



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-THIRD GENERAL ASSEMBLY

94TH LEGISLATIVE DAY

WEDNESDAY, MARCH 31, 2004

12:00 O'CLOCK NOON

SENATE
Daily Journal Index
94th Legislative Day

Action	Page(s)
Joint Action Motion Filed	4
Legislative Measures Filed	4
Message from the Secretary of State	9
Presentation of Senate Resolution No. 482	10
Presentation of Senate Resolution No. 487	12
Presentation of Senate Resolutions No'd 480-481	9
Presentation of Senate Resolutions No'd 483-486	12
Report from Rules Committee	9, 18

Bill Number	Legislative Action	Page(s)
SB 0948	Recalled – Amendments	19
SB 0948	Third Reading	21
SB 1645	Concur in House Amendments	18
SB 2112	Third Reading	25
SB 2147	Recalled – Amendments	21
SB 2147	Third Reading	22
SB 2287	Recalled – Amendments	22
SB 2287	Third Reading	24
SB 2349	Recalled – Amendments	24
SB 2349	Third Reading	24
SB 2409	Consideration Postponed	25
SB 2409	Recalled – Amendments	25
SB 2907	Recalled – Amendments	26
SB 2907	Third Reading	27
SJR 0059	Adopted	10
SR 0482	Adopted	10
SR 0487	Committee on Rules	12
HB 3963	First Reading	15
HB 3985	First Reading	15
HB 3989	First Reading	17
HB 4075	First Reading	17
HB 4116	First Reading	17
HB 4154	First Reading	16
HB 4232	First Reading	16
HB 4234	First Reading	17
HB 4241	First Reading	16
HB 4247	First Reading	16
HB 4269	First Reading	16
HB 4280	First Reading	17
HB 4283	First Reading	16
HB 4288	First Reading	16
HB 4361	First Reading	16
HB 4372	First Reading	17
HB 4402	First Reading	17
HB 4424	First Reading	17
HB 4457	First Reading	16
HB 4475	First Reading	17
HB 4476	First Reading	17
HB 4505	First Reading	17
HB 4522	First Reading	17

[March 31, 2004]

HB 4566	First Reading.....	17
HB 4612	First Reading.....	17
HB 4735	First Reading.....	17
HB 4790	First Reading.....	16
HB 4825	First Reading.....	16
HB 4862	First Reading.....	17
HB 4870	First Reading.....	16
HB 4887	First Reading.....	17
HB 4894	First Reading.....	16
HB 5011	First Reading.....	16
HB 5016	First Reading.....	16
HB 5058	First Reading.....	18
HB 5070	First Reading.....	18
HB 5075	First Reading.....	18
HB 5165	First Reading.....	16
HB 5180	First Reading.....	18
HB 5215	First Reading.....	16
HB 5889	First Reading.....	16
HB 5891	First Reading.....	18
HB 5925	First Reading.....	16
HB 6567	First Reading.....	17
HB 6633	First Reading.....	18
HB 6648	First Reading.....	15
HB 6679	First Reading.....	18
HB 6691	First Reading.....	17
HB 6906	First Reading.....	17
HB 7263	First Reading.....	18

The Senate met pursuant to adjournment.
Honorable Emil Jones, Jr., President of the Senate, presiding.
Prayer by Reverend Brandon Boyd, Loami Christian Church, Loami, Illinois.
Senator Link led the Senate in the Pledge of Allegiance.

The Journal of Tuesday, March 30, 2004, was being read when on motion of Senator DeLeo, 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 1645

LEGISLATIVE MEASURES FILED

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

Senate Floor Amendment No. 1 to Senate Bill 2354
Senate Floor Amendment No. 1 to Senate Bill 2618
Senate Floor Amendment No. 2 to Senate Bill 2724

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

Senate Floor Amendment No. 1 to House Bill 742
Senate Floor Amendment No. 1 to House Bill 850
Senate Floor Amendment No. 1 to House Bill 3882

The following Committee amendment to the House Bill listed below has been filed with the Secretary and referred to the Committee on Rules:

Senate Committee Amendment No. 1 to House Bill 4005

MESSAGES FROM THE HOUSE

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1645

A bill for AN ACT concerning employment.

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. 1645
Passed the House, as amended, March 30, 2004.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1645 by replacing everything after the enacting clause with the following:

"Section 5. The Minimum Wage Law is amended by changing Section 4a as follows:

[March 31, 2004]

(820 ILCS 105/4a) (from Ch. 48, par. 1004a)

Sec. 4a. (1) Except as otherwise provided in this Section, no employer shall employ any of his employees for a workweek of more than 40 hours unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than 1 1/2 times the regular rate at which he is employed.

(2) The provisions of subsection (1) of this Section are not applicable to:

A. Any salesman or mechanic primarily engaged in selling or servicing automobiles, trucks or farm implements, if he is employed by a nonmanufacturing establishment primarily engaged in the business of selling such vehicles or implements to ultimate purchasers.

B. Any salesman primarily engaged in selling trailers, boats, or aircraft, if he is employed by a nonmanufacturing establishment primarily engaged in the business of selling trailers, boats, or aircraft to ultimate purchasers.

C. Any employer of agricultural labor, with respect to such agricultural employment.

D. Any employee of a governmental body excluded from the definition of "employee" under paragraph (e)(2)(C) of Section 3 of the Federal Fair Labor Standards Act of 1938. ~~Any governmental body.~~

E. Any employee employed in a bona fide executive, administrative or professional capacity, including any radio or television announcer, news editor, or chief engineer, as defined by or covered by the Federal Fair Labor Standards Act of 1938 and the rules adopted under that Act, as both exist on March 30, 2003, but compensated at the amount of salary specified in subsections (a) and (b) of Section 541.600 of Title 29 of the Code of Federal Regulations as proposed in the Federal Register on March 31, 2003 or a greater amount of salary as may be adopted by the United States Department of Labor ~~—as now or hereafter amended.~~ For bona fide executive, administrative, and professional employees of not-for-profit corporations, the Director may, by regulation, adopt a weekly wage rate standard lower than that provided for executive, administrative, and professional employees covered under the Fair Labor Standards Act of 1938, as now or hereafter amended.

