



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-THIRD GENERAL ASSEMBLY**

**36TH LEGISLATIVE DAY**

**TUESDAY, APRIL 29, 2003**

**12:15 O'CLOCK P.M.**

**SENATE**  
**Daily Journal Index**  
**36th Legislative Day**

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The Senate met pursuant to adjournment.  
 Honorable Emil Jones Jr., President of the Senate, presiding.  
 Prayer by Cadet Derrick Nabors, Lincoln's Challenge Academy, Springfield, Illinois.  
 Lincoln's Challenge Academy Cadets, Springfield, Illinois led the Senate in the Pledge of Allegiance.

The Journal of Friday, April 4, 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 Tuesday, April 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 Wednesday, April 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 Thursday, April 10, 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 Tuesday, April 15, 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, April 16, 2003 be postponed pending arrival of the printed Journal.

The motion prevailed.

### **LEGISLATIVE MEASURES FILED**

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

Senate Committee Amendment No. 1 to House Bill 16  
 Senate Committee Amendment No. 1 to House Bill 44  
 Senate Committee Amendment No. 1 to House Bill 186  
 Senate Committee Amendment No. 1 to House Bill 218  
 Senate Committee Amendment No. 1 to House Bill 430  
 Senate Committee Amendment No. 1 to House Bill 463  
 Senate Committee Amendment No. 2 to House Bill 463  
 Senate Committee Amendment No. 3 to House Bill 463  
 Senate Committee Amendment No. 1 to House Bill 495  
 Senate Committee Amendment No. 1 to House Bill 684  
 Senate Committee Amendment No. 1 to House Bill 943  
 Senate Committee Amendment No. 1 to House Bill 1096  
 Senate Committee Amendment No. 1 to House Bill 1165  
 Senate Committee Amendment No. 1 to House Bill 1195  
 Senate Committee Amendment No. 1 to House Bill 1281  
 Senate Committee Amendment No. 1 to House Bill 1382  
 Senate Committee Amendment No. 2 to House Bill 1382  
 Senate Committee Amendment No. 1 to House Bill 1493  
 Senate Committee Amendment No. 1 to House Bill 1604  
 Senate Committee Amendment No. 1 to House Bill 2221  
 Senate Committee Amendment No. 1 to House Bill 2268  
 Senate Committee Amendment No. 1 to House Bill 2301

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Senate Committee Amendment No. 1 to House Bill 2317  
 Senate Committee Amendment No. 1 to House Bill 2331  
 Senate Committee Amendment No. 1 to House Bill 2549  
 Senate Committee Amendment No. 1 to House Bill 2797  
 Senate Committee Amendment No. 1 to House Bill 2840  
 Senate Committee Amendment No. 1 to House Bill 2848  
 Senate Committee Amendment No. 1 to House Bill 2864  
 Senate Committee Amendment No. 1 to House Bill 3061  
 Senate Committee Amendment No. 1 to House Bill 3088  
 Senate Committee Amendment No. 1 to House Bill 3091  
 Senate Committee Amendment No. 1 to House Bill 3407  
 Senate Committee Amendment No. 1 to House Bill 3504  
 Senate Committee Amendment No. 1 to House Bill 3507  
 Senate Committee Amendment No. 1 to House Bill 3556  
 Senate Committee Amendment No. 1 to House Bill 3582  
 Senate Committee Amendment No. 1 to House Bill 3661  
 Senate Committee Amendment No. 2 to House Bill 3661  
 Senate Committee Amendment No. 3 to House Bill 3661

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

Senate Floor Amendment No. 2 to Senate Bill 1400

#### **PRESENTATION OF RESOLUTION**

##### **SENATE RESOLUTION 123**

Offered by Senator Clayborne and all Senators:  
 Mourns the death of Earnestine Collins of East St. Louis.

##### **SENATE RESOLUTION 124**

Offered by Senators Burzynski - Syverson and all Senators:  
 Mourns the death of United States Army Specialist Brandon Jacob Rowe of Roscoe.

