



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-FOURTH GENERAL ASSEMBLY**

**10TH LEGISLATIVE DAY**

**THURSDAY, FEBRUARY 17, 2005**

**10:18 O'CLOCK A.M.**

**SENATE**  
**Daily Journal Index**  
**10th Legislative Day**

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The Senate met pursuant to adjournment.  
Senator Louis S. Viverito, Burbank, Illinois, presiding.  
Prayer by Rabbi Marks, Temple Israel, Springfield, Illinois.  
Senator Maloney led the Senate in the Pledge of Allegiance.

The Journal of Wednesday, February 16, 2005, was being read when on motion of Senator Hunter, 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.

**MESSAGE FROM THE PRESIDENT**

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

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

February 17, 2005

Ms. Linda Hawker  
Secretary of the Senate  
Room 403 State House  
Springfield, Illinois 62706

Dear Madam Secretary:

Pursuant to Rule 2-10, I am scheduling Friday, February 18, 2005 as a perfunctory session day.

Very truly yours,  
s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

**MESSAGE FROM THE HOUSE**

A message from the House by  
Mr. Mahoney, Clerk:  
Mr. President -- I am directed to inform the Senate that the House of Representatives has 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. 175  
A bill for AN ACT concerning children.  
HOUSE BILL NO. 212  
A bill for AN ACT concerning law enforcement.  
HOUSE BILL NO. 394  
A bill for AN ACT concerning visitation.  
HOUSE BILL NO. 406  
A bill for AN ACT concerning safety.  
HOUSE BILL NO. 414  
A bill for AN ACT concerning pollution control.  
HOUSE BILL NO. 433  
A bill for AN ACT concerning safety.  
HOUSE BILL NO. 487  
A bill for AN ACT concerning identification.  
HOUSE BILL NO. 488

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A bill for AN ACT concerning local government.  
HOUSE BILL NO. 509  
A bill for AN ACT concerning local government.  
HOUSE BILL NO. 511  
A bill for AN ACT concerning health.  
Passed the House, February 16, 2005.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 175, 212, 394, 406, 414, 433, 487, 488, 509 and 511** were taken up, ordered printed and placed on first reading.

### **MESSAGES FROM THE GOVERNOR**

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

February 3, 2005

Mr. President,

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

#### **STATE OF ILLINOIS EXECUTIVE DEPARTMENT**

To the Honorable  
Members of the Senate  
Ninety-Fourth 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.

#### **COURT OF CLAIMS**

To be a Member of the Court of Claims for a term commencing January 17, 2005 and ending January 17, 2011:

James L. Kaplan of Lincolnshire  
Salaried

#### **HUMAN RIGHTS COMMISSION**

To be a Member of the Human Rights Commission for term a commencing January 31, 2005 and ending January 19, 2009:

Marylee V. Freeman of Chicago  
Salaried

To be a Member of the Human Rights Commission for term a commencing January 31, 2005 and ending January 19, 2009:

Gregory G. Simoncini of Highland Park  
Salaried

To be a Member of the Human Rights Commission for term a commencing January 31, 2005 and ending January 19, 2009:

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Diane M. Viverito of Chicago Ridge  
Salaried

**BANKING BOARD OF ILLINOIS, STATE**

To be a Member of the State Banking Board of Illinois for a term commencing January 17, 2005 and ending December 31, 2008:

John T. Madigan of Oak Brook  
Non-Salaried

**CAPITAL DEVELOPMENT BOARD**

To be a Member of the Capital Development Board for a term commencing January 21, 2005 and ending January 21, 2008:

Stewart A. Munoz of Chicago  
Non-Salaried

**CARNIVAL-AMUSEMENT SAFETY BOARD**

To be a Member of the Carnival-Amusement Safety Board for a term commencing January 17, 2005 and ending January 17, 2009:

Daniel M. Driskill of Oak Forest  
Non-Salaried

**EASTERN ILLINOIS UNIVERSITY BOARD OF TRUSTEES**

To be a Member of the Eastern Illinois University Board of Trustees for a term commencing January 17, 2005 and ending January 17, 2011:

Don Yost of Charleston  
Non-Salaried

**NORTHEASTERN ILLINOIS UNIVERSITY BOARD OF TRUSTEES**

To be a Member of the Northeastern Illinois Board of Trustees for a term commencing January 17, 2005 and ending January 19, 2009:

Jin Lee of Des Plaines  
Non-Salaried

**SOUTHERN ILLINOIS UNIVERSITY BOARD OF TRUSTEES**

To be a Member of the Southern Illinois University Board of Trustees for a term commencing January 31, 2005 and ending January 17, 2001:

Glenn Poshard of Murphysboro  
Non-Salaried

**UNIVERSITY OF ILLINOIS BOARD OF TRUSTEES**

To be a Member of the University of Illinois Board of Trustees for a term commencing January 17, 2005 and ending January 10, 2011:

Frances G. Carroll of Chicago  
Non-Salaried

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s/Rod Blagojevich  
GOVERNOR

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

February 17, 2005

Mr. President,

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

STATE OF ILLINOIS  
EXECUTIVE DEPARTMENT

To the Honorable  
Members of the Senate  
Ninety-Fourth 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.