F. Any commissioned employee as described in paragraph (i) of Section 7 of the Federal Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, as now or hereafter amended.

G. Any employment of an employee in the stead of another employee of the same employer pursuant to a worktime exchange agreement between employees.

H. Any employee of a not-for-profit educational or residential child care institution who (a) on a daily basis is directly involved in educating or caring for children who (1) are orphans, foster children, abused, neglected or abandoned children, or are otherwise homeless children and (2) reside in residential facilities of the institution and (b) is compensated at an annual rate of not less than \$13,000 or, if the employee resides in such facilities and receives without cost board and lodging from such institution, not less than \$10,000.

I. Any employee employed as a crew member of any uninspected towing vessel, as defined by Section 2101(40) of Title 46 of the United States Code, operating in any navigable waters in or along the boundaries of the State of Illinois.

(3) Any employer may employ any employee for a period or periods of not more than 10 hours in the aggregate in any workweek in excess of the maximum hours specified in subsection (1) of this Section without paying the compensation for overtime employment prescribed in subsection (1) if during that period or periods the employee is receiving remedial education that:

- (a) is provided to employees who lack a high school diploma or educational attainment at the eighth grade level;
- (b) is designed to provide reading and other basic skills at an eighth grade level or below; and
- (c) does not include job specific training.

(4) A governmental body is not in violation of subsection (1) if the governmental body provides compensatory time pursuant to paragraph (o) of Section 7 of the Federal Fair Labor Standards Act of 1938, as now or hereafter amended, or is engaged in fire protection or law enforcement activities and meets the requirements of paragraph (k) of Section 7 or paragraph (b)(20) of Section 13 of the Federal Fair Labor Standards Act of 1938, as now or hereafter amended.

(Source: P.A. 92-623, eff. 7-11-02.)

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

Under the rules, the foregoing **Senate Bill No. 1645**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

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

HOUSE BILL NO. 3893

A bill for AN ACT in relation to criminal law.

HOUSE BILL NO. 4283

A bill for AN ACT concerning gaming.

HOUSE BILL NO. 4361

A bill for AN ACT concerning higher education.

HOUSE BILL NO. 4450

A bill for AN ACT concerning business transactions.

HOUSE BILL NO. 4790

A bill for AN ACT concerning criminal law.

HOUSE BILL NO. 4870

A bill for AN ACT concerning public aid.

HOUSE BILL NO. 5011

A bill for AN ACT in relation to alcoholic liquor.

HOUSE BILL NO. 5016

A bill for AN ACT concerning criminal law.

HOUSE BILL NO. 5070

A bill for AN ACT concerning financial regulation.

HOUSE BILL NO. 6648

A bill for AN ACT concerning workers' compensation.

HOUSE BILL NO. 6683

A bill for AN ACT concerning alcoholic liquor.

HOUSE BILL NO. 6691

A bill for AN ACT concerning municipalities.

HOUSE BILL NO. 6874

A bill for AN ACT concerning criminal law.

Passed the House, March 30, 2004.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 3893, 4283, 4361, 4450, 4790, 4870, 5011, 5016, 5070, 6648, 6683, 6691 and 6874** were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Mahoney, Clerk:

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

HOUSE BILL NO. 3985

A bill for AN ACT concerning property.

HOUSE BILL NO. 4057

A bill for AN ACT concerning asbestos abatement.

HOUSE BILL NO. 4092

A bill for AN ACT concerning mental health.

HOUSE BILL NO. 4167

A bill for AN ACT concerning education.

HOUSE BILL NO. 4424

A bill for AN ACT concerning sexual assault.

HOUSE BILL NO. 4457

A bill for AN ACT concerning vehicles.

HOUSE BILL NO. 4475

[March 31, 2004]

- A bill for AN ACT concerning public health.
HOUSE BILL NO. 4782
- A bill for AN ACT concerning alcoholic liquor.
HOUSE BILL NO. 4825
- A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 5197
- A bill for AN ACT concerning reverse mortgage loans.
HOUSE BILL NO. 5889
- A bill for AN ACT concerning public aid.
HOUSE BILL NO. 5925
- A bill for AN ACT concerning insurance.
HOUSE BILL NO. 6616
- A bill for AN ACT in relation to public employee benefits.
HOUSE BILL NO. 6633
- A bill for AN ACT concerning horses.

Passed the House, March 30, 2004.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 3985, 4057, 4092, 4167, 4424, 4457, 4475, 4782, 4825, 5197, 5889, 5925, 6616 and 6633** were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Mahoney, Clerk:

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

- HOUSE BILL NO. 3869
- A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 4012
- A bill for AN ACT in relation to transportation.
HOUSE BILL NO. 4086
- A bill for AN ACT in relation to public health.
HOUSE BILL NO. 4154
- A bill for AN ACT concerning schools.
HOUSE BILL NO. 4241
- A bill for AN ACT concerning employment.
HOUSE BILL NO. 4402
- A bill for AN ACT concerning hunting.
HOUSE BILL NO. 5075
- A bill for AN ACT concerning insurance.
HOUSE BILL NO. 5175
- A bill for AN ACT concerning vehicles.
HOUSE BILL NO. 5180
- A bill for AN ACT concerning economic development.
HOUSE BILL NO. 5613
- A bill for AN ACT concerning alcoholic liquor.
HOUSE BILL NO. 6747
- A bill for AN ACT concerning financial regulation.
HOUSE BILL NO. 6989
- A bill for AN ACT concerning license plates.
HOUSE BILL NO. 7038
- A bill for AN ACT concerning human services.

Passed the House, March 30, 2004.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 3869, 4012, 4086, 4154, 4241, 4402, 5075, 5175, 5180, 5613, 6747, 6989 and 7038** were taken up, ordered printed and placed on first reading.

[March 31, 2004]

REPORTS FROM STANDING COMMITTEES

Senator Shadid, Chairperson of the Committee on Transportation, to which was referred **Senate Joint Resolution No. 59**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Joint Resolution No. 59** was placed on the Secretary's Desk.

Senator Shadid, Chairperson of the Committee on Transportation, to which was referred **Senate Resolutions numbered 102, 168 and 428**, reported the same back with the recommendation that the resolutions be adopted.

Under the rules, **Senate Resolutions numbered 102, 168 and 428** were placed on the Secretary's Desk.