##### **SENATE RESOLUTION 125**

Offered by Senator Petka and all Senators:  
 Mourns the death of Bernice L. Baltz of Shorewood.

##### **SENATE RESOLUTION 126**

Offered by Senator Lauzen and all Senators:  
 Mourns the death of Anastasia "Stacey" Breen of St. Charles.

##### **SENATE RESOLUTION 127**

Offered by Senator Lauzen and all Senators:  
 Mourns the death of Staff Sergeant Jaob Frazier of St. Charles.

##### **SENATE RESOLUTION 128**

Offered by Senators Demuzio, E. Jones and all Senators:  
 Mourns the death of Robert H. Shaw of Jerseyville.

##### **SENATE RESOLUTION 129**

Offered by Senator E. Jones and all Senators:  
 Mourns the death of Lona Mae Martin Ford of Chicago.

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

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

[April 29, 2003]

**SENATE RESOLUTION NO. 130**

WHEREAS, The 92nd General Assembly directed the creation of the Illinois After-school Initiative in Senate Resolution 70 to identify the number of school-age children and youth in the State who are in need of out-of-school-time programs and to develop a plan for coordinating resources to achieve a goal of providing out-of-school-time services to every school-age child and youth in the State; and

WHEREAS, The Illinois After-school Initiative found that 1.6 million school-age children and youth in Illinois are potentially in need of programs during the hours they are not in school; and

WHEREAS, Sixty-four percent of all Illinois children between the ages of 6 and 17 live in families where the sole parent or both parents work; and being unsupervised during the non-school hours puts children and youth at greater risk of truancy, performing poorly in school, depression, substance abuse, and becoming a victim of crime; and

WHEREAS, The Illinois After-school Initiative found that 41% of Illinois eighth-grade students were home alone more than 10 hours a week, and research shows that the likelihood of high-risk behaviors increases when youth are home alone 10 or more hours a week; and

WHEREAS, Research indicates that children who attend high-quality, out-of-school-time programs have better peer relations, emotional adjustment, conflict resolution skills, grades, and conduct in school compared to their peers who are not in out-of-school-time programs; and

WHEREAS, Children who attend quality out-of-school-time programs spend more time in learning opportunities, academic activities, and enrichment activities and spend less time watching television than their peers; and

WHEREAS, Parents and youth interviewed for the Illinois After-school Initiative detailed time and time again the positive difference out-of-school-time programs made in their lives and the lives of their families; and

WHEREAS, The 2002 task force report issued by the Illinois After-school Initiative at the request of the 92nd General Assembly focused on actions that would strengthen the State's ability to support high-quality, affordable, out-of-school-time programs and recommended policy changes in the areas of State-level interagency collaboration, capacity building, community collaboration, evaluation, and funding; and implementing these recommendations will require the continued collaboration, focus, and commitment of the State Board of Education and the Department of Human Services; and

WHEREAS, The recommendations of the Illinois After-school Initiative reflect the expertise of parents and over 60 representatives from State agencies, public institutions, and private non-profit organizations with extensive experience in education, youth development, research, violence prevention, juvenile justice, child care, volunteerism, and social work, and it is imperative for Illinois' school-age children and youth that the collaboration that produced this shared vision for out-of-school-time programming continue; and

WHEREAS, Hundreds of thousands of Illinois children and youth will be denied the opportunity to participate in activities that can help them reach their fullest potential and avoid the negative choices that are costly and detrimental to society if the State fails to enact the recommendations of the Illinois After-school Initiative to reduce duplication, streamline program requirements, maximize funding opportunities, train program staff, involve community institutions in designing and implementing programs, promote research-supported best practices, measure program outcomes, and evaluate the effectiveness of out-of-school-time interventions; and

WHEREAS, The Illinois After-school Initiative's task force report recommended that the General Assembly extend the duration of the Initiative and expand its membership and responsibilities to oversee the implementation of the Initiative's recommendations; and