**CHICAGO STATE UNIVERSITY BOARD OF TRUSTEES**

To be a Member of the Chicago State University Board of Trustees for a term commencing February 10, 2005 and ending January 17, 2011:

Leon D. Finney of Chicago  
Non-Salaried

To be a Member of the Chicago State University Board of Trustees for a term commencing February 10, 2005 and ending January 17, 2011:

Richard Lamar Tolliver of Chicago  
Non-Salaried

s/Rod Blagojevich  
GOVERNOR

Under the rules, the foregoing Messages were referred to the Committee on Executive Appointments.

**REPORTS FROM STANDING COMMITTEES**

Senator Garrett, Chairperson of the Committee on State Government, to which was referred **Senate Bill No. 40**, reported the same back with the recommendation that the bill do pass.

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

Senator Harmon, Chairperson of the Committee on Revenue, to which was referred **Senate Bills numbered 29, 61, 198 and 230**, reported the same back with the recommendation that the bills do pass.

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

Senator Forby, Chairperson of the Committee on Labor, to which was referred **Senate Bill No. 6**, reported the same back with the recommendation that the bill do pass.

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

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**PRESENTATION OF RESOLUTIONS**

**SENATE RESOLUTION 68**

Offered by Senator D. Sullivan and all Senators:  
Mourns the death of Ray F. Henneman of Park Ridge.

**SENATE RESOLUTION 69**

Offered by Senator Bomke and all Senators:  
Mourns the death of Marilyn Vespa Yeley of Springfield.

**SENATE RESOLUTION 70**

Offered by Senator Viverito and all Senators:  
Mourns the death of Patricia A. Terc of Arlington Heights.

**SENATE RESOLUTION 71**

Offered by Senator E. Jones and all Senators:  
Mourns the death of Milton Davis of Chicago.

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

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

**SENATE JOINT RESOLUTION NO. 13**

WHEREAS, Social Security's income protections - guaranteed, lifelong benefits, cost-of-living adjustments to guard against inflation, increased benefits for families, greater income replacement for low-income workers, and disability and survivor benefits - are the backbone of retirement security and family protection in the United States; and

WHEREAS, Social Security provides crucial, often indispensable, income protection for the 47 million individuals - one of every six Americans - receiving benefits; and

WHEREAS, Social Security is the nation's most successful and most important family income protection program, but it has long-term funding needs we should address; and

WHEREAS, Some policymakers propose to address these needs by cutting guaranteed benefits and privatizing Social Security; that is, diverting a third or more of workers' payroll tax contributions out of the Social Security Trust Fund and into private investment accounts; and

WHEREAS, Privatization will worsen Social Security's funding needs by draining resources from the Trust Fund into private accounts, increasing the federal deficit by \$2 trillion over the first decade alone and more in the future, and putting us in deeper hock to foreign creditors; and

WHEREAS, Some officials and members of Congress have suggested the federal government will not pay back the money it has taken from the Social Security Trust Fund over the past 20 years and used for other things, thereby denying working families the money they paid into Social Security and leading to further benefit cuts; and

WHEREAS, Privatizing Social Security will cut guaranteed benefits by 30 percent for young workers, even for those who do not participate in private accounts, costing them \$152,000 over their retirements, denying them benefits they have earned and imperiling their economic security; and

WHEREAS, Cutting guaranteed benefits will hurt the elderly because Social Security is the only secure source of retirement income for most Americans, providing at least half the income of nearly

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two-thirds of older American households and lifting more than 11 million seniors out of poverty; and

WHEREAS, Cutting guaranteed benefits will hurt women and people of color, as they are more likely than white men to rely on Social Security for most of their retirement income, they earn less than white men and are thus less able to save for retirement, and they are less likely than white men to receive job-based pensions in retirement; and

WHEREAS, Diverting resources from Social Security to fund private accounts will threaten guaranteed survivor and disability benefits, thus harming working families - particularly African-Americans - as roughly one in five workers dies before retiring and nearly three in 10 become too disabled to work before reaching retirement age; and

WHEREAS, Privatizing Social Security will burden state and local governments, as cuts in guaranteed benefits will increase demands for public assistance at the very moment growth in the federal deficit due to privatization induces the federal government to shift greater responsibilities onto states and localities; and

WHEREAS, Congress should not rush through drastic and damaging changes in Social Security that undermine its family income protections but, instead, should take the time needed to develop careful and thoughtful reforms that address Social Security's funding needs without slashing benefits or exploding the deficit; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that Congress should first commit to paying back to the Social Security Trust Fund all of the money it borrowed and spent on other things; and be it further

RESOLVED, That Congress should carefully study a variety of potential changes that will address Social Security's problems while ensuring the program will continue to meet its purpose of providing income protection and economic security for America's families; and be it further

RESOLVED, That any changes adopted by Congress must strengthen Social Security's family income protections without slashing guaranteed benefits or exploding the deficit; and be it further