Senator Shadid, Chairperson of the Committee on Transportation, to which was referred **Senate Resolution No. 441**, reported the same back with amendments having been adopted thereto, with the recommendation that the resolution, as amended, be adopted.

Under the rules, **Senate Resolution No. 441** was placed on the Secretary's Desk.

Senator Shadid, Chairperson of the Committee on Transportation, to which was referred **House Joint Resolution No. 9**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **House Joint Resolution No. 9** was placed on the Secretary's Desk.

Senator Haine, Chairperson of the Committee on Local Government, to which was referred **House Bill No. 4469**, reported the same back with the recommendation that the bill do pass.

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

Senator Walsh, Chairperson of the Committee on Agriculture and Conservation, to which was referred **House Bill No. 4769**, reported the same back with the recommendation that the bill do pass.

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

Senators Cullerton and Dillard, Co-Chairpersons of the Committee on Judiciary, to which was referred **House Bills numbered 2582, 3882, 4032, 4063, 4275, 4538, 4751, 4771, 6786 and 6811**, reported the same back with the recommendation that the bills do pass.

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

Senators Cullerton and Dillard, Co-Chairpersons of the Committee on Judiciary, to which was referred **House Bill No. 7057**, 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.

Senators Cullerton and Dillard, Co-Chairpersons of the Committee on Judiciary, to which was referred **Senate Joint Resolution No. 53**, reported the same back with amendments having been adopted thereto, with the recommendation that the resolution, as amended, be adopted.

Under the rules, **Senate Joint Resolution No. 53** was placed on the Secretary's Desk.

Senators Cullerton and Dillard, Co-Chairpersons of the Committee on Judiciary, to which was referred the following Senate floor amendments, reported that the Committee recommends that they be adopted:

Senate Amendment No. 2 to Senate Bill 948
 Senate Amendment No. 2 to Senate Bill 2287
 Senate Amendment No. 3 to Senate Bill 2791
 Senate Amendment No. 1 to Senate Bill 2907

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

[March 31, 2004]

MESSAGE FROM THE SECRETARY OF STATE

March 31, 2004

Honorable Members
 Illinois State Senate
 93rd General Assembly
 Springfield, IL 62706

Dear Members:

I am nominating Maria Kuzas for Appointment to the Executive Ethics Commission for the Office of Secretary of State.

I respectfully ask concurrence in and confirmation of this appointment by your Honorable Body:

COMMISSIONER OF THE EXECUTIVE ETHICS COMMISSION FOR THE OFFICE OF THE SECRETARY OF STATE

To be Commissioner of the Executive Ethics Commission for the Office of the Secretary of State for a term ending December 31, 2007.

Maria Kuzas
 (Salaried)

If you have any questions please contact me. Thank you for your consideration.

Sincerely,
 s/Jesse White
 Secretary of State

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

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 480

Offered by Senator E. Jones and all Senators:
 Mourns the death of Reverend Frank Clark of Chicago.

SENATE RESOLUTION 481

Offered by Senator Halvorson and all Senators:
 Mourns the death of Godwin Sunday Daniel Okorafor, M.D., F.A.C.S.

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

REPORT FROM RULES COMMITTEE

Senator Viverito, Chairperson of the Committee on Rules, during its March 31, 2004 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committee of the Senate:

Executive: **Senate Floor Amendment No. 1 to House Bill 742; Senate Committee Amendment No. 1 to House Bill 4005**

[March 31, 2004]

Senator Viverito, Chairperson of the Committee on Rules, during its March 31, 2004 meeting, reported the following Joint Action Motion has been assigned to the indicated Standing Committee of the Senate:

Labor and Commerce: **Motion to Concur in House Amendment 1 to Senate Bill 1645**

Senator Viverito, Chairperson of the Committee on Rules, to which was referred **House Bill No. 850** on July 1, 2003, pursuant to Rule 3-9(b), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **House Bill No. 850** was returned to the order of third reading.

CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

Senator W. Jones moved that **Senate Joint Resolution No. 59**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator W. Jones moved that Senate Joint Resolution No. 59 be adopted.

And on that motion a call of the roll was had resulting as follows:

Yeas 59; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

And the resolution was adopted.

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

Senators Watson - E. Jones - Winkel and all Senators offered the following Senate Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

SENATE RESOLUTION NO. 482

WHEREAS, The members of the Illinois Senate were deeply saddened to learn of the death of State Senator Stanley B. Weaver on November 11, 2003; and

WHEREAS, Stan devoted his life to public service for nearly 45 years; and

WHEREAS, He served as Mayor of Urbana from May 1957 to January 1969; and

[March 31, 2004]

WHEREAS, He served in the Illinois Senate from 1970 to 2002, after one term in the House of Representatives; and

WHEREAS, He was named to the newly-created position of Senate Majority Leader in 1997, after serving as Assistant Senate Leader for 22 years; and

WHEREAS, As a lawmaker, Stan's priorities were always those of the people he represented - quality education, agriculture, economic development, and conservation; and

WHEREAS, He was a strong advocate for the University of Illinois, helping it become one of the best institutions of higher education in the nation; and

WHEREAS, When Senator Weaver rose to speak in the Senate, people recognized his command of the issues - and listened; and

WHEREAS, He was well known for his skills in bringing people to the table, both to forge compromises in legislative stalemates and to play poker with his friends and colleagues after the work of the day was done; and

WHEREAS, Stan was held in the highest esteem by his colleagues and constituents from both political parties; and

WHEREAS, Stan Weaver was the unquestioned dean of the Illinois Senate; and

WHEREAS, Stan Weaver was born May 23, 1925, in Harrisburg, graduated from Urbana public schools, attended Michigan State College and the University of Illinois, and graduated from the Indiana College of Mortuary Science; and

WHEREAS, He served in the Army Air Force during World War II in the Southwest Pacific Theater, earning five battle stars; and

WHEREAS, He was a member of the Air Force crew that flew peace delegates to Tokyo, Japan, to the ceremonies ending the war; and

WHEREAS, He was a member of the Veterans of Foreign Wars and the American Legion; and