WHEREAS, In December 2002, Illinois was one of 8 states recognized by a national foundation committed to building strong statewide after-school networks for its efforts to coordinate services and reach all interested children and youth with after-school programs, and the foundation has provided financial support to build upon the work begun by the Illinois After-school Initiative; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the State Board of Education and the Department of Human Services are directed to extend the duration of the Illinois After-school Initiative, to be renamed the Illinois After-school Partnership, until 2006, and that these agencies continue to co-chair the Partnership and oversee its efforts to implement the policy recommendations and strategic next steps identified in the Illinois After-school Initiative's task force report; and be it further

RESOLVED, That participation in the Illinois After-school Partnership be expanded beyond the membership of the initial Illinois After-school Initiative to increase the representation of parents, youth,

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foundations, employers, and others with experience in education, child care, after-school and youth development services, and crime and violence prevention; and be it further

RESOLVED, That the Partnership work diligently with the private sector to understand the out-of-school-time needs of employed parents and their families, and that the Partnership engage the public and private sectors in building and sustaining high quality out-of-school-time programs; and be it further

RESOLVED, That each year, on or before December 31, the Illinois After-school Partnership report its progress in reaching the recommendations set forth in the Illinois After-school Initiative's task force report to the General Assembly and the Governor; and be it further

RESOLVED, That suitable copies of this resolution shall be delivered to the State Board of Education and the Department of Human Services.

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

### **SENATE RESOLUTION NO. 131**

WHEREAS, More than 31,000 members of the U.S. armed forces are not American citizens; and

WHEREAS, Some of them have already given their lives in Iraq defending their adopted homeland; and

WHEREAS, In July of 2002, President Bush announced an executive order making it easier for the families of foreign nationals killed in combat to apply for citizenship on behalf of their loved one; and

WHEREAS, U.S. Senators Zell Miller (Democrat-Georgia) and Saxby Chambliss (Republican-Georgia) are seeking automatic citizenship awarded posthumously for all foreign-born soldiers killed fighting for the United States; and

WHEREAS, While the Posthumous Citizen Restoration Act of 2001, currently pending before Congress, sponsored by Congressmen Meehan, McGovern, and Frank of Massachusetts, grants the benefits of full citizenship posthumously to those members of the United States armed forces who have been killed in the defense of our nation, the same rights and benefits should likewise be extended to those living non-citizens who serve in the United States armed forces in defense of our country; and

WHEREAS, Although joining the military eases the application process for United States citizenship, it does not result in an automatic grant of citizenship for those who seek citizenship; and

WHEREAS, It is incumbent upon our country to acknowledge, not just upon a soldier's death, but also throughout their lives, the debt and gratitude of the American public for the soldier's service to our nation; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge President George W. Bush and the United States Congress to award immediate United States citizenship to every man and woman serving in the Armed Forces in the Persian Gulf and to take steps necessary to award United States citizenship to every man and woman upon their favorable discharge from the Armed Forces; and be it further

RESOLVED, That the Illinois Congressional delegation is hereby memorialized to request that they petition President George W. Bush to expedite any and all actions that may be necessary to accomplish such objectives; and be it further

RESOLVED, That a suitable copy of this resolution be delivered President George W. Bush and to the members of the Illinois Congressional delegation.

### **EXCUSED FROM ATTENDANCE**

On motion of Senator Demuzio, Senator Viverito was excused from attendance due to funeral.

### **MESSAGE FROM THE GOVERNOR**

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

April 23, 2003

Mr. President,

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

[April 29, 2003]

STATE OF ILLINOIS  
EXECUTIVE DEPARTMENT

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

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

**ILLINOIS COMMERCE COMMISSION**

To be a Commissioner of the Illinois Commerce Commission for a term commencing April 22, 2003, and ending January 21, 2008:

Erin O'Connell-Diaz of Bull Valley  
Salaried

Rod Blagojevich  
GOVERNOR

Under the rules, the foregoing Message was referred to the Committee on Executive Appointments.