RESOLVED, That Congress should reject proposals to divert money out of Social Security to fund private accounts; and be it further

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

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

#### **SENATE JOINT RESOLUTION NO. 14**

WHEREAS, The State of Illinois recognizes certain dates of the year for honoring specific patriotic, civic, cultural and historic persons, activities, symbols, or events; and

WHEREAS, On June 20, 1782, the American eagle was designated as the National Emblem of the United States when the Great Seal of the United States was adopted, and is the living symbol of the United States' freedoms, spirit and strength; in December 1818, shortly after the Illinois Territory gained statehood, the bald eagle became part of Great Seal of the State of Illinois; and

WHEREAS, Found only in North America and once on the endangered species list, the bald eagle population is now growing again, especially along the western border of Illinois; while the natural domain of bald eagles is from Alaska to California, and Maine to Florida, the great State of Illinois provides a winter home for thousands of these majestic birds as they make their journey northwards to

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the upper Midwest and Canada for spring nesting; and

WHEREAS, From December through February, Illinois is home to the largest concentration of wintering bald eagles in the Continental United States; eagle-watching has become a thriving hobby and form of State tourism in at least 27 Illinois counties; many organizations and municipalities across the State host annual eagle viewing and educational events and celebrations; and

WHEREAS, Illinois is home to two major waterways; our treasured Illinois River as it connects Lake Michigan to the Mississippi River, and the mighty Mississippi River as it flows along the western border, perfect habitats for eagles who must live near large bodies of open water where there are fish to eat and tall trees for nesting and roosts; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we recognize the fourth Saturday in January as American Eagle Day in Illinois and encourage public and private entities of the State to celebrate these magnificent birds and strive to keep them flying free.

Senator Petka offered the following Senate Joint Resolution, which was ordered printed and referred to the Committee on Rules:

**SENATE JOINT RESOLUTION NO. 15  
CONSTITUTIONAL AMENDMENT**

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend the Illinois Constitution by changing Section 3 of Article IV as follows:

ARTICLE IV

THE LEGISLATURE

SECTION 3. LEGISLATIVE REDISTRICTING

(a) Legislative Districts shall be compact, contiguous and substantially equal in population of citizens. Representative Districts shall be compact, contiguous, and substantially equal in population of citizens.

(b) In the year following each Federal decennial census year, the General Assembly by law shall redistrict the Legislative Districts and the Representative Districts.

If no redistricting plan becomes effective by June 30 of that year, a Legislative Redistricting Commission shall be constituted not later than July 10. The Commission shall consist of eight members, no more than four of whom shall be members of the same political party.

The Speaker and Minority Leader of the House of Representatives shall each appoint to the Commission one Representative and one person who is not a member of the General Assembly. The President and Minority Leader of the Senate shall each appoint to the Commission one Senator and one person who is not a member of the General Assembly.

The members shall be certified to the Secretary of State by the appointing authorities. A vacancy on the Commission shall be filled within five days by the authority that made the original appointment. A Chairman and Vice Chairman shall be chosen by a majority of all members of the Commission.

Not later than August 10, the Commission shall file with the Secretary of State a redistricting plan approved by at least five members.

If the Commission fails to file an approved redistricting plan, the Supreme Court shall submit the names of two persons, not of the same political party, to the Secretary of State not later than September 1.

Not later than September 5, the Secretary of State publicly shall draw by random selection the name of one of the two persons to serve as the ninth member of the Commission.

Not later than October 5, the Commission shall file with the Secretary of State a redistricting plan approved by at least five members.

An approved redistricting plan filed with the Secretary of State shall be presumed valid, shall have the force and effect of law and shall be published promptly by the Secretary of State.

The Supreme Court shall have original and exclusive jurisdiction over actions concerning redistricting the House and Senate, which shall be initiated in the name of the People of the State by the Attorney

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General.

(Source: Amendment adopted at general election November 4, 1980.)

SCHEDULE

This Constitutional Amendment takes effect beginning with redistricting in 2011.

At the hour of 10:23 o'clock a.m., Senator Halvorson presiding.