WHEREAS, He was a mortician by trade and owned the Weaver Memorial Chapel funeral home, later joining with the former Champaign County Coroner Tom Henderson to operate the Weaver-Henderson Funeral Home in Urbana; and

WHEREAS, During his tenure as Mayor of Urbana, a new city building and Lincoln Square, one of the first indoor shopping malls in downstate Illinois, were built; and

WHEREAS, He was past president of the Illinois Municipal League; and

WHEREAS, He earned the rare distinction of 33rd Degree Mason with his longtime service with the Masonic Lodge, Danville Consistory; and

WHEREAS, He was a 50-year member of the Mohammed Shrine in Peoria; and

WHEREAS, He was a member of the International Chili Society; and

WHEREAS, He was preceded in death by his beloved wife, Mary; and

WHEREAS, He is survived by his son, Blake; his daughter, Sherry; and two granddaughters, Lindsay and Jessica; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE

[March 31, 2004]

STATE OF ILLINOIS, that we mourn the loss of Stan Weaver and his service to the State of Illinois, while at the same time celebrating his legacy of quiet, effective leadership and commitment to the greater good; and be it further

RESOLVED, That a suitable copy of this preamble and resolution be presented to the children and grandchildren of our friend, Stan Weaver, with our sincere sympathies and our abiding respect, admiration, and love for their father and grandfather.

The Motion prevailed.
And the resolution was adopted.

At the hour of 1:03 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 4:25 o'clock p.m., the Senate resumed consideration of business.
Senator DeLeo, presiding.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 483

Offered by Senator Haine and all Senators:
Mourns the death of Michael Lehen of Bethalto.

SENATE RESOLUTION 484

Offered by Senator Haine and all Senators:
Mourns the death of Richard I. McClintock of East Alton.

SENATE RESOLUTION 485

Offered by Senator Haine and all Senators:
Mourns the death of Stanley E. Holliday Sr. of Alton.

SENATE RESOLUTION 486

Offered by Senator Haine and all Senators:
Mourns the death of Lillian Audrey Heintz of Alton.

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

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

SENATE RESOLUTION NO. 487

WHEREAS, America's economy is in the midst of change and redirection; and

WHEREAS, The skills and knowledge of Illinois' workforce are one of the State's most valuable resources; and

WHEREAS, Illinois must meet the ever-increasing demand for a competitive and productive workforce; and

WHEREAS, Illinois' economic prosperity and growth are critically linked to the performance of its workforce; and

WHEREAS, The availability of a skilled workforce will increasingly influence corporate expansion and relocation; and

[March 31, 2004]

WHEREAS, Illinois' local governments, its counties and municipalities, are the primary delivery system for job training, job placement, and workforce preparation services for the citizens and businesses of our State; and

WHEREAS, A statewide workforce summit meeting of chief local elected officials, hosted by Chicago Mayor Richard M. Daley, culminated in the Illinois Workforce Resolution, signed by chief local elected officials representing the 26 Local Workforce Investment Areas that blanket Illinois; and

WHEREAS, The Illinois Workforce Resolution emphasizes the critical importance of preserving local decision-making in workforce development programs and these principles were incorporated by Congress into the federal Workforce Investment Act of 1998; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the following core principles should be maintained in the upcoming reauthorization of the Workforce Investment Act and implemented by State departments and agencies in the creation and operation of workforce development programs, whether through legislation or regulatory and administrative modifications; and be it further

RESOLVED, That America's workforce development system must continue to recognize the value of local decision-making, and that workforce development activities in Illinois recognize the unique character of each of the State's 26 Local Workforce Investment Areas, and fully support the authority and accountability of chief local elected officials for the direction and oversight of workforce programs in their jurisdictions; and be it further

RESOLVED, That the system should offer comprehensive services, universal access, and life-long learning possibilities for both employers and individuals; and that localities must have the flexibility and freedom to integrate programs and tailor services to meet these needs; and be it further

RESOLVED, That the public/private partnership concept that has worked so effectively under the guidance of chief local elected officials, including business, education and civic leaders, should continue as the cornerstone of the workforce preparation system, to meet the challenge of creating job opportunities for every Illinois resident; and be it further

RESOLVED, That needs-based funding should be maintained in allocating Federal and State financial resources to localities for workforce development, taking into account the unemployed, underemployed, dislocated workers and at-risk youth; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the President Pro Tempore and Minority Leader of the United States Senate, to the Speaker of the House and Minority Leader of the United States House of Representatives, to each member of the Illinois Congressional' Delegation, and to Illinois Governor Rod Blagojevich.

REPORTS FROM STANDING COMMITTEES

Senator Schoenberg, Chairperson of the Committee on State Government, to which was referred **House Bills numbered 3877 and 4947**, reported the same back with the recommendation that the bills do pass.

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

Senator Schoenberg, Chairperson of the Committee on State Government, to which was referred **Senate Resolutions numbered 171, 437 and 474**, reported the same back with the recommendation that the resolutions be adopted.

Under the rules, **Senate Resolutions numbered 171, 437 and 474** were placed on the Secretary's Desk.

Senator Silverstein, Chairperson of the Committee on Executive, to which was referred **House Bills numbered 4031 and 4371**, reported the same back with the recommendation that the bills do pass.

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

[March 31, 2004]

Senator Silverstein, Chairperson of the Committee on Executive, to which was referred **House Bill No. 4005** 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.

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

Senate Amendment No. 2 to Senate Bill 2147
Senate Amendment No. 2 to Senate Bill 2349
Senate Amendment No. 3 to Senate Bill 2409

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Ronen, Chairperson of the Committee on Labor and Commerce, to which was referred **House Joint Resolution No. 15**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **House Joint Resolution No. 15** was placed on the Secretary's Desk.

Senator Ronen, Chairperson of the Committee on Labor and Commerce, to which was referred the Motion to concur with House Amendment to the following Senate Bill, reported that the Committee recommends that it be adopted:

Motion to Concur in House Amendment 1 to Senate Bill 1645

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

Senator Munoz, Chairperson of the Committee on Licensed Activities, to which was referred **House Bills numbered 3865 and 4157**, reported the same back with the recommendation that the bills do pass.

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

MESSAGES FROM THE HOUSE

A message from the House by

Mr. Mahoney, Clerk:

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

HOUSE BILL NO. 3981

A bill for AN ACT concerning liability.

