**, was referred to the Committee on Rules.

A message from the House by
Mr. Rossi, 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. 6

WHEREAS, E.J. "Zeke" Giorgi was first elected to the House of Representatives in 1964, and he served in that position until his passing in 1993; and

WHEREAS, From his first term through his service as "Dean of the House", Zeke Giorgi served the people of this State with great distinction, and he is remembered by his colleagues on both sides of the aisle for providing invaluable guidance and leadership on many important issues; and

WHEREAS, During all the years that Zeke Giorgi served in the House, he drove between Springfield and his Rockford legislative district on U.S. Highway 51 and was a strong advocate for Route 51 improvements, which were completed in several stages; and

WHEREAS, Following the completion of improvements to U.S. Route 51, the highway was designated as Interstate Highway 39; and

WHEREAS, Interstate Highway 39 provides an essential transportation corridor between Rockford and Bloomington and other parts of Central Illinois; and

WHEREAS, We wish to permanently commemorate Zeke Giorgi's essential role in creating this critically needed highway and his abiding impact on the lives of the people of Illinois; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the portion of Interstate Highway 39 commencing at its point of origin in Winnebago County and ending with its intersection with Interstate Route 88 be designated the E.J. "Zeke" Giorgi Highway; and be it further

RESOLVED, That the Department of Transportation is requested to erect appropriate plaques or signs giving notice of the E.J. "Zeke" Giorgi Highway; and be it further

RESOLVED, That suitable copies of this resolution is presented to: the Secretary of the U.S. Department of Transportation; the Secretary of the Illinois Department of Transportation; and the family of E.J. "Zeke" Giorgi. .

Adopted by the House, February 4, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing message from the House of Representatives, reporting **House Joint Resolution No. 6**, was referred to the Committee on Rules.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

[February 4, 2003]

On motion of Senator Demuzio, **House Bill No. 175** was taken up, read by title a first time and referred to the Committee on Rules.

INTRODUCTION OF BILLS

SENATE BILL NO. 196. Introduced by Senator D. Sullivan, a bill for AN ACT in relation to taxes.

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

SENATE BILL NO. 197. Introduced by Senator Cronin, a bill for AN ACT concerning taxes.

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

REPORTS FROM RULES COMMITTEE

Senator Demuzio, Chairperson of the Committee on Rules, during its February 4, 2003 meeting, reported the following House Joint Resolutions have been assigned to the indicated Standing Committee of the Senate:

Executive: **House Joint Resolutions Numbered 2 and 6.**

Senator Demuzio, Chairperson of the Committee on Rules, during its February 4, 2003 meeting, reported the following Senate Resolution has been assigned to the indicated Standing Committee of the Senate:

Executive: **Senate Joint Resolution No. 2.**

Senator Demuzio, Chairperson of the Committee on Rules, during its February 4, 2003 meeting, reported the following House Bill has been assigned to the indicated Standing Committee of the Senate:

Executive: **House Bill No. 175.**

Senator Demuzio, Chairperson of the Committee on Rules, during its February 4, 2003 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Executive: **Committee Amendment No. 1 to Senate Bill 74.**

Judiciary: **Committee Amendment No. 1 to Senate Bill 53.**

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

Senate Resolution No. 29

The foregoing resolution was placed on the Secretary's Desk.

CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

Senator Demuzio moved that **Senate Resolution No. 29**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Demuzio moved that **Senate Resolution No. 29** be adopted.

The motion prevailed.

And the resolution was adopted.

MOTION IN WRITING

Senator Demuzio submitted the following Motion in Writing:

Pursuant to Senate Rule 3-11(e) and Senate Rule 7-17(d), I move that the six-day posting requirement be waived for **House Bill 175**, **House Joint Resolutions 2 and 6** and **Senate Joint Resolution 2**, and that these legislative measures be placed on a supplemental posting for hearing by the Senate Executive Committee at that committee's previously scheduled and posted meeting at 1 p.m., Wednesday, February 5, 2003 in Room 212 of the State Capitol, in Springfield.

DATE: February 4, 2003

s/Vince Demuzio
Senator

The motion prevailed.

PRESENTATION OF RESOLUTIONS**SENATE RESOLUTION NO. 30**

Offered by Senators Demuzio – E. Jones and all Senators:
Mourns the death of Charlene M. Napier of Litchfield.

SENATE RESOLUTION NO. 31

Offered by Senators Demuzio – E. Jones and all Senators:
Mourns the death of Mary Louise Rhoads of Carlinville.

SENATE RESOLUTION NO. 32

Offered by Senators Demuzio – E. Jones and all Senators:
Mourns the death of William Taylor of Springfield.

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

COMMITTEE MEETING ANNOUNCEMENTS

Senator Shadid, Chairperson of the Committee on Transportation announced that the Transportation Committee scheduled to meet today in Room A-1, Stratton Building, at 3:30 o'clock p.m., has been cancelled.

Senator Link, Chairperson of the Committee on Revenue announced that the Revenue Committee scheduled to meet Wednesday, February 5, 2003 in Room 400, Capitol Building, at 1:00 o'clock p.m., has been cancelled.

Senator Haine, Chairperson of the Committee on Local Government announced that the Local Government Committee scheduled to meet today in Room A-1, Stratton Building, at 1:00 o'clock p.m., has been cancelled.

Senator del Valle, Chairperson of the Committee on Education announced that the Education Committee will meet today, in Room 400, Capitol Building, immediately upon adjournment.

Senator Lightford, Chairperson of the Committee on Financial Institutions announced that the Financial Institutions Committee scheduled to meet Thursday, February 6, 2003 in Room 400, Capitol Building, at 9:00 o'clock a.m., has been cancelled.

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At the hour of 12:55 o'clock p.m., on motion of Senator Demuzio, the Senate stood adjourned until Wednesday, February 5, 2003, at 12:00 o'clock noon.