**INTRODUCTION OF BILLS**

**SENATE BILL NO. 503.** Introduced by Senator Hendon, a bill for AN ACT in relation to gambling.

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

**SENATE BILL NO. 504.** Introduced by Senator Harmon, a bill for AN ACT concerning business.

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

**SENATE BILL NO. 505.** Introduced by Senator Cullerton, a bill for AN ACT concerning regulation.

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

**SENATE BILL NO. 506.** Introduced by Senator Haine, a bill for AN ACT concerning regulation.

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

**SENATE BILL NO. 507.** Introduced by Senator Clayborne, a bill for AN ACT concerning revenue.

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

**SENATE BILL NO. 508.** Introduced by Senator Maloney, a bill for AN ACT concerning transportation.

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

**SENATE BILL NO. 509.** Introduced by Senator Maloney, a bill for AN ACT concerning transportation.

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

**SENATE BILL NO. 510.** Introduced by Senator Clayborne, a bill for AN ACT concerning environment protection.

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

**SENATE BILL NO. 511.** Introduced by Senator Cullerton, a bill for AN ACT concerning adoption.

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

**SENATE BILL NO. 512.** Introduced by Senator Clayborne, a bill for AN ACT concerning taxes.

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

**SENATE BILL NO. 513.** Introduced by Senator Clayborne, a bill for AN ACT concerning revenue.

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

**SENATE BILL NO. 514.** Introduced by Senator Clayborne, a bill for AN ACT concerning finance.

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

**SENATE BILL NO. 515.** Introduced by Senator Harmon, a bill for AN ACT concerning State government.

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

**SENATE BILL NO. 516.** Introduced by Senator Cullerton, a bill for AN ACT concerning civil law.

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

**SENATE BILL NO. 517.** Introduced by Senator Harmon, a bill for AN ACT concerning nursing mothers.

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

**SENATE BILL NO. 518.** Introduced by Senator Harmon, a bill for AN ACT concerning procurement.

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

**SENATE BILL NO. 519.** Introduced by Senator Martinez, a bill for AN ACT concerning public aid.

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

**SENATE BILL NO. 520.** Introduced by Senator Martinez, a bill for AN ACT concerning health.

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

**SENATE BILL NO. 521.** Introduced by Senator Martinez, a bill for AN ACT concerning insurance.

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

**SENATE BILL NO. 522.** Introduced by Senator Martinez, a bill for AN ACT concerning regulation.

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

**SENATE BILL NO. 523.** Introduced by Senator Cullerton, a bill for AN ACT concerning public employee benefits.

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

**SENATE BILL NO. 524.** Introduced by Senator Garrett, a bill for AN ACT regarding disabled persons.

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

**SENATE BILL NO. 525.** Introduced by Senator Ronen, a bill for AN ACT concerning regulation.

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

**SENATE BILL NO. 526.** Introduced by Senator Ronen, a bill for AN ACT concerning safety.

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

**SENATE BILL NO. 527.** Introduced by Senator Ronen, a bill for AN ACT concerning regulation.

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

**SENATE BILL NO. 528.** Introduced by Senator Crotty, a bill for AN ACT concerning local government.

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

**SENATE BILL NO. 529.** Introduced by Senator Cullerton, a bill for AN ACT concerning civil law.

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

**SENATE BILL NO. 530.** Introduced by Senator Raoul, a bill for AN ACT concerning civil procedure.

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

**SENATE BILL NO. 531.** Introduced by Senator Radogno, a bill for AN ACT concerning safety. The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

**SENATE BILL NO. 532.** Introduced by Senator W. Jones, a bill for AN ACT concerning disclosure of taxes.

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

**SENATE BILL NO. 533.** Introduced by Senator Silverstein, a bill for AN ACT concerning business.

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

**SENATE BILL NO. 534.** Introduced by Senator Radogno, a bill for AN ACT concerning transportation.

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

**SENATE BILL NO. 535.** Introduced by Senator Radogno, a bill for AN ACT concerning transportation.

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

**SENATE BILL NO. 536.** Introduced by Senator Rutherford, a bill for AN ACT concerning regulation.

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

**SENATE BILL NO. 537.** Introduced by Senator Cullerton, a bill for AN ACT concerning criminal law.

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

**SENATE BILL NO. 538.** Introduced by Senator Righter, a bill for AN ACT in relation to fraud.

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

**SENATE BILL NO. 539.** Introduced by Senator Haine, a bill for AN ACT concerning education.

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

**SENATE BILL NO. 540.** Introduced by Senator Maloney, a bill for AN ACT concerning education.

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

**SENATE BILL NO. 541.** Introduced by Senator Garrett, a bill for AN ACT concerning housing.

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

**SENATE BILL NO. 542.** Introduced by Senator Cullerton, a bill for AN ACT concerning business.

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

**SENATE BILL NO. 543.** Introduced by Senator Rutherford, a bill for AN ACT concerning schools.

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

**SENATE BILL NO. 544.** Introduced by Senator Dillard, a bill for AN ACT concerning government.

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

**SENATE BILL NO. 545.** Introduced by Senator Trotter, a bill for AN ACT concerning State government.

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

**SENATE BILL NO. 546.** Introduced by Senator Cullerton, a bill for AN ACT concerning firearms.

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

**SENATE BILL NO. 547.** Introduced by Senator Martinez, a bill for AN ACT concerning public employee benefits.

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

**SENATE BILL NO. 548.** Introduced by Senator Martinez, a bill for AN ACT concerning business.

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

**SENATE BILL NO. 549.** Introduced by Senator Maloney, a bill for AN ACT concerning health. The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

**SENATE BILL NO. 550.** Introduced by Senator Cullerton, a bill for AN ACT concerning gaming. The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

**SENATE BILL NO. 551.** Introduced by Senator DeLeo, a bill for AN ACT concerning employment. The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

**SENATE BILL NO. 552.** Introduced by Senator DeLeo, a bill for AN ACT concerning regulation. The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