HOUSE BILL NO. 4019

A bill for AN ACT concerning the Department on Aging.

HOUSE BILL NO. 4179

A bill for AN ACT concerning banking.

HOUSE BILL NO. 4234

A bill for AN ACT concerning taxes.

HOUSE BILL NO. 4372

A bill for AN ACT concerning military service.

HOUSE BILL NO. 4558

A bill for AN ACT concerning public health.

HOUSE BILL NO. 4612

A bill for AN ACT concerning health improvement.

HOUSE BILL NO. 4718

A bill for AN ACT concerning criminal law.

HOUSE BILL NO. 4959

A bill for AN ACT concerning public safety.

HOUSE BILL NO. 5058

[March 31, 2004]

A bill for AN ACT concerning seniors.

HOUSE BILL NO. 6679

A bill for AN ACT concerning economic development.

HOUSE BILL NO. 6920

A bill for AN ACT concerning health care.

Passed the House, March 31, 2004.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 3981, 4019, 4179, 4234, 4372, 4558, 4612, 4718, 4959, 5058, 6679 and 6920** were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Mahoney, Clerk:

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

HOUSE BILL NO. 4116

A bill for AN ACT in relation to homeless persons.

HOUSE BILL NO. 4227

A bill for AN ACT concerning economic development.

HOUSE BILL NO. 4229

A bill for AN ACT concerning professional regulation.

HOUSE BILL NO. 4287

A bill for AN ACT in relation to criminal law.

HOUSE BILL NO. 4522

A bill for AN ACT concerning education.

HOUSE BILL NO. 4566

A bill for AN ACT concerning minors.

HOUSE BILL NO. 4990

A bill for AN ACT concerning taxes.

HOUSE BILL NO. 5025

A bill for AN ACT concerning business transactions.

HOUSE BILL NO. 5157

A bill for AN ACT concerning taxes.

HOUSE BILL NO. 6902

A bill for AN ACT concerning criminal law.

HOUSE BILL NO. 6954

A bill for AN ACT concerning school students.

Passed the House, March 31, 2004.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 4116, 4227, 4229, 4287, 4522, 4566, 4990, 5025, 5157, 6902 and 6954** were taken up, ordered printed and placed on first reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 6648, sponsored by Senator Haine, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3963, sponsored by Senator Collins, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3985, sponsored by Senator Link, was taken up, read by title a first time and referred to the Committee on Rules.

[March 31, 2004]

House Bill No. 4154, sponsored by Senator Haine, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4232, sponsored by Senator Maloney, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4241, sponsored by Senator DeLeo, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4247, sponsored by Senator Halvorson, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4269, sponsored by Senator Schoenberg, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4283, sponsored by Senator Shadid, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4288, sponsored by Senator Collins, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4361, sponsored by Senator Walsh, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4457, sponsored by Senator Clayborne, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4790, sponsored by Senator Dillard, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4825, sponsored by Senator Clayborne, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4870, sponsored by Senator Link, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4894, sponsored by Senator Schoenberg, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5011, sponsored by Senator Munoz, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5016, sponsored by Senator DeLeo, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5165, sponsored by Senator Schoenberg, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5215, sponsored by Senator Radogno, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5889, sponsored by Senator DeLeo, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5925, sponsored by Senator Jacobs, was taken up, read by title a first time and referred to the Committee on Rules.

[March 31, 2004]

House Bill No. 6567, sponsored by Senator Cullerton, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6691, sponsored by Senator Cronin, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6906, sponsored by Senator Schoenberg, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4280, sponsored by Senator Hunter, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4476, sponsored by Senator Hunter, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3989, sponsored by Senator Petka, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4075, sponsored by Senator Petka, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4116, sponsored by Senator Jacobs, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4234, sponsored by Senator Ronen, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4372, sponsored by Senator Walsh, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4402, sponsored by Senator Rutherford, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4424, sponsored by Senator Collins, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4475, sponsored by Senators Walsh – Hunter, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4505, sponsored by Senator Collins, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4522, sponsored by Senator del Valle, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4566, sponsored by Senator Collins, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4612, sponsored by Senator Schoenberg, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4735, sponsored by Senator Rauschenberger, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4862, sponsored by Senator DeLeo, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4887, sponsored by Senator Jacobs, was taken up, read by title a first time and referred to the Committee on Rules.

[March 31, 2004]

House Bill No. 5058, sponsored by Senator Schoenberg, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5070, sponsored by Senator Munoz, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5075, sponsored by Senator Jacobs, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5180, sponsored by Senator Hendon, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6633, sponsored by Senator Walsh, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6679, sponsored by Senator Harmon, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 7263, sponsored by Senator Burzynski, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5891, sponsored by Senator DeLeo, was taken up, read by title a first time and referred to the Committee on Rules.

REPORT FROM RULES COMMITTEE

Senator Viverito, Chairperson of the Committee on Rules, during its March 31, 2004 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Revenue: **Senate Floor Amendment No. 1 to House Bill 850**

CONSIDERATION OF HOUSE AMENDMENT TO SENATE BILL ON SECRETARY'S DESK

On motion of Senator Obama, **Senate Bill No. 1645**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Obama moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 36; Nays 19.

The following voted in the affirmative:

Bomke	Halvorson	Munoz	Trotter
Clayborne	Harmon	Obama	Viverito
Collins	Hendon	Radogno	Walsh
Crotty	Hunter	Ronen	Welch
Cullerton	Jacobs	Sandoval	Winkel
del Valle	Lightford	Schoenberg	Mr. President
DeLeo	Link	Shadid	
Forby	Maloney	Silverstein	
Garrett	Martinez	Sullivan, D.	
Haine	Meeks	Sullivan, J.	

The following voted in the negative:

[March 31, 2004]

Althoff	Jones, W.	Righter	Soden
Brady	Lauzen	Risinger	Syverson
Burzynski	Luechtefeld	Roskam	Watson
Dillard	Peterson	Rutherford	Wojcik
Jones, J.	Petka	Sieben	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1645**.

Ordered that the Secretary inform the House of Representatives thereof.

SENATE BILL RECALLED

On motion of Senator Lightford, **Senate Bill No. 948** was recalled from the order of third reading to the order of second reading.