**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 House Bill 51  
Senate Committee Amendment No. 1 to House Bill 56  
Senate Committee Amendment No. 1 to House Bill 87  
Senate Committee Amendment No. 1 to House Bill 235  
Senate Committee Amendment No. 1 to House Bill 294  
Senate Committee Amendment No. 2 to House Bill 294  
Senate Committee Amendment No. 1 to House Bill 685  
Senate Committee Amendment No. 1 to House Bill 714  
Senate Committee Amendment No. 1 to House Bill 741  
Senate Committee Amendment No. 1 to House Bill 914  
Senate Committee Amendment No. 1 to House Bill 1044  
Senate Committee Amendment No. 2 to House Bill 1096  
Senate Committee Amendment No. 1 to House Bill 1178  
Senate Committee Amendment No. 1 to House Bill 1179  
Senate Committee Amendment No. 1 to House Bill 1251  
Senate Committee Amendment No. 1 to House Bill 1459  
Senate Committee Amendment No. 1 to House Bill 1482  
Senate Committee Amendment No. 1 to House Bill 2280  
Senate Committee Amendment No. 1 to House Bill 2509  
Senate Committee Amendment No. 1 to House Bill 2809  
Senate Committee Amendment No. 2 to House Bill 2809  
Senate Committee Amendment No. 1 to House Bill 3047  
Senate Committee Amendment No. 1 to House Bill 3321  
Senate Committee Amendment No. 1 to House Bill 3396  
Senate Committee Amendment No. 1 to House Bill 3455  
Senate Committee Amendment No. 1 to House Bill 3486  
Senate Committee Amendment No. 4 to House Bill 3661

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

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**House Bill No. 344**, sponsored by Senator Winkel was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 1240**, sponsored by Senator Halvorson was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 1648**, sponsored by Senator Ronen was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 2207**, sponsored by Senator Lauzen was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 2262**, sponsored by Senator Lightford was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 2369**, sponsored by Senator Risinger was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 2607**, sponsored by Senator Martinez was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 2608**, sponsored by Senator Martinez was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 2927**, sponsored by Senator Althoff was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 2943**, sponsored by Senator Woolard was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 2951**, sponsored by Senator Woolard was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 3073**, sponsored by Senator del Valle was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 3107**, sponsored by Senator Watson was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 3620**, sponsored by Senator Harmon was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 3628**, sponsored by Senator Harmon was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 3060**, sponsored by Senator Geo-Karis was taken up, read by title a first time and referred to the Committee on Rules.

Senator Burzynski requested a republican caucus immediately upon adjournment.

**MESSAGE FROM THE PRESIDENT**

**OFFICE OF THE SENATE PRESIDENT  
STATE OF ILLINOIS**

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

[April 29, 2003]



April 29, 2003

To Honorable Linda Hawker  
Secretary of the Senate  
Room 403, State Capitol  
Springfield, IL 62706

Re: Senator Louis Viverito Replacement

Dear Madam Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator Rickey Hendon to replace Senator Louis Viverito as a member of the Rules Committee. This appointment is effective immediately.

Very truly yours,  
s/Emil Jones Jr.  
President

### LEGISLATIVE MEASURES FILED

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

Senate Committee Amendment No. 1 to House Bill 176  
Senate Committee Amendment No. 1 to House Bill 220  
Senate Committee Amendment No. 3 to House Bill 294  
Senate Committee Amendment No. 1 to House Bill 2370  
Senate Committee Amendment No. 2 to House Bill 2370  
Senate Committee Amendment No. 1 to House Bill 3036  
Senate Committee Amendment No. 1 to House Bill 3183

### REPORT FROM RULES COMMITTEE

Senator Demuzio, Chairperson of the Committee on Rules, during its April 29, 2003 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

**Agriculture and Conservation: Senate Committee Amendments numbered 1 and 2 to House Bill 1096.**

**Education: Senate Committee Amendment No. 1 to House Bill 430; Senate Committee Amendment No. 1 to House Bill 495; Senate Committee Amendment No. 1 to House Bill 2797; Senate Committee Amendment No. 1 to House Bill 3088.**