**SENATE BILL NO. 553.** Introduced by Senator Halvorson, a bill for AN ACT concerning mobile homes. The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

**SENATE BILL NO. 554.** Introduced by Senator Halvorson, a bill for AN ACT concerning criminal law. The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

**SENATE BILL NO. 555.** Introduced by Senator Clayborne, a bill for AN ACT concerning insurance coverage. The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

**SENATE BILL NO. 556.** Introduced by Senator Clayborne, a bill for AN ACT concerning revenue. The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

**SENATE BILL NO. 557.** Introduced by Senator Clayborne, a bill for AN ACT concerning revenue. The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

**SENATE BILL NO. 558.** Introduced by Senator Clayborne, a bill for AN ACT concerning revenue. The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

**SENATE BILL NO. 559.** Introduced by Senator Shadid, a bill for AN ACT concerning health. The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

**SENATE BILL NO. 560.** Introduced by Senator DeLeo, a bill for AN ACT concerning local government.

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

**SENATE BILL NO. 561.** Introduced by Senator DeLeo, a bill for AN ACT concerning local government.

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

**SENATE BILL NO. 562.** Introduced by Senator Haine, a bill for AN ACT concerning methamphetamine.

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

**SENATE BILL NO. 563.** Introduced by Senator Viverito, a bill for AN ACT concerning business.

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

**SENATE BILL NO. 564.** Introduced by Senator Viverito, a bill for AN ACT concerning safety.

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

**SENATE BILL NO. 565.** Introduced by Senator Viverito, a bill for AN ACT concerning regulation.

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

**SENATE BILL NO. 566.** Introduced by Senator Viverito, a bill for AN ACT concerning State government.

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

**SENATE BILL NO. 567.** Introduced by Senator Burzynski, a bill for AN ACT concerning transportation.

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

**SENATE BILL NO. 568.** Introduced by Senator Wojcik, a bill for AN ACT concerning health.

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

**SENATE BILL NO. 569.** Introduced by Senator Garrett, a bill for AN ACT in relation to health facilities.

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

#### **REPORT FROM RULES COMMITTEE**

Senator Viverito, Chairperson of the Committee on Rules, during its February 17, 2005 meeting, reported the following Senate Bills have been assigned to the indicated Standing Committees of the Senate:

Agriculture & Conservation: **Senate Bills Numbered 213, 342, 483, 490.**

Commerce & Economic Development: **Senate Bills Numbered 323, 347 and 348.**

Education: **Senate Bills Numbered 249, 259, 268, 269, 277, 281, 296, 297, 379, 380, 383, 390, 391, 409, 427, 462 and 479.**

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Environment & Energy: **Senate Bills Numbered 397, 403, 414, 431, 454, 467, 474 and 499.**

Executive: **Senate Bills Numbered 244, 250, 284, 285, 314, 327, 330, 349, 357, 404, 405, 406, 417, 418, 422, 423, 436, 442, 445, 478 and 500.**

Financial Institutions: **Senate Bills Numbered 263, 278 and 385.**

Health & Human Services: **Senate Bills Numbered 254, 267, 324, 328, 374, 375, 376, 437, 438, 457, 480, 481, 494.**

Higher Education: **Senate Bills Numbered 329, 463, 472 and 473.**

Housing & Community Affairs: **Senate Bills Numbered 289, 320, 408 and 485.**

Insurance: **Senate Bills Numbered 384, 466, 475 and 487.**

Judiciary: **Senate Bills Numbered 150, 245, 251, 257, 270, 273, 276, 280, 283, 287, 292, 304, 317, 319, 326, 332, 335, 339, 354, 399, 416, 421, 425, 447, 448, 452, 456, 458, 460, 464, 468, 469, 470, 471 and 477.**

Labor: **Senate Bills Numbered 274, 275, 293, 410, 411, 426 and 428.**

Licensed Activities: **Senate Bills Numbered 279, 311, 331, 338, 377, 450, 451 and 482.**

Local Government: **Senate Bills Numbered 288, 299, 341, 343, 344, 352, 355, 386, 434, 453, 465, 489 and 495.**

Pensions & Investments: **Senate Bills Numbered 222, 253, 305, 336, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 388, 389, 446 and 455.**

Revenue: **Senate Bills Numbered 261, 262, 272, 308, 309, 316, 351, 356, 419 and 486.**

State Government: **Senate Bills Numbered 258, 264, 334, 350.**

Transportation: **Senate Bills Numbered 248, 282, 300, 301, 302, 303, 315, 318, 321, 387, 392, 393, 412, 459, 501.**

Senator Viverito, Chairperson of the Committee on Rules, during its February 17, 2005 meeting, reported the following Senate Resolutions have been assigned to the indicated Standing Committees of the Senate:

Agriculture & Conservation: **Senate Resolution No. 34.**

Health & Human Services: **Senate Resolution No. 35 and Senate Joint Resolution No. 9.**

State Government: **Senate Resolutions Numbered 10, 60, 61, 63 and Senate Joint Resolution No. 10.**