Senator Lightford offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 948 by replacing everything after the enacting clause with the following:

"Section 5. The Unified Code of Corrections is amended by changing Section 5-5-5 as follows:

(730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

Sec. 5-5-5. Loss and Restoration of Rights.

(a) Conviction and disposition shall not entail the loss by the defendant of any civil rights, except under this Section and Sections 29-6 and 29-10 of The Election Code, as now or hereafter amended.

(b) A person convicted of a felony shall be ineligible to hold an office created by the Constitution of this State until the completion of his sentence.

(c) A person sentenced to imprisonment shall lose his right to vote until released from imprisonment.

(d) On completion of sentence of imprisonment or upon discharge from probation, conditional discharge or periodic imprisonment, or at any time thereafter, all license rights and privileges granted under the authority of this State which have been revoked or suspended because of conviction of an offense shall be restored unless the authority having jurisdiction of such license rights finds after investigation and hearing that restoration is not in the public interest. This paragraph (d) shall not apply to the suspension or revocation of a license to operate a motor vehicle under the Illinois Vehicle Code.

(e) Upon a person's discharge from incarceration or parole, or upon a person's discharge from probation or at any time thereafter, the committing court may enter an order certifying that the sentence has been satisfactorily completed when the court believes it would assist in the rehabilitation of the person and be consistent with the public welfare. Such order may be entered upon the motion of the defendant or the State or upon the court's own motion.

(f) Upon entry of the order, the court shall issue to the person in whose favor the order has been entered a certificate stating that his behavior after conviction has warranted the issuance of the order.

(g) This Section shall not affect the right of a defendant to collaterally attack his conviction or to rely on it in bar of subsequent proceedings for the same offense.

(h) No application for any license specified in subsection (i) of this Section granted under the authority of this State shall be denied by reason of an eligible offender who has obtained a certificate of relief from disabilities, as defined in Article 5.5 of this Chapter, having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of "good moral character" when the finding is based upon the fact that the applicant has previously been convicted of one or more criminal offenses, unless:

(1) there is a direct relationship between one or more of the previous criminal offenses and the specific license sought; or

(2) the issuance of the license would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

In making such a determination, the licensing agency shall consider the following factors:

(1) the public policy of this State, as expressed in Article 5.5 of this Chapter, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses;

(2) the specific duties and responsibilities necessarily related to the license being

[March 31, 2004]

sought;

(3) the bearing, if any, the criminal offenses or offenses for which the person was previously convicted will have on his or her fitness or ability to perform one or more such duties and responsibilities;

(4) the time which has elapsed since the occurrence of the criminal offense or offenses;

(5) the age of the person at the time of occurrence of the criminal offense or offenses;

(6) the seriousness of the offense or offenses;

(7) any information produced by the person or produced on his or her behalf in regard to his or her rehabilitation and good conduct, including a certificate of relief from disabilities issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified in the certificate; and

(8) the legitimate interest of the licensing agency in protecting property, and the safety and welfare of specific individuals or the general public.

(i) A certificate of relief from disabilities shall be issued only for a license or certification issued under the following Acts:

(1) the Animal Welfare Act; except that a certificate of relief from disabilities may not be granted to provide for the issuance or restoration of a license under the Animal Welfare Act for any person convicted of violating Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane Care for Animals Act or Section 26-5 of the Criminal Code of 1961;

(2) the Illinois Athletic Trainers Practice Act;

(3) the Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985;

(4) the Boiler and Pressure Vessel Repairer Regulation Act;

(5) the Professional Boxing Act;

(6) the Illinois Certified Shorthand Reporters Act of 1984;

(7) the Illinois Farm Labor Contractor Certification Act;

(8) the Interior Design Title Act;

(9) the Illinois Professional Land Surveyor Act of 1989;

(10) the Illinois Landscape Architecture Act of 1989;

(11) the Marriage and Family Therapy Licensing Act;

(12) the Private Employment Agency Act;

(13) the Professional Counselor and Clinical Professional Counselor Licensing Act;

(14) the Real Estate License Act of 2000; ~~and~~

(15) the Illinois Roofing Industry Licensing Act; -

(16) the Home Medical Equipment and Services Provider License Act;

(17) the Dietetic and Nutrition Services Practice Act;

(18) the Professional Engineering Practice Act of 1989;

(19) the Water Well and Pump Installation Contractor's License Act; and

(20) the Electrologist Licensing Act.

(Source: P.A. 93-207, eff. 1-1-04)."

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Lightford offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 948, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 4, by deleting lines 21 through 23; and

on page 4, line 24, by changing "(18)" to "(16)"; and

on page 4, line 26, by changing "(19)" to "(17)"; and

on page 4, line 28, by changing "(20)" to "(18)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

[March 31, 2004]

READING OF BILL OF THE SENATE A THIRD TIME

On motion of Senator Lightford, **Senate Bill No. 948**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 52; Nays 5.

The following voted in the affirmative:

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

The following voted in the negative:

Burzynski	Luechtefeld	Welch
Forby	Sullivan, J.	

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

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

SENATE BILL RECALLED

On motion of Senator Silverstein, **Senate Bill No. 2147** was recalled from the order of third reading to the order of second reading.

Senator Silverstein offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 2147, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1 on page 2, lines 25 through 26 by deleting "other than a home rule municipality having a population of 1,000,000 or more inhabitants."; and

on page 2, lines 31 through 33 by deleting "other than any home rule municipality having a population of 1,000,000 or more inhabitants.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING OF BILL OF THE SENATE A THIRD TIME

[March 31, 2004]

On motion of Senator Silverstein, **Senate Bill No. 2147**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; 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	Righter	Viverito
Collins	Jones, J.	Risinger	Walsh
Cronin	Jones, W.	Ronen	Watson
Crotty	Lauzen	Roskam	Welch
Cullerton	Lightford	Rutherford	Winkel
del Valle	Link	Sandoval	Wojcik
DeLeo	Luechtefeld	Schoenberg	Mr. President
Dillard	Maloney	Shadid	
Forby	Martinez	Sieben	
Garrett	Meeks	Silverstein	
Haine	Munoz	Soden	

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

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

SENATE BILL RECALLED

On motion of Senator Link, **Senate Bill No. 2287** was recalled from the order of third reading to the order of second reading.

