



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-FOURTH GENERAL ASSEMBLY**

**32ND LEGISLATIVE DAY**

**TUESDAY, APRIL 19, 2005**

**1:35 O'CLOCK P.M.**

**SENATE**  
**Daily Journal Index**  
**32nd Legislative Day**

<b>Action</b>	<b>Page(s)</b>
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HB 2453	First Reading.....	10
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The Senate met pursuant to adjournment.  
 Honorable Emil Jones, Jr., President of the Senate, presiding.  
 Prayer by Pastor Blake Carter, Hope Evangelical Free Church, Springfield, Illinois.  
 Senator Wilhelmi led the Senate in the Pledge of Allegiance.

The Journal of Thursday, April 14, 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.

The Journal of Friday, April 15, 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.

## **PRESENTATION OF RESOLUTIONS**

### **SENATE RESOLUTION 159**

Offered by Senator J. Sullivan and all Senators:  
 Mourns the death of James Duke Curran of Quincy.

### **SENATE RESOLUTION 160**

Offered by Senator Dillard and all Senators:  
 Mourns the death of James R. "Jim" Doody of Naperville.

### **SENATE RESOLUTION 161**

Offered by Senator Dillard and all Senators:  
 Mourns the death of Paul B "Rusty" Harris of Naperville

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

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

### **SENATE JOINT RESOLUTION NO. 40**

WHEREAS, Adult day service programs that operate as part of the Department on Aging's Community Care Program provide vital services to over 2,100 of Illinois' frailest seniors each month; and

WHEREAS, These adult day services allow frail seniors to remain independent and in their own homes and communities in the most appropriate, desirable, and cost-effective setting; and

WHEREAS, Adult day service programs provide outpatient nursing home services including medical monitoring, medication administration, client activities, a daily meal for each client, bathing, assistance with activities of daily living, and transportation, all of which carry significant costs; and

WHEREAS, Many adult day service programs are closing and other programs are struggling due to insufficient reimbursement for services and transportation; and

WHEREAS, Cost reports from one adult day service program indicate that transportation reimbursement rates equal less than half of the actual cost of providing service; and

WHEREAS, Adult day service programs are required to provide transportation as part of their contracts with the State of Illinois; and

WHEREAS, The inadequate transportation rate has resulted in the closing of programs and a  
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reduction in the area served by others; and

WHEREAS, In Illinois, 62 counties remain with no service despite the efforts of the Department on Aging; 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 the Department on Aging shall conduct, in collaboration with the Illinois Adult Day Services Association and the Community Care Program Advisory Committee, a rate study of the cost of providing adult day services and transportation in Illinois; and be it further

RESOLVED, That the Department on Aging shall submit the results of the study along with recommendations to the General Assembly and to the Community Care Program Advisory Committee no later than January 1, 2006; and be it further

RESOLVED, That a copy of this resolution be submitted to the Department on Aging.

### 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 adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

#### HOUSE JOINT RESOLUTION NO. 49

WHEREAS, State Senator Kwame Raoul, State Representative Monique D. Davis and the members of the General Assembly were deeply saddened to learn of the death of Alzata Pincham of Chicago on April 9, 2005; and

WHEREAS, Mrs. Pincham was born June 27, 1925, to Katherine Cox Henry and James Frederick Henry in Louisville, Tennessee; and

WHEREAS, After graduating from Tennessee State University in 1947, she taught elementary school in Lexington, Mississippi; on August 31, 1948, she married R. Eugene Pincham; and

WHEREAS, She and her husband moved to Chicago in 1948, and she continued teaching with the Chicago Board of Education until 1959 while her husband was in law school; when he began his career, she "retired" to a career of homemaker and mother; and

WHEREAS, Mrs. Pincham was active in numerous community organizations throughout her life; she was a member of the Tennessee State University Vintagers 50-year alumni association and the Chicago State University Taggers Association, vice-president of the West Chesterfield Community Association, president of the Gillespie Local School Council, and former Sunday school teacher at Faith United Methodist Church; and

WHEREAS, She was a 30-year breast cancer survivor and an active member of Trinity United Church of Christ where she was a charter-founding member and president of the Can-Cer-Vive cancer survivors' ministry; and

WHEREAS, The passing of Alzata Pincham is felt by all who knew and loved her, especially her husband of 57 years, retired Illinois Appellate Court Justice R. Eugene Pincham; her children, Robert, Andrea (Robert Benton), and James; her sisters, Rowena Hodges (Robert) and Edith Butler (Wendell); her grandchildren, Evan Eugene Pincham and Christina Pincham; and a host of nieces, nephews, cousins, and lifelong friends; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL

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ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that even as her death is mourned, we give thanks for the blessing of Alzata Pincham's life and extend our sincerest condolences to her family, friends, and community; and be it further

RESOLVED, That a suitable copy of this resolution be presented to her family as an expression of our deepest sympathy.