Transportation: **Senate Resolution No. 62 and Senate Joint Resolution No. 6.**

#### **LEGISLATIVE MEASURES FILED**

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

Senate Committee Amendment No. 1 to Senate Bill 133

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Senate Committee Amendment No. 1 to Senate Bill 162  
 Senate Committee Amendment No. 1 to Senate Bill 274  
 Senate Committee Amendment No. 1 to Senate Bill 280  
 Senate Committee Amendment No. 1 to Senate Bill 499

### READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Viverito, **Senate Bill No. 22** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, **Senate Bill No. 53** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator D. Sullivan, **Senate Bill No. 64** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator W. Jones, **Senate Bill No. 100** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **Senate Bill No. 104** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **Senate Bill No. 208** having been printed, was taken up, read by title a second time and ordered to a third reading.

### PRESENTATION OF RESOLUTIONS

Senators Bomke - Risinger - Righter - J. Jones - Watson and Dahl offered the following Senate Joint Resolution, which was ordered printed and referred to the Committee on Rules:

#### SENATE JOINT RESOLUTION NO. 17 CONSTITUTIONAL AMENDMENT

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to add Section 11 to Article IX of the Illinois Constitution as follows:

#### ARTICLE IX REVENUE

##### SECTION 11. HIGHWAY FUNDS

(a) No moneys derived from fees, excises, or license taxes, relating to registration, titles, operation, or use of vehicles on public highways, or to fuels used for propelling vehicles, including bond proceeds, shall be expended for other than costs of administering laws related to vehicles, statutory refunds and adjustments provided in those laws, payment of highway obligations, costs for construction, reconstruction, maintenance, repair, and betterment of public highways, roads, streets, and bridges, and other statutory highway purposes, the State or local share to match federal aid highway funds, administrative costs of the Department of Transportation or any successor agency, expenses of grade separation of public highways and railroad crossings, protection of at-grade public highways and railroad crossings, expense of State enforcement of traffic laws and, with respect to local governments, other transportation purposes as authorized by law.

(b) The total amount appropriated in any fiscal year for the sum of the cost of State enforcement of traffic laws, plus the cost of collecting and administering the fees, excises, and license taxes described in subsection (a), plus the cost of administering laws relating to motor vehicles, may not exceed 8% of the total amount of those fees, excises, or taxes, collected by the State of Illinois, in the most recent complete fiscal year.

(c) Federal funds may be spent for any purposes authorized by federal law.

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## SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act.

Senators Watson - Shadid - Bomke - Jacobs – Sieben, Clayborne, Luechtefeld, Haine, Risinger and J. Jones offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

**SENATE JOINT RESOLUTION NO. 18**

WHEREAS, President George W. Bush has called for a 2005 round of defense base realignment and closure (BRAC); and

WHEREAS, The United States Department of Defense has stated it wants to trim about 25% of its infrastructure and every one of the nation's 425 bases is at risk; and

WHEREAS, Secretary of Defense Rumsfeld has predicted the 2005 BRAC round will close 100 facilities and save \$7 billion that will be used for advanced weapons systems and improving the quality of life for military members; and

WHEREAS, The Department of Defense forwards its list of military installations recommended for realignment and closure to the BRAC Commission for review on May 16th, 2005; and

WHEREAS, The State of Illinois supports the United States Government's defense posture with excellent military bases and industrial facilities; and

WHEREAS, The State of Illinois has four military installations in danger of being closed - Peoria Air National Guard Base, Rock Island Arsenal, Scott Air Force Base, and Springfield National Guard Base; and

WHEREAS, These military and industrial operations are centrally located and are cost effective; and

WHEREAS, When viewed in light of the BRAC military value and special considerations selection criteria, it is clear that each installation is crucial for the defense of this nation and is serving the country in a highly cost-efficient manner; and

WHEREAS, Peoria Air National Guard, located at the Greater Peoria Airport in Peoria, Illinois, has approximately 383 full-time equivalent employees and an additional 938 part time positions; the total impact to the community is \$45.5 million in spending and \$39.2 million in compensation with a total economic impact of \$250 million dollars; the 182nd Airlift Wing at Greater Peoria Regional Airport has a new, modern facility, is upgrading its equipment and has a long-term lease; the 182nd flies the C-130E aircraft and more recently will be receiving C-130H3s to replace their "E" model aircraft; this Wing is one of the leaders in the airlift business, continues to be mobilized in support of "Operation Iraqi Freedom", and has had troops in Iraq and Afghanistan; the base was rebuilt in the mid-1990s and is relatively new in comparison to others; the base was re-built to accommodate numerous and diverse missions for the future; the Peoria Air National Guard has about 230 unused acres fit for future use; the Airlift Wing possesses two hangars for maintenance; the base has two active runways of 10,000 ft. and 8,000 ft. which will accommodate most airlift transport and tanker aircraft; the 182nd Airlift Wing has various Expeditionary Combat Support units which include security police, communications, civil engineering, services, supply, personnel, an air support operations center, air support operations, combat communications, and an Air Force band; small arms range and munitions storage capability exist on base, and the civil support team is Illinois' first responder for disaster relief and emergencies; and