Senator Petka offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 2287, AS AMENDED, in the introductory clause of Section 5 by replacing "Section 2f-1" with "Sections 2f-1 and 2f-4"; and

by inserting after the last line of Sec. 2f-1 of Section 5 the following:

"(705 ILCS 35/2f-4)

Sec. 2f-4. 12th circuit; subcircuits; additional judges.

(a) The 12th circuit shall be divided into 5 subcircuits. The subcircuits shall be compact, contiguous, and substantially equal in population. The General Assembly by law shall create the subcircuits on or before February 1, 2004, using population data as determined by the 2000 federal census, and shall determine a numerical order for the 5 subcircuits. That numerical order shall be the basis for the order in which resident judgeships are assigned to the subcircuits. Once a resident judgeship is assigned to a subcircuit, it shall continue to be assigned to that subcircuit for all purposes.

~~(a-5) Two of the 12th circuit's associate judgeships shall be allotted as 12th circuit resident judgeships under subsection (c) as those associate judgeships are converted to resident judgeships in accordance with Section 2 of the Associate Judges Act.~~

(a-10) Of the 12th circuit's 10 existing circuit judgeships (8 at large and 2 resident), 2 shall be allotted as 12th circuit resident judgeships under subsection (c) as the first 2 of any of those at large and resident judgeships become vacant on or after ~~August 18, 2003~~ the effective date of this amendatory Act of the ~~93rd General Assembly~~. As used in this subsection, a vacancy does not include the expiration of a term of an at large or resident judge who seeks retention in that office at the next term.

(b) The 12th circuit shall have ~~3~~ one additional resident judgeships ~~judgeship~~, as well as its 2 existing resident judgeships, and 8 at large judgeships, ~~and 2 former associate judgeships~~, for a total of 13 judgeships available to be allotted to the 5 subcircuit resident judgeships. The additional resident

[March 31, 2004]

~~judgeships~~ ~~judgeship~~ created by Public Act 93-541 and this amendatory Act of 2004 ~~the 93rd General Assembly~~ shall be filled by election beginning at the general election in 2006. After the subcircuits are created by law, the Supreme Court shall fill by appointment the one additional resident judgeship created by Public Act 93-541 ~~this amendatory Act of the 93rd General Assembly~~ until the 2006 general election.

(c) The Supreme Court shall allot (i) the additional resident ~~judgeships~~ ~~judgeship~~ of the 12th circuit created by Public Act 93-541 and this amendatory Act of 2004 ~~the 93rd General Assembly~~, and (ii) the first 2 vacancies in the at large and resident judgeships of the 12th circuit as provided in subsection (a-10), and (iii) ~~2 associate judgeships of the 12th circuit as they are converted to resident judgeships as provided in subsection (a-5)~~; for election from the various subcircuits until there is one resident judge to be elected from each subcircuit. No at large or resident judge of the 12th circuit serving on August 18, 2003 ~~the effective date of this amendatory Act of the 93rd General Assembly~~ shall be required to change his or her residency in order to continue serving in office or to seek retention in office as at large or resident judgeships are allotted by the Supreme Court in accordance with this Section.

(d) A resident judge of a subcircuit must reside in the subcircuit and must continue to reside in that subcircuit as long as he or she holds that office.

(e) Vacancies in resident judgeships of the 12th circuit shall be filled in the manner provided in Article VI of the Illinois Constitution.

(Source: P.A. 93-541, eff. 8-18-03.)

Section 10. The Associate Judges Act is amended by changing Section 2 as follows:
(705 ILCS 45/2) (from Ch. 37, par. 160.2)

Sec. 2. (a) The maximum number of associate judges authorized for each circuit is the greater of the applicable minimum number specified in this Section or one for each 35,000 or fraction thereof in population as determined by the last preceding Federal census, except for circuits with a population of more than 3,000,000 where the maximum number of associate judges is one for each 29,000 or fraction thereof in population as determined by the last preceding federal census, reduced in circuits of less than 200,000 inhabitants by the number of resident circuit judges elected in the circuit in excess of one per county. In addition, in circuits of 1,000,000 or more inhabitants, there shall be one additional associate judge authorized for each municipal district of the circuit court. The number of associate judges to be appointed in each circuit, not to exceed the maximum authorized, shall be determined from time to time by the Circuit Court. The minimum number of associate judges authorized for any circuit consisting of a single county shall be 14, except that the minimum in the 22nd circuit shall be 8. The minimum number of associate judges authorized for any circuit consisting of 2 counties with a combined population of at least 275,000 but less than 300,000 shall be 10. The minimum number of associate judges authorized for any circuit with a population of at least 303,000 but not more than 309,000 shall be 10. The minimum number of associate judges authorized for any circuit with a population of at least 329,000, but not more than 335,000 shall be 11. The minimum number of associate judges authorized for any circuit with a population of at least 173,000 shall be 5. As used in this Section, the term "resident circuit judge" has the meaning given it in the Judicial Vacancies Act.

(b) The maximum number of associate judges authorized under subsection (a) for a circuit with a population of more than 3,000,000 shall be reduced as provided in this subsection (b). For each vacancy that exists on or occurs on or after the effective date of this amendatory Act of 1990, that maximum number shall be reduced by one until the total number of associate judges authorized under subsection (a) is reduced by 60. A vacancy exists or occurs when an associate judge dies, resigns, retires, is removed, or is not reappointed upon expiration of his or her term; a vacancy does not exist or occur at the expiration of a term if the associate judge is reappointed.

~~(c) The maximum number of associate judges authorized under subsection (a) for the 12th judicial circuit shall be reduced as provided in this subsection (c). For each vacancy that exists on or occurs after the effective date of this amendatory Act of the 93rd General Assembly, that maximum number shall be reduced by one until the total number of associate judges authorized under subsection (a) is reduced by 2. A vacancy exists or occurs when (i) a new associate judgeship has been authorized under subsection (a) for the 12th judicial circuit, but has not been filled by appointment or (ii) an associate judge dies, resigns, retires, is removed, or is not reappointed upon expiration of his or her term. A vacancy does not exist or occur at the expiration of a term if the associate judge is reappointed.~~

(Source: P.A. 92-17, eff. 6-28-01; 93-541, eff. 8-18-03.)