Adopted by the House, April 15, 2005.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives, reporting House Joint Resolution No. 49, was referred to the Committee on Rules.

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 a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 637

A bill for AN ACT concerning insurance.

Passed the House, April 7, 2005.

MARK MAHONEY, Clerk of the House

The foregoing **House Bill No. 637** was 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. 250

A bill for AN ACT concerning education.

HOUSE BILL NO. 483

A bill for AN ACT concerning government.

HOUSE BILL NO. 873

A bill for AN ACT concerning criminal law.

HOUSE BILL NO. 1031

A bill for AN ACT concerning regulation.

HOUSE BILL NO. 1662

A bill for AN ACT concerning local government.

HOUSE BILL NO. 2001

A bill for AN ACT concerning education.

HOUSE BILL NO. 2451

A bill for AN ACT concerning regulation.

HOUSE BILL NO. 2593

A bill for AN ACT concerning transportation, which may be referred to as the Dorian Riley

Law.

HOUSE BILL NO. 3022

A bill for AN ACT concerning liquor.

HOUSE BILL NO. 3045

A bill for AN ACT concerning regulation.

HOUSE BILL NO. 3066

A bill for AN ACT concerning local government.

HOUSE BILL NO. 3650

A bill for AN ACT concerning telecommunications.

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Passed the House, April 15, 2005.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 250, 483, 873, 1031, 1662, 2001, 2451, 2593, 3022, 3045, 3066 and 3650** 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. 9  
A bill for AN ACT concerning health.  
HOUSE BILL NO. 481  
A bill for AN ACT concerning criminal law.  
HOUSE BILL NO. 866  
A bill for AN ACT concerning regulation.  
HOUSE BILL NO. 931  
A bill for AN ACT concerning alternate fuels.  
HOUSE BILL NO. 934  
A bill for AN ACT concerning transportation.  
HOUSE BILL NO. 1197  
A bill for AN ACT concerning health.  
HOUSE BILL NO. 1604  
A bill for AN ACT concerning State government.  
HOUSE BILL NO. 2543  
A bill for AN ACT concerning criminal law.  
HOUSE BILL NO. 2572  
A bill for AN ACT concerning safety.  
HOUSE BILL NO. 2612  
A bill for AN ACT concerning criminal law.  
Passed the House, April 15, 2005.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 9, 481, 866, 931, 934, 1197, 1604, 2543, 2572 and 2612** 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. 644  
A bill for AN ACT concerning imprisonment.  
HOUSE BILL NO. 1428  
A bill for AN ACT concerning property.  
HOUSE BILL NO. 2388  
A bill for AN ACT concerning State government.  
HOUSE BILL NO. 3823  
A bill for AN ACT concerning State government.  
Passed the House, April 15, 2005.

MARK MAHONEY, Clerk of the House

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The foregoing **House Bills Numbered 644, 1428, 2388 and 3823** were taken up, ordered printed and placed on first reading.

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

**House Bill No. 2**, sponsored by Senator Crotty, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 183**, sponsored by Senator Winkel, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 298**, sponsored by Senator Haine, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 315**, sponsored by Senator Harmon, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 340**, sponsored by Senator Sieben, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 481**, sponsored by Senator Harmon, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 542**, sponsored by Senator Sandoval, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 637**, sponsored by Senator Jacobs, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 688**, sponsored by Senator Schoenberg, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 712**, sponsored by Senator Martinez, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 822**, sponsored by Senators Hunter – Martinez, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 866**, sponsored by Senator Cronin, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 873**, sponsored by Senator Harmon, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 876**, sponsored by Senator Ronen, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 914**, sponsored by Senator Sandoval, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 1031**, sponsored by Senator Munoz, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 1074**, sponsored by Senator Sieben, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 1106**, sponsored by Senator Sandoval, was taken up, read by title a first time and referred to the Committee on Rules.