WHEREAS, The Rock Island Arsenal is strategically located on an island in the Mississippi River between Iowa and Illinois and is the second largest employer in the Quad City region with an estimated strength of over 6,300 jobs, and it supports over 12,600 additional jobs in the surrounding communities;

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the total annual impact of the base is \$1.16 billion to the local community; the Joint Manufacturing Technology Center (JMTC) on Rock Island Arsenal is a vertically integrated facility with the only Department of Army foundry; Rock Island Arsenal is noted for its expertise in the manufacture of weapons and weapons components; every phase of development and production is available from prototype to full-scale production of major items, spare parts, and repair items; Rock Island Arsenal is home of approximately 50 Department of Defense organizations comprised of a multi-faceted dynamic workforce unlike any other in the United States; the Arsenal provides the base operations support to all tenant activities, and has its own logistics and industrial facilities that provide critical products and services to all of the Armed Services; the Arsenal is a primary provider of armor for Hummers and has recently been working on an emergency request for machine gun pedestals for light military vehicles; and

WHEREAS, Scott Air Force Base, located in St. Clair County in Southwestern Illinois, is the largest employer in Southwest Illinois and has an effect on the lives and livelihoods of more than 100,000 people in the metro east region; Scott Air Force Base employs over 13,000 people, and the loss of these individuals and their families and retirees would have an adverse impact upon the communities in Southwestern Illinois; the estimated annual impact of Scott Air Force Base is over \$2.1 billion to the region; the Scott Air Force Base organizations are integral to the day-to-day execution of National Security Policy, and their daily operations connect the installation directly to the nation's war-fighters at risk in the Global War on Terrorism and serving the United States in other missions worldwide; its central location in the Midwest makes it the perfect spot for the headquarters of the U.S. Transportation Command (TRANSCOM), Defense Information Technology Contracting Office (DITCO), Air Force Mobility Command (AMC), and the single CONUS interface to the Defense Information Systems Network; the nearby MidAmerica Airport provides access to an additional two runways of 8,000 ft. and 10,000 ft. which are capable of supporting any-size military or commercial aircraft; Scott is home to the Navy's Military Sealift Command and the Army's Military Surface Deployment and Distribution Command; it is also home to the 18th Air Force Headquarters, the 375th Airlift Wing, the 932nd Airlift Wing Air Force Reserve, and the 126th Illinois Air National Guard Refueling Wing; the Base has had significant investment in critical facilities including a \$2.3 billion plant replacement value (PRV); there are nearly 100 acres on-base with an additional 630 contiguous acres owned by St. Clair County that could be used if necessary, and the Base is in a strategic location in the United States Midwest, near St. Louis, Missouri, and Chicago, Illinois, that could be threatened by the Global War on Terrorism; and

WHEREAS, Springfield Air National Guard located in Springfield, Illinois, provides \$2,450,000 for annual commercial services/vendors and \$182,000 annually for local hotels; the economic impact is estimated to be \$51 million annually to the nearby area including the counties of Sangamon, Logan, Macon, Christian, Montgomery, Macoupin, Morgan, Cass, and Menard; it employs 343 full-time equivalent and 938 part-time positions; the 183rd Fighter Wing is a premier F-16C Unit that has a long and proud tradition in the fighter mission, including being the first unit with the F-84F in the 1950s and the F-4C in the 1970s; since converting to the F-16 aircraft, the Wing has proven itself continually with its Air Expeditionary Force (AEF) rotations and other demanding missions; the Unit is centrally located to effectively and efficiently utilize seven MOAs and five training ranges which allow for specialized training; the Springfield Air National Guard has a state-of-the-art, 45,000-square-foot, \$10 million composite support facility now under construction; and the Guard has two runways of 8,000 ft. and 7,000 ft. which are more than adequate to accommodate fighter aircraft with a third runway of 5,300 ft. which could potentially be made available for use; and

WHEREAS, The shutdown of these four military bases would have extremely adverse economic and social effects upon the local communities around the bases and to the State of Illinois as a whole; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we urge the Department of Defense and the Base Realignment and Closure Commission to save these four military installations from closure due to their clear military and local value factors; and be it further

RESOLVED, That copies of this resolution be delivered to the Department of Defense, the Base Realignment and Closure Commission, and to each member of the Illinois Congressional Delegation.

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**READING BILLS OF THE SENATE A SECOND TIME**

On motion of Senator Martinez, **Senate Bill No. 36** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 45** having been printed, was taken up, read by title a second time and ordered to a third reading.

**PRESENTATION OF RESOLUTION**

Senator Viverito offered the following Senate Joint Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

**SENATE JOINT RESOLUTION NO. 16**

**RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN,** that when the two Houses adjourn on Thursday, February 17, 2005, the Senate stands adjourned until Friday, February 18, 2005, in perfunctory session; and when it adjourns on that day, it stands adjourned until Wednesday, February 23, 2005, at 12:00 o'clock noon; and the House of Representatives stands adjourned until Friday, February 18, 2005, and when it adjourns on that day, it stands adjourned until Wednesday, February 23, 2005.