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

The motion prevailed.

[March 31, 2004]

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING OF BILL OF THE SENATE A THIRD TIME

On motion of Senator Link, **Senate Bill No. 2287**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; 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	Righter	Viverito
Collins	Jones, J.	Risinger	Walsh
Cronin	Jones, W.	Ronen	Watson
Crotty	Lauzen	Roskam	Welch
Cullerton	Lightford	Rutherford	Winkel
del Valle	Link	Sandoval	Wojcik
DeLeo	Luechtefeld	Schoenberg	Mr. President
Dillard	Maloney	Shadid	
Forby	Martinez	Sieben	
Garrett	Meeks	Silverstein	
Haine	Munoz	Soden	

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

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

SENATE BILL RECALLED

On motion of Senator Crotty, **Senate Bill No. 2349** was recalled from the order of third reading to the order of second reading.

Senator Crotty offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 2349 on page 2, lines 7 and 30, by replacing "\$30 million" each time it appears with "\$25 million".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING OF BILL OF THE SENATE A THIRD TIME

On motion of Senator Crotty, **Senate Bill No. 2349**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 55; Nays 1.

[March 31, 2004]

The following voted in the affirmative:

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

The following voted in the negative:

Welch

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

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

At the hour of 5:15 o'clock p.m., Senator Welch presiding.

SENATE BILL RECALLED

On motion of Senator Silverstein, **Senate Bill No. 2409** was recalled from the order of third reading to the order of second reading.

Senator Silverstein offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 2409, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, on page 4, line 17, by replacing "record." with the following: "record."

(f) This Section applies only in Cook County."

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Silverstein, **Senate Bill No. 2409**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

Pending roll call on motion of Senator Silverstein, further consideration of **Senate Bill No. 2409** was postponed.

On motion of Senator DeLeo, **Senate Bill No. 2112**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 54; Nays None.

[March 31, 2004]

The following voted in the affirmative:

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

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

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

Senator Meeks asked and obtained unanimous consent for the Journal to reflect his affirmative vote on **Senate Bill No. 2112**.

SENATE BILL RECALLED

On motion of Senator Maloney, **Senate Bill No. 2907** was recalled from the order of third reading to the order of second reading.

Senator Maloney offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1 . Amend Senate Bill 2907 by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by adding Section 4-601 as follows:

(220 ILCS 5/4-601 new)

Sec. 4-601. Consumer protection laws.

(a) The General Assembly finds that consumer protection is vital to the health, safety, and welfare of Illinois consumers.

(b) Notwithstanding any other provision of law, the Commission and its staff shall:

(1) work cooperatively with law enforcement authorities, including the Attorney General and State's Attorneys, in their enforcement of consumer protection laws, including the Consumer Fraud and Deceptive Business Practices Act;

(2) provide any materials or documents already in the Commission's possession requested by the Attorney General or a State's Attorney pertaining to the enforcement of consumer protection laws; any materials or documents that are proprietary shall not be made public unless the designation as proprietary has been removed by a court or legal body of competent jurisdiction, or the agreement of the parties; and

(3) upon written request, forward any complaints regarding alleged violations of any consumer protection law to the Attorney General and the State's Attorney of the appropriate county or counties.

(c) Subject to subdivision (1) of Section 10b of the Consumer Fraud and Deceptive Business Practices Act, the Attorney General and the State's Attorney of any county shall have available all remedies and authority granted to them by the Consumer Fraud and Deceptive Business Practices Act. The remedies for violations of this Act and its rules are not intended to replace other remedies that may be imposed for violations of the Consumer Fraud and Deceptive Business Practices Act and are in addition to, and not in substitution for, such other remedies, nor is this Act intended to remove any statutorily defined defenses.

Section 10. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section

[March 31, 2004]

10d as follows:

(815 ILCS 505/10d new)

Sec. 10d. Public Utilities Act; Illinois Commerce Commission.

(a) The General Assembly finds that consumer protection is vital to the health, safety, and welfare of Illinois consumers.

(b) Notwithstanding any other provision of law, the Illinois Commerce Commission and its staff shall:

(1) work cooperatively with law enforcement authorities, including the Attorney General and State's Attorneys, in their enforcement of consumer protection laws, including this Act;

(2) provide any materials or documents already in the Commission's possession requested by the Attorney General or a State's Attorney pertaining to the enforcement of consumer protection laws; any materials or documents that are proprietary shall not be made public unless the designation as proprietary has been removed by a court or legal body of competent jurisdiction, or the agreement of the parties; and

(3) upon written request, forward any complaints regarding alleged violations of any consumer protection law to the Attorney General and the State's Attorney of the appropriate county or counties.

(c) Subject to subdivision (1) of Section 10b of this Act, the Attorney General and the State's Attorney of any county shall have available all remedies and authority granted to them by this Act. The remedies for violations of the Public Utilities Act and its rules are not intended to replace other remedies that may be imposed for violations of this Act and are in addition to, and not in substitution for, such other remedies, nor is this Section intended to remove any statutorily defined defenses."

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING OF BILL OF THE SENATE A THIRD TIME

On motion of Senator Maloney, **Senate Bill No. 2907**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; 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	Righter	Viverito
Collins	Jones, J.	Risinger	Walsh
Cronin	Jones, W.	Ronen	Watson
Crotty	Lauzen	Roskam	Welch
Cullerton	Lightford	Rutherford	Winkel
del Valle	Link	Sandoval	Wojcik
DeLeo	Luechtefeld	Schoenberg	Mr. President
Dillard	Maloney	Shadid	
Forby	Martinez	Sieben	
Garrett	Meeks	Silverstein	
Haine	Munoz	Soden	

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

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

COMMITTEE MEETING ANNOUNCEMENT

[March 31, 2004]

Senator Link, Chairperson of the Committee on Revenue, announced that the Revenue Committee will meet Thursday, April 1, 2004, in Room 400 Capitol Building, at 11:00 o'clock a.m.

At the hour of 5:35 o'clock p.m., the Chair announced that the Senate stand adjourned until Thursday, April 1, 2004, at 11:30 o'clock a.m.