**Environment and Energy: Senate Committee Amendment No. 1 to House Bill 176; Senate Committee Amendment No. 1 to House Bill 1165; Senate Committee Amendment No. 1 to House Bill 2509; Senate Committee Amendment No. 1 to House Bill 3321; Senate Committee Amendment No. 1 to House Bill 3407; Senate Committee Amendment No. 1 to House Bill 3507.**

**Executive: Senate Committee Amendment No. 1 to House Bill 684.**

**Health and Human Services: Senate Committee Amendments numbered 1 and 2 to House Bill 294; Senate Committee Amendment No. 1 to House Bill 2331; Senate Committee Amendment No. 1 to House Bill 2848; Senate Committee Amendment No. 1 to House Bill 2900.**

**Insurance and Pensions: Senate Committee Amendment No. 1 to House Bill 943; Senate Committee Amendment No. 1 to House Bill 1493; Senate Committee Amendment No. 1 to House Bill 2268; Senate Committee Amendments numbered 1, 2, 3 and 4 to House Bill 3661.**

**Judiciary: Senate Committee Amendment No. 1 to House Bill 16; Senate Committee Amendment No. 1 to House Bill 186; Senate Committee Amendment No. 1 to House Bill 218; Senate Committee Amendment No. 1 to House Bill 1237; Senate Committee Amendment No. 1 to House Bill 1281; Senate Committee Amendments numbered 1 and 2 to House Bill 1382; Senate Committee Amendment No. 1 to House Bill 1456; Senate Committee Amendment No. 1 to House**

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**Bill 2391; Senate Committee Amendment No. 1 to House Bill 3091; Senate Committee Amendment No. 1 to House Bill 3486; Senate Committee Amendment No. 1 to House Bill 3501; Senate Committee Amendment No. 1 to House Bill 3504; Senate Committee Amendment No. 1 to House Bill 3556; Senate Committee Amendment No. 1 to House Bill 3582.**

Labor and Commerce: **Senate Committee Amendment No. 1 to House Bill 235; Senate Committee Amendment No. 1 to House Bill 3396.**

Licensed Activities: **Senate Committee Amendment No. 1 to House Bill 1482; Senate Committee Amendment No. 1 to House Bill 2280; Senate Committee Amendment No. 1 to House Bill 2864.**

Local Government: **Senate Committee Amendment No. 1 to House Bill 220; Senate Committee Amendment No. 1 to House Bill 1195; Senate Committee Amendment No. 1 to House Bill 1251; Senate Committee Amendment No. 1 to House Bill 2301; Senate Committee Amendment No. 1 to House Bill 2317.**

Transportation: **Senate Committee Amendment No. 1 to House Bill 44; Senate Committee Amendments numbered 1, 2 and 3 to House Bill 463; Senate Committee Amendment No. 1 to House Bill 2840; Senate Committee Amendment No. 1 to House Bill 3061.**

At the hour of 1:00 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

#### AFTER RECESS

At the hour of 5:47 o'clock p.m., the Senate resumed consideration of business.  
Senator Demuzio, presiding.

#### REPORTS FROM STANDING COMMITTEES

Senator Jacobs, Chairperson of the Committee on Insurance and Pensions to which was referred **House Bills numbered 407, 1640, 2434, 3183, 3298 and 3547** reported the same back with the recommendation that the bills do pass.

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

Senator Jacobs, Chairperson of the Committee on Insurance and Pensions to which was referred **House Bills numbered 943, 2268 and 3661** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

Senator del Valle, Chairperson of the Committee on Education to which was referred **House Bills numbered 60, 194, 205, 338, 495, 1119, 1180, 1448, 2105, 2350, 2354 and 2910** reported the same back with the recommendation that the bills do pass.

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

Senator del Valle, Chairperson of the Committee on Education to which was referred **House Bill No. 430** reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

At the hour of 5:48 o'clock p.m., the Chair announced that the Senate stand adjourned until Wednesday, April 30, 2003, at 12:00 o'clock noon.