The motion prevailed.

And the resolution was adopted.

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

**RESOLUTIONS CONSENT CALENDAR**

**SENATE RESOLUTION 40**

Offered by Senator Bomke and all Senators:  
Mourns the death of Rita Ann Harmony of Springfield.

**SENATE RESOLUTION 41**

Offered by Senator Silverstein and all Senators:  
Mourns the death of Rabbi Irving J. Rosenbaum of Chicago.

**SENATE RESOLUTION 42**

Offered by Senator Munoz and all Senators:  
Mourns the death of Maria (nee Jorge) Zepeda of Chicago.

**SENATE RESOLUTION 43**

Offered by Senator Shadid and all Senators:  
Mourns the death of Lela W. Mudd of Springfield.

**SENATE RESOLUTION 44**

Offered by Senator Shadid and all Senators:  
Mourns the death of Edward Michael Phelan of Peoria Heights.

**SENATE RESOLUTION 45**

Offered by Senator Shadid and all Senators:  
Mourns the death of Tracye Hubble of Peoria.

**SENATE RESOLUTION 46**

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Offered by Senator D. Sullivan and all Senators:  
Mourns the death of Reverend Robert E. McLaughlin of Chicago

**SENATE RESOLUTION 47**

Offered by Senator Clayborne and all Senators:  
Mourns the death of Leon DeSoto Curry of East St. Louis.

**SENATE RESOLUTION 48**

Offered by Senator Geo-Karis and all Senators:  
Mourns the death of Lance Corporal Sean P. Maher, U.S.M.C. of Grayslake.

**SENATE RESOLUTION 49**

Offered by Senator Hunter and all Senators:  
Mourns the death of Terry Sardin, Sr. of Chicago.

**SENATE RESOLUTION 50**

Offered by Senator Hunter and all Senators:  
Mourns the death of Patricia Elizabeth Jones of Chicago.

**SENATE RESOLUTION 51**

Offered by Senator Hunter and all Senators:  
Mourns the death of Minnette Haywood-Lloyd of Chicago.

**SENATE RESOLUTION 52**

Offered by Senator Hunter and all Senators:  
Mourns the death of Arthur Askew of Chicago.

**SENATE RESOLUTION 53**

Offered by Senator Harmon and all Senators:  
Mourns the death of Marjorie Liewald of Oak Park.

**SENATE RESOLUTION 54**

Offered by Senator Garrett and all Senators:  
Mourns the death of U.S. Marine Lance Corporal Christopher Zimny.

**SENATE RESOLUTION 55**

Offered by Senator Dillard and all Senators:  
Mourns the death of Kathleen Ann "Kathy" Decker of Naperville.

**SENATE RESOLUTION 56**

Offered by Senator D. Sullivan and all Senators:  
Mourns the death of Margaret A. "Margie" Bialczak of Des Plaines.

**SENATE RESOLUTION 57**

Offered by Senator Petka and all Senators:  
Mourns the death of Marine Lance Corporal Hector Ramos of Aurora.

**SENATE RESOLUTION 58**

Offered by Senator E. Jones and all Senators:  
Mourns the death of Earl L. Neal of Chicago.

**SENATE RESOLUTION 59**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Frank K. Burgess of Batavia.

**SENATE RESOLUTION 64**

Offered by Senator Jacobs and all Senators:  
Mourns the death of Sergeant Jessica M. Housby of Rock Island.

**SENATE RESOLUTION 65**

Offered by Senator Bomke and all Senators:  
Mourns the death of Margaret Iola Morrison of Springfield.

**SENATE RESOLUTION 68**

Offered by Senator D. Sullivan and all Senators:  
Mourns the death of Ray F. Henneman of Park Ridge.

**SENATE RESOLUTION 69**

Offered by Senator Bomke and all Senators:  
Mourns the death of Marilyn Vespa Yeley of Springfield.

**SENATE RESOLUTION 70**

Offered by Senator Viverito and all Senators:  
Mourns the death of Patricia A. Terc of Arlington Heights.

**SENATE RESOLUTION 71**

Offered by Senator E. Jones and all Senators:  
Mourns the death of Milton Davis of Chicago.

**ADOPTION OF RESOLUTION**

Senator Rutherford asked and obtained unanimous consent to have **Senate Joint Resolution No. 11** removed from the Resolutions Consent Calendar and taken up for immediate consideration.

Senator Rutherford moved that **Senate Joint Resolution No. 11** be adopted.

The motion prevailed.

And the resolution was adopted.

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

Senator Halvorson moved the adoption of the Resolutions Consent Calendar. The motion prevailed, and the resolutions were adopted.

At the hour of 11:06 o'clock a.m., pursuant to **Senate Joint Resolution No. 16**, the Chair announced the Senate stand adjourned until Friday, February 18, 2005, in perfunctory session.