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**House Bill No. 1109**, sponsored by Senator Sandoval, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 1133**, sponsored by Senator del Valle, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 1197**, sponsored by Senator Crotty, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 1285**, sponsored by Senator Link, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 1333**, sponsored by Senator Sandoval, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 1370**, sponsored by Senator Forby, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 1387**, sponsored by Senator Jacobs, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 1447**, sponsored by Senator Wojcik, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 1448**, sponsored by Senator Wojcik, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 1451**, sponsored by Senator Wojcik, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 1522**, sponsored by Senator Schoenberg, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 1527**, sponsored by Senators Winkel – Roskam, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 1592**, sponsored by Senator Haine, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 1656**, sponsored by Senator Haine, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 1679**, sponsored by Senator Haine, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 1870**, sponsored by Senator Raoul, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 2004**, sponsored by Senator Munoz, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 2137**, sponsored by Senator Jacobs, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 2241**, sponsored by Senator Viverito, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 2244**, sponsored by Senator Garrett, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 2348**, sponsored by Senator Pankau, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 2390**, sponsored by Senator Cullerton, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 2408**, sponsored by Senator Harmon, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 2421**, sponsored by Senator Garrett, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 2451**, sponsored by Senator Schoenberg, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 2453**, sponsored by Senator Shadid, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 2547**, sponsored by Senator Clayborne, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 2572**, sponsored by Senator Ronen, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 2577**, sponsored by Senator Haine, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 2593**, sponsored by Senator Crotty, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 2613**, sponsored by Senator Cullerton, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 3022**, sponsored by Senator Sieben, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 3045**, sponsored by Senator Munoz, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 3066**, sponsored by Senator Harmon, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 3471**, sponsored by Senator del Valle, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 3532**, sponsored by Senator Risinger, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 3648**, sponsored by Senator Roskam, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 3650**, sponsored by Senator Harmon, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 3801**, sponsored by Senator Collins, was taken up, read by title a first time and referred to the Committee on Rules.

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**House Bill No. 3802**, sponsored by Senator Raoul, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 3816**, sponsored by Senator Roskam, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 3819**, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 3823**, sponsored by Senator Lauzen, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 3851**, sponsored by Senator Harmon, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 4014**, sponsored by Senator Pankau, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 4030**, sponsored by Senator Maloney, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 1320**, sponsored by Senator Righter, was taken up, read by title a first time and referred to the Committee on Rules.

#### **COMMITTEE MEETING ANNOUNCEMENTS**

The Chair announced the following committee meetings:

Education, Insurance and Local Government Committees will meet at 2:00 p.m.  
Housing & Community Affairs, Judiciary and Transportation Committees will meet at 3:30 p.m.  
Appropriations I and Pensions & Investments Committees will meet at 5:00 p.m.

#### **LEGISLATIVE MEASURES FILED**

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

Floor Amendment No. 1 to Senate Bill 239

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

Committee Amendment No. 1 to House Bill 132  
Committee Amendment No. 1 to House Bill 190  
Committee Amendment No. 1 to House Bill 595  
Committee Amendment No. 1 to House Bill 1058  
Committee Amendment No. 1 to House Bill 1071  
Committee Amendment No. 1 to House Bill 2469

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

Senator Viverito, Chairperson of the Committee on Rules, during its April 19, 2005 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

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Agriculture & Conservation: **Committee Amendment No. 1 to House Bill 295; Committee Amendment No. 1 to House Bill 445.**

Environment & Energy: **Committee Amendment No. 1 to House Bill 433; Floor Amendment No. 1 to Senate Bill 239.**

Executive: **Committee Amendment No. 1 to House Bill 665; Committee Amendment No. 1 to House Bill 1058; Floor Amendment No. 1 to Senate Bill 851.**

Health & Human Services: **Committee Amendment No. 1 to House Bill 130; Committee Amendment No. 1 to House Bill 2531.**

Higher Education: **Floor Amendment No. 2 to Senate Bill 507.**

Judiciary: **Committee Amendment No. 1 to House Bill 132.**

Local Government: **Committee Amendment No. 1 to House Bill 528.**

Pensions & Investments: **Committee Amendment No. 1 to House Bill 2469.**

State Government: **Committee Amendment No. 1 to House Bill 1071.**

Transportation: **Committee Amendment No. 1 to House Bill 21.**

At the hour of 1:55 o'clock p.m., the Chair announced that the Senate stand adjourned until Wednesday, April 20, 2005, at 12:00 o'clock noon.